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Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, FIRST SESSION

SENATE—*Tuesday, April 22, 1969*

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

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

Almighty God, who hast made and preserved us a nation, bless all the people of this land, the young and the old, the rich and the poor, the well and the sick, those who lead and those who follow, that we may be fused into one mighty body striving for that righteousness which exalteth a nation and that brotherhood which belongs to Thy kingdom.

Accept, O Lord, the dedication of Thy servants in this body, granting unto each one the illumination of Thy spirit, the will to know and to speak the truth in love, and to see beyond the work of the day the values that abide eternally.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, April 18, 1969, be dispensed with.

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

REFORM OF FEDERAL INCOME TAX SYSTEM—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, received on April 21, 1969, under the authority of the order of the Senate of April 18, 1969, which was referred to the Committee on Finance, as follows:

To the Congress of the United States:

Reform of our Federal income tax system is long overdue. Special preferences in the law permit far too many Americans to pay less than their fair share of taxes. Too many other Americans bear too much of the tax burden.

This Administration, working with the Congress, is determined to bring equity to the Federal tax system. Our goal is to take important first steps in tax reform legislation during this session of the Congress.

The economic overheating which has brought inflation into its fourth year keeps us from moving immediately to reduce Federal tax revenues at this time. Inflation is itself a tax—a cruel and unjust tax that hits hardest those who can least afford it. In order to "repeal" the tax of inflation, we are cutting budget spending and have requested an extension of the income tax surcharge.

Although we must maintain total Federal revenues, there is no reason why we cannot lighten the burden on those who pay too much, and increase the taxes of those who pay too little. Treasury officials will present the Administration's initial group of tax reform proposals to the Congress this week. Additional recommendations will be made later in this session. The overall program will be equitable and essentially neutral in its revenue impact. There will be no substantial gain or loss in Federal revenue, but the American taxpayer who carries more than his share of the burden will gain some relief.

Much concern has been expressed because some citizens with incomes of more than $200,000 pay no Federal income taxes. These people are neither tax dodgers nor tax cheats. Many of them pay no taxes because they make large donations to worthy causes, donations which every taxpayer is authorized by existing law to deduct from his income in figuring his tax bill.

But where we can prevent it by law, we must not permit our wealthiest citizens to be 100% successful at tax avoidance. Nor should the Government limit its tax reform only to apply to these relatively few extreme cases. Preferences built into the law in the past—some of which have either outlived their usefulness or were never appropriate—permit many thousands of individuals and corporate taxpayers to avoid their fair share of Federal taxation.

A number of present tax preferences will be scaled down in the Administration's proposals to be submitted this week. Utilizing the revenue gained from our present proposals, we suggest tax reductions for lower-income taxpayers. Further study will be necessary before we can propose changes in other preferences; and as these are developed we will recommend them to the Congress.

Specifically, the Administration will recommend:

—*Enactment of what is in effect a "minimum income tax" for citizens with substantial incomes by setting a 50% limitation on the use of the principal tax preferences which are subject to change by law.*

This limit on tax preferences would be a major step toward assuring that all Americans bear their fair share of the Federal tax burden.

—*Enactment of a "low income allowance," which will remove more than 2,000,000 of our low income families from the Federal tax rolls and assure that persons or families in poverty pay no Federal income taxes.*

This provision will also benefit students and other young people. For example, the person who works in the summer or throughout the year and earns $1,700 in taxable income—and now pays $117 in Federal income taxes—would pay nothing.

The married couple—college students or otherwise—with an income of $2,300 and current taxes of $100 would pay nothing.

A family of four would pay no tax on income below $3,500—the cut-off now is $3,000.

The "low income allowance," if enacted by the Congress, will offer genuine tax relief to the young, the elderly, the disadvantaged and the handicapped.

Our tax reform proposals would also help workers who change jobs by liberalizing deductions for moving expenses and would reduce specific preferences in a number of areas:

—taxpayers who have certain nontaxable income or other preferences would have their non-business deductions reduced proportionately.

—certain mineral transactions (so-called "carved out" mineral production payments and "ABC" transactions) would be treated in a way that would stop artificial creation of net operating losses in these industries.

—exempt organizations, including private foundations, would come under much stricter surveillance.

—the rules affecting charitable deductions would be tightened—but only to screen out the unreasonable and not stop those which help legitimate charities and therefore the nation.

—the practice of using multiple subsidiaries and affiliated corporations to take undue advantage of the lower tax rate on the first $25,000 of corporate income would be curbed.

—farm losses, to be included in the "limitation on tax preferences," would be subject to certain other restrictions in order to curb abuses in this area.

I also recommend that the Congress repeal the 7% investment tax credit, effective today.

This subsidy to business investment no longer has priority over other pressing national needs.

In the early 60's, America's productive capacity needed prompt modernization to enable it to compete with industry

abroad. Accordingly, Government gave high priority to providing tax incentives for this modernization.

Since that time, American business has invested close to $400 billion in new plant and equipment, bringing the American economy to new levels of productivity and efficiency. While a vigorous pace of capital formation will certainly continue to be needed, national priorities now require that we give attention to the need for general tax relief.

Repeal of the investment tax credit will permit relief to every taxpayer through relaxation of the surcharge earlier than I had contemplated.

The revenue effect of the repeal of the investment tax credit will begin to be significant during calendar year 1970. *Therefore, I recommend that investment tax credit repeal be accompanied by extension of the full surcharge only to January 1, 1970, with a reduction to 5% on January 1.* This is a reappraisal of my earlier recommendation for continuance of the surcharge until June 30, 1970 at a 10% rate. If economic and fiscal conditions permit, we can look forward to elimination of the remaining surtax on June 30, 1970.

I am convinced, however, that reduction of the surtax without repeal of the investment tax credit would be imprudent.

The gradual increase in Federal revenues resulting from repeal of the investment tax credit and the growth of the economy will also facilitate a start during fiscal 1971 in funding two high-priority programs to which this Administration is committed:

—Revenue sharing with State and local governments.

—Tax credits to encourage investment in poverty areas and hiring and training of the hard-core unemployed.

These proposals, now in preparation, will be transmitted to the Congress in the near future.

The tax reform measures outlined earlier in this message will be recommended to the House Ways and Means Committee by Treasury officials this week. This is a broad and necessary program for tax reform. I urge its prompt enactment.

But these measures, sweeping as they are, will not by themselves transform the U.S. tax system into one adequate to the long-range future. Much of the current tax system was devised in depression and shaped further in war. Fairness calls for tax reform now; beyond that, the American people need and deserve a simplified Federal tax system, and one that is attuned to the 1970's.

We must reform our tax structure to make it more equitable and efficient; we must redirect our tax policy to make it more conducive to stable economic growth and responsive to urgent social needs.

That is a large order. Therefore, I am directing the Secretary of the Treasury to thoroughly review the entire Federal tax system and present to me recommendations for basic changes, along with a full analysis of the impact of those changes, no later than November 30, 1969.

Since taxation affects so many wallets and pocketbooks, reform proposals are bound to be controversial. In the debate to come on reform, and in the even greater debate on redirection, the nation would best be served by an avoidance of stereotyped reactions. One man's "loophole" is another man's "incentive." Tax policy should not seek to "soak" any group or give a "break" to any other—it should aim to serve the nation as a whole.

Tax dollars the Government deliberately waives should be be viewed as a form of expenditure, and weighed against the priority of other expenditures. When the preference device provides more social benefit than Government collection and spending, that "incentive" should be expanded; when the preference is inefficient or subject to abuse, it should be ended.

Taxes, often bewailed as inevitable as death, actually give life to the people's purpose in having a Government: to provide protection, service and stimulus to progress.

We shall never make taxation popular, but we can make taxation fair.

RICHARD NIXON.

THE WHITE HOUSE, *April 21, 1969.*

REPORT OF THE NATIONAL CAPITAL HOUSING AUTHORITY—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States received on April 21, 1969, under authority of the order of the Senate of April 18, 1969, which with the accompanying report, was referred to the Committee on the District of Columbia:

To the Congress of the United States:

I herewith transmit the Annual Report for 1968 of the National Capital Housing Authority. During the past year, the jurisdiction of the Authority has grown to include over 10,000 public low-rent housing units. But the housing needs of low-income families in the Nation's Capital still exceed the supply.

I am pleased to report that the Authority is beginning to place greater emphasis than it has in the past on working with the private sector in building and acquiring decent housing for the people of the District. It is pioneering in the use of the "Turnkey" method, in which a private developer builds or acquires a project and later turns it over to the Authority. It is also placing new emphasis on offering social services to the residents of these dwellings—often in cooperation with groups of volunteer citizens—and on managing and maintaining the properties in an enlightened manner, sometimes through private management firms.

These and other initiatives—many of them still in their trial stages—will help the Authority make important progress toward its goal of providing safe, clean, and economical housing for the low-income families of this city.

RICHARD NIXON.

THE WHITE HOUSE, *April 21, 1969.*

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of April 18, 1969, the Secretary of the Senate, on April 21, 1969, received messages in writing from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

(For nominations received on April 21, 1969, see the end of the proceedings of today, April 22, 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 FOOD-FOR-PEACE PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-104)

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the President of the United States, which, without being read, will be referred to the appropriate committee, and will be printed in the RECORD.

The message from the President, was referred to the Committee on Agriculture and Forestry, as follows:

To the Congress of the United States:

I am pleased to transmit the report for 1968 on the Food for Peace Program under Public Law 480—a program which over the years has helped provide better diets for millions of people in more than 100 nations. In addition to its primary humanitarian aspects. Food for Peace contributes significantly to the maintenance of export markets for U.S. agricultural commodities and to the U.S. balance of payments position.

While this is my first official report on the program as President, I have been closely associated with it since its beginning. This great humanitarian effort began in 1954 during the Presidency of Dwight D. Eisenhower. As Vice President at the time, I was keenly interested in the program and have followed its development and accomplishments ever since.

It is evident that the battle against hunger must continue, both in the United States and in the world at large, through programs such as Food for Peace. The present Administration eagerly accepts this challenge and dedicates itself to dealing effectively with the problems of hunger and malnutrition at home and abroad.

RICHARD NIXON.

THE WHITE HOUSE, *April 22, 1969.*

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Alfred E. France, of Minnesota, to be Federal Cochairman of the Upper Great Lakes Regional Commission, which was referred to the Committee on Public Works.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 3213. An act conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Solomon S. Levadi;

H.R. 8434. An act to amend title 39, United States Code, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. Armed Forces, and for other purposes; and

H.R. 8794. An act to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development, and for other purposes.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 165) designating the year 1969 as the "Diamond Jubilee Year of the American Motion Picture," in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 458. An act for the relief of Yuka Awamura;

S. 672. An act for the relief of Charles Richard Scott; and

H.R. 10158. An act to provide mail service for Mamie Doud Eisenhower, widow of former President Dwight David Eisenhower.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 3213. An act of conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Solomon S. Levadi; to the Committee on the Judiciary.

H.R. 8434. An act to amend title 39, United States Code, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8794. An act to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development, and for other purposes; to the Committee on Commerce.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 165) designating the year 1969 as the "Diamond Jubilee Year of the American Motion Picture," was referred to the Committee on the Judiciary.

LIMITATION ON STATEMENTS DURING THE 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 PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider two nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF DEFENSE

The bill clerk read the nomination of Curtis W. Tarr, of California, to be an Assistant Secretary of the Air Force.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

CENTRAL INTELLIGENCE AGENCY

The bill clerk read the nomination of Lt. Gen. Robert E. Cushman, Jr., U.S. Marine Corps, to be Deputy Director, Central Intelligence Agency.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED LEGISLATION AUTHORIZING THE PRESIDENT TO REAPPOINT AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF THE OFFICER SERVING IN THAT POSITION

A letter from the Secretary of Defense, transmitting a draft of proposed legislation to authorize the President to reappoint as Chairman of the Joint Chiefs of Staff, for an additional term of 1 year, the officer serving in that position on April 1, 1969 (with an accompanying paper); to the Committee on Armed Services.

FPC REPORTS ON ELECTRIC POWER

A letter from the Chairman of the Federal Power Commission transmitting a report on world power data, capacity of electric generating plants and production of electric energy, 1966; and a report entitled "Typical Electric Bills, Residential: Cities of 2,500 Population and More; Commercial: Cities of 50,000 Population and More; Industrial: Cities of 50,000 Population and More, 1968" (with accompanying reports); to the Committee on Commerce.

THIRD AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third- and sixth-preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A Senate concurrent resolution of the Legislature of the State of New York; to the Committee on Labor and Public Welfare:

"RESOLUTION 58

"Concurrent resolution of the Legislature of the State of New York memorializing Congress to enact legislation to create a minimum standard for public assistance in all states which provide an adequate level for the maintenance of health and decency and which cannot be altered or reduced by the introduction or application of minimum payment levels, or other percentage devices which impose a limit below the national standard amount of assistance which eligible families may receive; to provide that assistance to the aged, disabled, and the blind be fully funded and administered by the Social Security Administration of the Department of Health, Education and Welfare; to establish a comprehensive, nationwide program of public assistance based upon the simple criterion of need, replacing arbitrary, inequitable and inefficient categories of assistance presently in effect; creating a simple and uniform formula to determine federal reimbursement for public assistance, other than aid to the aged, disabled, and blind, which will provide for equitable and reasonable fiscal efforts among the states and will not penalize those states which maintain and provide more adequate and comprehensive assistance level; to provide block grants to states for the purpose of establishing research projects to increase effectiveness, efficiency and economy in the administration of public welfare, commensurate in size and scope with the national investment in the assistance program and to establish demonstration projects in each of the states for restructuring the public welfare system through meaningful and effective separation of income maintenance and responsibilities from the delivery of social services.

"Whereas, It has been recognized that the foremost domestic crisis facing the people of this nation is poverty; and

"Whereas, Public welfare is the only governmental vehicle primarily designated to assure the provision of guarantee against poverty and social deprivation, and to insure the basic essentials of living to individuals and families who are in need; and

"Whereas, Rapid urbanization and advancing technology have markedly affected the dimensions of public welfare in this country to the point that individual states are no longer in a position to control or ameliorate the causes of rising welfare rolls nor are they fiscally able to support an adequate sys-

tem of income maintenance for those who require assistance; and

"Whereas, The present Federal system of administering public welfare, based on the restrictive categorical programs and inequitable reimbursement rates to the states, tends to ignore our national commitment or provide an adequate standard of living for all citizens irrespective of their place of residence; and

"Whereas, It is the judgment of this Legislature that efforts should be made to correct the injustices imposed upon the people and the inequities imposed upon the states referred to herein; now, therefore, be it

"Resolved (if the Assembly concur), That the Congress of the United States be and it hereby is memorialized to enact legislation creating a minimum standard of public assistance in all states which provides an adequate level for the maintenance of health and decency, and which cannot be altered or reduced by the introduction or application of maximum payment levels, percentage reductions, or other devices which impose a limit below that national standard amount of assistance which eligible families may receive; and be it further

"Resolved (if the Assembly concur), That the Congress of the Untied States be and it hereby is, memorialized to enact legislation providing that assistance to the aged, blind and disabled be fully funded and administered by the Social Security Administration of the Department of Health, Education and Welfare; and be it further

"Resolved (if the Assembly concur), That the Congress of the United States be, and it hereby is, memorialized to enact legislation to establish a comprehensive, nationwide program of public assistance based upon the simple criterion of need, replacing arbitrary, inequitable and inefficient categories of assistance presently in effect; and be it further

"Resolved (if the Assembly concur), That the Congress of the United States be memorialized to enact legislation creating a simple and universal formula to determine Federal reimbursement for public assistance, other than aid to the aged, blind and disabled, which will promote equitable and reasonable fiscal efforts among the states and will not penalize those states which maintain and provide more adequate and comprehensive assistance levels; and be it further

"Resolved (if the Assembly concur), That the Congress of the United States be memorialized to enact legislation to provide block grants in aid to states for the purpose of establishing research projects to increase effectiveness, efficiency and economy in the administration of public welfare, commensurate in size and scope with the national investment in the assistance programs; and be it further

"Resolved (if the Assembly concur), That the Congress of the United States be memorialized to enact legislation for the establishment of demonstration projects in each of the states for restructuring the public welfare system through meaningful and effective separation of income maintenance responsibilities from the delivery of social services."

A resolution adopted by the North Carolina Jaycees, praying for the adoption of House Joint Resolution 365, proposing as an amendment to the Constitution of the United States of America a provision allowing participation in nondenominational prayer in public buildings, etc.; to the Committee on the Judiciary.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, April 22, 1969, he presented to the President of the United States the following enrolled bills:

S. 458. An act for the relief of Yuka Awamura; and

S. 672. An act for the relief of Charles Richard Scott.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. COOK (by request):

S. 1907. 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 Labor and Public Welfare.

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

By Mr. STEVENS:

S. 1908. A bill to amend the Internal Revenue Code of 1954 to provide that the basic amount of each personal exemption shall be $1,000 and to provide for annual adjustments in such amounts to compensate for differentials in the cost of living in the various Internal Revenue Districts; to the Committee on Finance.

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

By Mr. JAVITS:

S. 1909. A bill for the relief of Mr. Ramendra S. Roy; to the Committee on the Judiciary.

By Mr. HOLLAND:

S. 1910. A bill for the relief of Chun Ho; to the Committee on the Judiciary.

By Mr. GOLDWATER:

S. 1911. A bill to expand the time for voting in Presidential elections to a 24-hour period and to provide that such period shall be uniform throughout the United States; to the Committee on Rules and Administration.

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

By Mr. MONDALE:

S. 1912. A bill for the relief of Mrs. Nancy Tampoe; to the Committee on the Judiciary.

By Mr. RANDOLPH:

S. 1913. A bill for the relief of Maksimus Polihronidis; to the Committee on the Judiciary.

By Mr. BAYH:

S. 1914. A bill for the relief of Robert Weisz; to the Committee on the Judiciary.

By Mr. MAGNUSON:

S. 1915. A bill to amend the Merchant Marine Act, 1936, and other statutes to provide a new maritime program; to the Committee on Commerce.

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

By Mr. MAGNUSON (by request):

S. 1916. A bill to amend the Federal Power Act to further promote the provision of reliable, abundant, and economical electric power supply by intergovernmental cooperation and strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the preservation and enhancement of the environment and conservation of scenic, historic, recreational, and other natural resources; and for other purposes;

S. 1917. A bill to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to prescribe uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes;

S. 1918. A bill to amend the Communications Act of 1934, as amended, to redefine State and local governmental authority over communications primarily of local concern;

S. 1919. A bill to amend the Natural Gas Pipeline Safety Act of 1968 to establish a formula for the division of Federal grants among State agencies, and for other purposes;

S. 1920. A bill to amend the Interstate Commerce Act to provide assistance to the States in establishing, developing, and administering State motor carrier safety programs to insure the safe operation of commercial motor vehicles, and for other purposes;

S. 1921. A bill to amend the Interstate Commerce Act to provide assistance to the States in establishing, developing, and administering State motor carrier programs to enforce the economic laws and regulations of the States and the United States concerning highway transportation, and for other purposes;

S. 1922. A bill to amend section 410 of the Communications Act of 1934 to permit the Federal Communications Commission to pay the expenses of certain State officials serving in joint hearings with the Commission;

S. 1923. A bill to amend the Interstate Commerce Act to strengthen and improve the enforcement of Federal and State economic laws and regulations concerning highway transportation; and

S. 1924. A bill to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards; to the Committee on Commerce.

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

By Mr. MAGNUSON (for himself, Mr. CANNON, Mr. COTTON, Mr. FONG, Mr. GOODELL, Mr. GRIFFIN, Mr. HANSEN, Mr. HART, Mr. HARTKE, Mr. HOLLINGS, Mr. INOUYE, Mr. JACKSON, Mr. LONG, Mr. MOSS, Mr. PASTORE, Mr. PELL, Mr. PROUTY, Mr. SCOTT, Mr. SPONG, and Mr. TYDINGS):

S. 1925. A bill to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development, and for other purposes; to the Committee on Commerce.

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

By Mr. JAVITS:

S. 1926. A bill to amend the Tucker Act to increase from $10,000 to $50,000 the limitation on the jurisdiction of the U.S. district courts in suits against the United States for breach of contract or for compensation; to the Committee on the Judiciary.

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

By Mr. McGEE:

S. 1927. A bill for the relief of Stylianos Contaxis; and

S. 1928. A bill for the relief of Joao Pereira; to the Committee on the Judiciary.

By Mr. BYRD of West Virginia:

S. 1929. A bill to amend title 18, United States Code, to prohibit the disruption of the administration or operations of federally assisted educational institutions, and for other purposes; to the Committee on the Judiciary.

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

By Mr. BAKER:

S. 1930. A bill for the relief of Dr. Antonio Matias Rubio; to the Committee on the Judiciary.

By Mr. MURPHY:

S. 1931. A bill to provide full Federal financing of payments made under the public assistance provisions of the Social Security Act to recipients who do not meet the duration-of-residence requirements of the applicable State plan, where such payments must nonetheless be made because of court determinations that such requirements are unconstitutional; to the Committee on Finance.

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

By Mr. BURDICK:

S. 1932. A bill for the relief of Arthur Rike; to the Committee on the Judiciary.

By Mr. HARTKE (for himself, Mrs. SMITH, Mr. BURDICK, Mr. DODD, Mr. HARRIS, Mr. HART, Mr. HUGHES, Mr. KENNEDY, Mr. MAGNUSON, Mr. MCGEE, Mr. METCALF, Mr. MUSKIE, Mr. MOSS, Mr. MONDALE, Mr. TYDINGS, Mr. YARBOROUGH, and Mr. WILLIAMS of New Jersey):

S. 1933. A bill providing for Federal railroad safety; to the Committee on Commerce.

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

By Mr. SCHWEIKER:

S. 1934. A bill for the relief of Michel M. Goutmann;

S. 1935. A bill for the relief of Marcjanna Rydzy; to the Committee on the Judiciary; and

S. 1936. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. HATFIELD (for himself, Mr. MATHIAS, Mr. PERCY, and Mr. SAXBE):

S. 1937. A bill to supplement and strengthen voluntary youth service and learning opportunities supported or offered by the Federal Government by establishing a National Youth Service Council and a National Youth Service Foundation, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. HARTKE (for himself, Mr. BURDICH, Mr. HARRIS, Mr. MAGNUSON, Mr. MCGEE, Mr. YARBOROUGH, and Mr. WILLIAMS of New Jersey):

S. 1938. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Commerce.

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

My Mr. MAGNUSON (by request):

S. 1939. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide that the procurement of certain transportation and public utility services shall be in accordance with all applicable Federal and State laws and regulations governing carriers and public utilities, and for other purposes; to the Committee on Government Operations.

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

By Mr. MUSKIE (for himself, Mr. PACKWOOD, Mr. MONDALE, and Mr. WILLIAMS of New Jersey):

S. 1940. A bill to provide for continuation of authority for the expansion and regulation of exports, and for other purposes; to the Committee on Banking and Currency.

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

My Mr. DIRKSEN:

S.J. Res. 96. A joint resolution authorizing the posthumous promotion of the late General of the Army Dwight David Eisenhower to the grade of General of the Armies; to the Committee on Armed Services.

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

By Mr. MATHIAS (for himself, Mr. ALLOTT, Mr. DIRKSEN, Mr. DOMINICK, Mr. HARTKE, Mr. PERCY, Mr. SAXBE, and Mr. SCOTT):

S.J. Res. 97. A joint resolution to designate Route 70 of the National System of Interstate and Defense Highways as the Dwight D. Eisenhower Interstate Highway; to the Committee on Public Works.

By Mr. MONDALE (for himself, Mr. MCGOVERN, Mr. BURDICK, Mr. HUGHES, Mr. MCCARTHY, and Mr. CHURCH):

S.J. Res. 98. A joint resolution to authorize the temporary funding of the Emergency Credit Revolving Fund; to the Committee on Agriculture and Forestry.

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

By Mr. JAVITS (for himself, Mr. RANDOLPH, Mr. SPARKMAN, and Mr. ALLEN):

S.J. Res. 99. A joint resolution to authorize the President to issue annually a proclamation designating the first week in June of each year as "Helen Keller Memorial Week"; to the Committee on the Judiciary.

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

S. 1907—INTRODUCTION OF COAL MINE SAFETY BILL

Mr. COOK. Mr. President, I rise today to introduce, on request, a bill about which many of my constituents are quite anxious. One of the Nixon administration's first messages to Congress concerned itself with the matter of coal mine safety. A bill, S. 1300, embodying this position was introduced by my able colleague, the Senator from New York (Mr. JAVITS). Numerous hearings have been held both in the Senate and the House and many interests have been represented.

Nevertheless, a great segment of the industry—the small operators—feel their recommendations have not been made a part of any of the legislation before the Congress at this time. Small coal operators in Kentucky and in other States, while genuinely concerned with mine safety, feel S. 1300 and the other measures which have been introduced have provisions which would cause serious economic difficulties for the small coal operator while at the same time not making any real contribution to the improvement of unsafe conditions.

Among the differences between the bill favored by the small operators and that of the administration are first, this proposal writes into statutory law precise coal mine safety standards, where the administration's bill authorizes the Secretary of the Interior to adopt, through the administrative rulemaking procedure, such standards as he deems necessary; second, both bills provide for an interim permissible coal dust level of 4.5 milligrams per cubic meter of air, but the administration bill establishes a subsequent permanent safety level of 3 milligrams. This bill would not adopt a permanent safety level until such time as the appropriate level could be established by research; and, third, this bill would preserve the current statutory distinction between gassy and nongassy mines. It is felt by small operators that the requirement of the administration bill that all mine operators purchase permissible equipment, that is, equipment which is covered so that sparks will not ignite escaping gas, is unfair. They argue that to place this added cost of production upon the small operator, regardless of whether his mine is indeed gassy, would place an undue and unjustifiable burden upon the owner of the small nongassy mine.

As a Senator from a State which has both a great many small operators and a great many miners, I want an effective coal mine safety bill which will protect the workers but at the same time not unduly penalize these small entrepreneurs who are providing one of the few continuing sources of employment in eastern Kentucky. While I do not endorse this bill, I do feel this measure should be before the committee so I am introducing it upon request. I support the efforts of the administration and all interested parties to draft and enact a truly meaningful mine safety bill, and I expect to be able to support the final version.

Mr. President, I ask unanimous consent, that the bill be appropriately referred.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 1907) to improve the health and safety conditions of persons working in the coal mining industry of the United States introduced by Mr. COOK, by request, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 1908—INTRODUCTION OF A BILL TO PROVIDE INCREASED TAX EXEMPTIONS WITH ADDED SLIDING SCALE COST OF LIVING ADJUSTMENTS

Mr. STEVENS. Mr. President, from the inception of the modern income tax in 1913 until 1940, Americans were allowed $1,000 or more in personal exemption on their individual income tax. In 1913, when the dollar was worth far more than it is now, the personal exemption was $3,000. Today, when the dollar is worth far less, the exemption is only $600. Mr. President, I ask unanimous consent that a table of Federal personal exemption and dependent allowances from 1913 to the present be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FEDERAL INDIVIDUAL INCOME TAX—PERSONAL EXEMPTION AND DEPENDENT ALLOWANCE

	1913–16	1917–20	1921–23	1924	1925–31	1932–39	1940	1941	1942	1943 [1]	1944–45 [2]	1946–47	1948–68 [3]
Single person	$3,000	$1,000	$1,000	$1,000	$1,500	$1,000	$800	$750	$500	$500	$500	$500	$600
Married couple	4,000	2,000	[4] 2,500	2,500	3,500	2,500	2,000	1,500	1,200	1,200	1,000	1,000	1,200
Dependents		200	400	400	400	400	400	400	350	350	500	500	600

[1] For 1943 the victory-tax exemption was $624 for the taxpayer (no credit for dependents) and an exemption for the spouse of the taxpayer equal to the spouse's income or $624 whichever was the smaller.

[2] For 1944 and 1945 the normal tax exemption was $500 for the taxpayer (no credit for dependents) and an exemption for the spouse of the taxpayer equal to the spouse's income of $500 whichever was the smaller.

[3] For 1948–68 an additional exemption of $600 is allowed taxpayers 65 years of age or over and an additional exemption of $600 for blind taxpayers.

[4] For net incomes in excess of $5,000, personal exemption was $2,000.

Mr. STEVENS. Mr. President, the $600 figure was set in 1948, 21 years ago. Since then, inflation has reduced the value of the exemption by almost 50 percent.

Personal exemptions benefit the poor and middle income tax paying families. I believe these are the same families who are most heavily burdened by the present tax structure.

Both the House and the Senate at the request of President Nixon, are planning a full review of our Internal Revenue tax laws. I urge the committees, as they undertake their review, to give particular attention to the proposal I now make.

The bill I present today would provide that the basic amount of each personal exemption allowable under the tax structure shall be raised to $1,000. This is an increase from the present allowable $600. My bill also provides that in areas of the country where the cost of living exceeds the national index, the exemption will be adjusted upward—by the percentage which the local cost of living exceeds the national.

The burden of taxation is uneven, often unfair. By an ironic twist, as the national cost of living increases each year in its inflationary spiral, the poor, the retired, the citizens with stable incomes have found their taxes increasingly burdensome. That is why I propose an increase in the personal exemption.

There is another inequity wrought by inflation. It is regional. Because of regional inflation, it costs more for a family to live in one part of the country than in another. It costs more to live in San Francisco than it does in the average urban community in the United States. It costs more to live in Milwaukee, in Boston, Hartford, New York. To illustrate this point, I ask unanimous consent that a table prepared by the Bureau of Labor Statistics of the Department of Labor be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 2.—INDEXES OF COMPARATIVE LIVING COSTS BASED ON THE CITY WORKER'S FAMILY BUDGET,[1] AUTUMN 1966

[U.S. urban average cost equals 100]

Area	Total budget	Cost of family consumption										
		Total	Housing (shelter, housefurnishing, household operations)					Transportation [5]	Clothing and personal care	Medical care [6]	Other family consumption
			Food	Total	Shelter						
					Combined [2]	Renter costs [3]	Homeowner costs [4]				
Urban United States	100	100	100	100	100	100	100	100	100	100	100
Metropolitan areas [7]	102	102	101	103	104	103	104	100	102	103	102
Nonmetropolitan areas [8]	91	91	94	86	81	85	80	100	93	88	91
Northeast:											
Boston, Mass	110	110	108	123	130	111	134	100	100	101	104
Buffalo, N.Y	106	104	103	107	109	102	111	108	104	99	100
Hartford, Conn	109	110	111	115	120	119	120	112	104	103	108
Lancaster, Pa	97	97	107	88	87	96	85	95	99	88	102
New York, northeastern New Jersey	111	110	111	120	126	104	131	90	104	106	106
Philadelphia, Pa., New Jersey	100	100	107	96	96	84	98	91	101	96	102
Pittsburgh, Pa	97	97	104	89	87	88	87	97	100	93	102
Portland, Maine	101	102	106	99	98	93	100	101	105	100	101
Nonmetropolitan areas [8]	98	98	102	96	95	83	98	101	95	94	93
North Central:											
Cedar Rapids, Iowa	103	102	97	106	105	114	103	103	104	93	104
Champaign, Urbana, Ill	102	103	99	112	116	139	110	97	101	103	101
Chicago, Ill., northwestern Indiana	103	105	100	115	120	119	120	95	103	103	102
Cincinnati, Ohio, Kentucky, Indiana	98	98	98	98	98	91	100	102	98	86	100
Cleveland, Ohio	101	103	98	111	115	100	118	101	103	92	100
Dayton, Ohio	95	96	96	92	92	107	88	101	99	86	101
Detroit, Mich	98	99	100	94	93	89	93	100	103	99	102
Green Bay, Wis	99	96	93	95	94	86	96	101	99	91	103
Indianapolis, Ind	102	102	93	106	106	106	107	109	103	92	104
Kansas City, Mo., Kansas	100	99	100	94	91	99	90	107	103	94	103
Milwaukee, Wis	106	103	96	113	118	105	120	102	100	95	102
Minneapolis, St. Paul, Minn	103	100	96	103	105	108	105	102	102	95	100
St. Louis, Mo., Illinois	101	101	103	99	99	98	99	103	101	95	99
Wichita, Kans	98	98	99	94	92	100	90	104	98	95	104
Nonmetropolitan areas [8]	93	93	93	76	90	97	89	97	96	85	89
South:											
Atlanta, Ga	92	92	94	82	76	88	73	101	97	93	104
Austin, Tex	87	89	93	76	70	79	68	99	93	90	99
Baltimore, Md	96	94	95	90	86	108	81	99	96	96	98
Baton Rouge, La	93	94	95	85	83	83	83	110	94	91	101
Dallas, Tex	92	94	94	85	82	99	78	101	94	102	102
Durham, N.C	95	93	92	91	89	93	89	99	95	95	96
Houston, Tex	91	93	95	81	76	84	74	106	93	100	102
Nashville, Tenn	93	95	92	91	88	89	88	102	98	91	102
Orlando, Fla	92	93	93	89	85	97	83	102	92	93	100
Washington, D.C., Maryland, Virginia	102	101	100	105	106	108	105	101	98	99	100
Nonmetropolitan areas [8]	85	86	90	76	69	77	67	99	88	84	90

See footnotes at end of table.

TABLE 2.—INDEXES OF COMPARATIVE LIVING COSTS BASED ON THE CITY WORKER'S FAMILY BUDGET,[1] AUTUMN 1966 —Continued
[U.S. urban average costs equals 100]

Area	Total budget	Cost of family consumption									
		Total	Food	Housing (shelter, housefurnishing, household operations)				Transportation[5]	Clothing and personal care	Medical care[6]	Other family consumption
				Total	Shelter						
					Combined[2]	Renter costs[3]	Homeowner costs[4]				
Urban United States—Continued											
West:											
Bakersfield, Calif	97	97	97	87	83	83	82	110	102	116	96
Denver, Colo	100	100	99	100	99	102	98	106	104	102	97
Honolulu, Hawaii	122	118	119	129	130	142	128	122	99	100	112
Los Angeles, Long Beach, Calif	103	103	98	98	98	111	95	107	106	134	101
San Diego, Calif	101	101	95	100	100	99	101	110	101	124	98
San Francisco, Oakland, Calif	108	107	102	109	111	128	107	110	111	118	104
Seattle, Everett, Wash	105	107	106	104	105	119	101	113	110	106	105
Nonmetropolitan areas[8]	97	96	95	91	87	94	85	104	102	94	93

[1] The family consists of an employed husband, aged 38, a wife not employed outside the home, an 8-year-old girl, and a 13-year-old boy.

[2] The average costs of shelter were weighted by the following proportions: 25 percent for families living in rented dwellings, 75 percent for families living in owned homes.

[3] Average contract rent plus the cost of required amounts of heating fuel, gas, electricity, water, specified equipment, and insurance on household contents.

[4] Interest and principal payments plus taxes; insurance on house and contents; water, refuse disposal, heating fuel, gas, electricity, and specified equipment; and home repair and maintenance costs.

[5] The average costs of automobile owners and nonowners were weighted by the following proportions of families: Boston, Chicago, New York, and Philadelphia, 80 percent for automobile owners-20 percent for nonowners; Baltimore, Cleveland, Detroit, Los Angeles, Pittsburgh, San Francisco, St. Louis, and Washington, D.C., with 1.4 million of population or more in 1960, 95 percent for automobile owners and 5 percent nonowners; all other areas, 100 percent for automobile owners.

[6] The average costs of hospitalization and surgical insurance (as a part of total medical care) were weighted by the following proportions: 30 percent for families paying full cost of insurance; 26 percent for families paying half cost; 44 percent for families covered by noncontributory insurance plans (paid for by employer).

[7] For a detailed description, see the 1967 edition of the "Standard Metropolitan Statistical Areas," prepared by the Bureau of the Budget.

[8] Places with population of 2,500 to 50,000.

Note: See appendix A for items and quantities included in each component, and appendix B for the population weights for each city. Because of rounding, sums of individual items may not equal totals.

Mr. STEVENS. Mr. President, as Senators will see from the table, there are urban areas in the United States where the cost of living is 25 percent higher than the national norm. I believe that the citizen who lives in these areas should be allowed a proportionately greater exemption than that required of others living more cheaply in other locations.

Mr. President, the cost of living is 22 percent greater in Honolulu than it is nationally.

It is 11 percent greater in New York City.

It is 10 percent greater in Boston.

It is 9 percent greater in Hartford.

It is 8 percent greater in San Francisco, 6 percent greater in Milwaukee, 5 percent greater in Seattle.

The cost of living is well above 25 percent greater in Anchorage, Fairbanks, Juneau, and Ketchikan, Alaska, and even higher in more remote areas of our State.

My bill would provide some relief for citizens living in these areas of high inflation. It would work in the following manner:

Each American would be allowed a tax exemption of $1,000. Each Internal Revenue District would calculate, during the last 3 months of each year, the percentage over the year by which the cost of living in the three largest cities within the district had exceeded the national norm. This, taken as a percentage of $1,000, shall be added to the exemption allowed each resident within the Internal Revenue District. The amount allowable would be published by January 1 of each year. For example, if a district calculates that the cost of living in its cities exceeds the national average by 10 percent, then the taxpayers of that district would be allowed an exemption of $1,000 plus 10 percent of $1,000 or $1,100.

The argument that the inroads of inflation have made it necessary to raise the exemption allowance are good and sound arguments. It is my firm hope the Congress will accept them. My bill would raise this exemption.

I believe that the argument for making regional adjustments based on cost of living inflation hardships is equally just and sound. It is also my firm hope that the Congress shall also accept them. This is why I propose the bill I do.

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

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

The bill (S. 1908) to amend the Internal Revenue Code of 1954 to provide that the basic amount of each personal exemption shall be $1,000 and to provide for annual adjustments in such amounts to compensate for differentials in the cost of living in the various Internal Revenue Districts, introduced by Mr. STEVENS, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 1908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 151 of the Internal Revenue Code of 1954 (relating to deductions for personal exemptions) is amended by striking out "$600" each place it appears therein (except in subsection (e)(1)(A)) and inserting in lieu thereof "$1,000 (or the amount applicable under section 154)".

(b) The following provisions of the Internal Revenue Code of 1954 are amended by striking out "$600" each place it appears therein and inserting in lieu thereof "$1,000":

(1) Section 151(e)(1)(A) (relating to gross income of certain dependents);

(2) Section 642(b) (relating to allowance of deductions for estates);

(3) Section 6012(a) (relating to persons required to make returns of income); and

(4) Section 6013(b)(3)(A) (relating to assessment and collection in the case of certain returns of husband and wife).

(c) The following provisions of such Code are amended by striking out "$1,200" wherever appearing therein and inserting in lieu thereof "$2,000":

(1) Section 6012 (a)(1) (relating to persons required to make returns of income); and

(2) Section 6013 (b)(3)(A) (relating to assessment and collection in the case of certain returns of husband and wife).

SEC. 2. (a) Part V of a subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to deductions for personal exemptions) is amended by renumbering section 154 as 155, and by inserting after section 153 the following new section:

"SEC. 154. ADJUSTMENTS FOR DIFFERENTIALS IN COST OF LIVING

"(a) DETERMINATIONS BY SECRETARY.—On or before December 1 of each year, beginning with 1969, the Secretary or his delegate shall determine, with respect to each Internal Revenue District, whether the cost of living in such District is greater than the cost of living in the United States. Such determination shall be made for each year on the basis of indices and other information available from all departments and agencies of the Government covering the first nine months of such year, and the determination of the cost of living in each Internal Revenue District shall be made on the basis of the largest cities or metropolitan areas (not exceeding 3 in number) located in such District.

"(b) INCREASE IN AMOUNT OF PERSONAL EXEMPTIONS.—If the Secretary or his delegate determines, for any year, that the cost of living in an Internal Revenue District is greater than the cost of living in the United States—

"(1) the amount of each personal exemption under section 151 allowable to taxpayers residing within such District for taxable years ending on or after December 1 of such year and before December 1 of the following year shall be an amount obtained by multiplying $1,000 by the percentage which the cost of living in such District is of the cost of living in the United States; and

"(2) the Secretary or his delegate shall determine and publish before December 31 of such year the amount of each personal exemption allowable to taxpayers residing within such District for such taxable years.

In making the determination under paragraph (2), the Secretary or his delegate shall round the amount of a personal exemption to the nearest multiple of $10.

"(c) FINALITY OF DETERMINATIONS.—Determinations by the Secretary or his delegate under subsections (a) and (b) shall be final and shall not be subject to review by any other officer of the United States or by any court.

"(d) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(b) The table of sections for such part V is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 154. Adjustments for differentials in cost of living.
"Sec. 155. Cross references."

SEC. 3. (a) Section 3 of the Internal Revenue Code of 1954 (relating to optional tax if adjusted gross income is less than $5,000) is amended by adding at the end thereof the following new subsection:

"(c) TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1968.—In lieu of the tax imposed by section 1, there is hereby imposed for each taxable year beginning after December 31, 1968, on the taxable income of every individual whose adjusted gross income for such year is less than $5,000 and who has elected for such year to pay the tax imposed by this section a tax determined under tables prescribed by the Secretary or his delegate. To the extent necessary because of the application of section 154, the Secretary or his delegate shall, for each taxable year, prescribe separate tables under this subsection for taxpayers residing within each Internal Revenue District the residents of which are allowed personal exemptions in an amount of more than $1,000. The tables prescribed under this subsection shall provide for amounts of tax in the various adjusted gross income brackets approximately equal to the amounts which would be determined under section 1 if the taxable income were computed by taking either the 10-percent standard deduction or the minimum standard deduction."

(b) Section 3(b) of such Code is amended by inserting after "December 31, 1964" each place it appears ", and before January 1, 1969".

(c) Section 4(a) of such Code is amended by striking out "the tables in section 3" and inserting in lieu thereof "the tables prescribed under section 3".

(d) Paragraphs (2) and (3) of section 4(c) of such Code are amended to read as follows:

"(2) Except as otherwise provided in this subsection, in the case of a husband or wife filing a separate return the tax imposed by section 3 shall be the lesser of the tax shown in the table prescribed under such section which uses the 10-percent standard deduction or in the table which uses the minimum standard deduction.

"(3) The table prescribed under section 3 which uses the minimum standard deduction shall not apply in the case of a husband or wife filing a separate return if the tax of the other spouse is determined with regard to the 10-percent standard deduction, except that an individual described in section 141 (d)(2) may elect (under regulations prescribed by the Secretary or his delegate) to pay the tax shown in such table in lieu of the tax shown in the table which uses the 10-percent standard deduction. For purposes of this title, an election made under the preceding sentence shall be treated as an election made under section 141(d)(2)."

(e) Section 4(f)(4) of such Code is amended to read as follows:

"(4) For nonapplicability of the table prescribed under section 3 which uses the minimum standard deduction in the case of a married individual filing a separate return who does not compute the tax, see section 6014(a)."

(f) The last sentence of section 6014(a) of such Code is amended to read as follows: "In the case of a married individual filing a separate return and electing the benefits of this subsection, the table prescribed under section 3 which uses the minimum standard deduction shall not apply."

SEC. 4. (a) Section 3402(b)(1) of the Internal Revenue Code of 1954 (relating to percentage method of withholding income tax at source) is amended by striking out the table therein and inserting in lieu thereof the following:

"Percentage method withholding table

Payroll period:	*Amount of one withholding exemption*
Weekly	$21.20
Biweekly	42.30
Semimonthly	45.80
Monthly	91.70
Quarterly	275.00
Semiannual	550.00
Annual	1,100.00
Daily or miscellaneous (per day of such period)	3.00."

(b) So much of paragraph (1) of section 3402(c) of such Code (relating to wage bracket withholding) as precedes the first table in such paragraph is amended to read as follows:

"(1)(A) At the election of the employer with respect to any employee, the employer shall (subject to the provisions of paragraph (6)) deduct and withhold upon the wages paid to such employee on or after the 30th day after the date of the enactment of this subparagraph a tax determined in accordance with tables prescribed by the Secretary or his delegate, which shall be in lieu of the tax required to be deducted and withheld under subsection (a). The tables prescribed under this subparagraph shall correspond in form to the wage bracket withholding tables in subparagraph (B) and shall provide for amounts of tax in the various wage brackets approximately equal to the amounts which would be determined if the deductions were made under subsection (a).

"(B) At the election of the employer with respect to any employee, the employer shall (subject to the provisions of paragraph (6)) deduct and withhold upon the wages paid to such employee before the 30th day after the date of the enactment of this subparagraph a tax determined in accordance with the following tables, which shall be in lieu of the tax required to be deducted and withheld under subsection (a):".

SEC. 5. The amendments made by the first three sections of this Act shall apply to taxable years beginning after December 31, 1968. The amendments made by section 4 of this Act shall apply with respect to remuneration paid on or after the 30th day after the date of the enactment of this Act.

S. 1915—INTRODUCTION OF A BILL TO PROVIDE A NEW MARITIME PROGRAM

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to amend the Merchant Marine Act, 1936, and other statutes to provide a new maritime program.

This bill is identical to S. 2650 of the 90th Congress which was authored by the late Senator Bartlett, Senator Brewster, and myself, in conjunction with maritime leaders of the House of Representatives following several months of intense study, hearings, and negotiations with administration and industry officials.

As those familiar with recent history of our maritime situation will recall, this measure was previously introduced and pursued in the belief that a genuine accord existed with the prior administration to support its enactment. Last May we learned in no uncertain terms that the accord was illusory and that the administration had withdrawn its support. But it is a new year, with a new administration and renewed hope for the merchant marine.

President Nixon indicated during the course of his campaign some concern about the state of the merchant marine and pledged his best efforts to enhance our maritime strength. I look forward to reviewing any specific proposals of the new administration that might be offered, but we cannot begin too soon to work upon a new program for the merchant marine. Thus, I reintroduce this measure which I believe to be a sound and meaningful program to strengthen our fourth arm of national defense.

Mr. President, this program would authorize appropriations for each of the fiscal years 1970 through 1974, in the amount of $300 million per year for construction differential subsidy, cost of national defense features, and acquisition of used ships, and $25 million per year for research and development. It would also authorize appropriations for fiscal year 1970 of $30 million for reconstruction of the reserve fleet.

It is my feeling that any effective revitalization program must involve at least a minimum 5-year effort, and that is the reason for the 5-year authorization of funds. Ship construction must be greatly increased—more than doubled from the present situation. We should be able to build 35 to 40 ships a year, with subsidy, depending upon the mix or type of vessels constructed.

There will be a broadening of eligibility for construction subsidy. Our construction subsidy system has worked well. The subsidized liner trade, as you know, carries approximately 30 percent of our water-borne exports and imports now carried by liner service. We are going to expand and increase the application of construction subsidy beyond the liner field. It is the tramp operators that so desperately need help. This is a segment of the industry that has grown fantastically since enactment of the 1936 Merchant Marine Act, but without help it may disappear within the next 10 years. This program would provide construction subsidy for tramp operators in the oceangoing trade, as well as to additional liner operators.

Operating subsidy funds will be increased, and this bill proposes to expand as well the eligibility for this type of subsidy. This bill would authorize 5-year experimental operating subsidy contracts with presently unsubsidized operators of liner vessels and new dry bulk vessels, which should greatly enhance our ability to compete upon the high seas.

Among the provisions of this bill is a section which would authorize aid in the development and construction of nuclear powered ships. It is vital that we build nuclear-powered merchant vessels. Under the bill subsidy could be given in an amount that would give the operator a nuclear ship at the price of constructing a comparable conventional ship.

We have as well in this bill made substantial changes in the procedures whereby applications are made for construction differential subsidy. Privately owned shipyards, as well as proposed shipowners, would be eligible applicants

for construction differential subsidy. Further, construction differential subsidy would no longer be computed on an individual ship basis, but be determined at least once a year for each type of vessel with a ceiling of 55-percent differential in effect for 3 years.

There are also provisions for an extension of the tax deferred capital reserve fund program presently in effect for the subsidized operators to all U.S.-flag operators in the foreign and domestic trades, and operators of fishing vessels as well.

If tax deferred funds may be accumulated but spent only for the purpose of building new vessels, there is an increased incentive to invest capital in new vessels. The availability of such reserve funds will as well tend to decrease the requirements for construction subsidy funds. The Government will not lose money as the depreciation basis of the new vessel is decreased by the amount of tax deferred funds used. There is merely a deferment of tax payment rather than a loss of tax payment.

I wish to make one factor, however, absolutely clear. There is no question but that in the vast demands upon the budget dollar there is a keen competition for funds. We are engaged in a conflict in Vietnam which has great repercussions upon Federal expenditures. It is my firm conviction that allocation of funds for the revitalization of the U.S. merchant marine should be of great priority.

It is essential that we solve the problems of our merchant marine. It is vital to the security of the United States, to the economic health of the industry involved, and to the many millions of people throughout the world whose futures, hopes and aspirations are so closely tied to ours—for it is the merchant marine that carries America to them. If we wish to enhance our ability to communicate to the rest of the world the wondrous productivity and superiority of democratic processes, and assure our sovereignty upon the seas, then we must assure this Nation an adequate and efficient merchant marine.

The bill just introduced is, in my opinion, essential legislation. We must fight the battle for necessary appropriations after we have passed this legislation, but surely we cannot at this time neglect to enact these necessary substantive changes which are essential to the future of our merchant fleet.

This bill says not a word about the location of the Maritime Administration. I am sponsoring, as well, separate legislation to establish the Maritime Administration as an independent agency. I believe, however, that regardless of where the Maritime Administration is located, be it in the Department of Commerce, in the Department of Transportation, or established as an independent agency, the most important thing to the merchant marine and this Nation is a realistic and workable program that will enable more ships to be built and operated under the U.S. flag.

As we move forward in another attempt to enact a meaningful revitalization program for the U.S. merchant marine I am hopeful that the maritime industry—management and labor alike—can move forward together in support of a program. Continued division and bitterness between the various factions of the industry serve only to lessen its image before the American people and increase the difficulties of enacting a meaningful maritime program. Surely there must be a realization that the desperate necessity for revitalizing our fleet provides sufficient common ground upon which industry and the Government can unite in an effort to regain our rightful place upon the seas. The condition of our fleet leaves no alternative.

Mr. President, I have not fully discussed all the provisions of this proposed new maritime program, but I ask unanimous consent to insert in the RECORD following my remarks a section-by-section analysis of the bill and a comparative text showing the changes in existing law that would be made by this proposed legislation. The bill is lengthy and deals with a variety of matters essential to the health of our merchant marine.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the section-by-section analysis and comparative text will be printed in the RECORD.

The bill (S. 1915) to amend the Merchant Marine Act, 1936, and other statutes to provide a new maritime program, introduced by Mr. MAGNUSON, was received, read twice by its title, and referred to the Committee on Commerce.

The material, presented by Mr. MAGNUSON, follows:

SECTION-BY-SECTION ANALYSIS OF THE BILL "TO AMEND THE MERCHANT MARINE ACT, 1936, AND OTHER STATUTES TO PROVIDE A NEW MARITIME PROGRAM"

Section 1 would amend section 209(b) of the Merchant Marine Act, 1936, to authorize appropriations for each of the fiscal years 1969 through 1973 in the amount of $300,000,000 per year for construction-differential subsidy, cost of national defense features and acquisition of used ships, and $25,000,000 per year for research and development. It would also authorize appropriations for the fiscal year 1969 in the amount of $30,000,000 to reconstruct the reserve fleet.

Section 2 would amend section 211 to add contract vessels to the category of vessels for which the Secretary is to determine requirements, and to add contract operations to the category of operations for which the Secretary is to determine the relative costs of operating U.S. vessels and vessels of foreign countries operating in competition with them.

Section 3 would amend section 501(a) of the Act to include privately-owned shipyards as eligible applicants for construction-differential subsidy, while retaining the proposed shipowners as eligible applicants.

Section 4 would substitute the words "proposed shipowner" for applicant in section 502(a). This is necessary because the provisions of this section are not intended to be applicable to a shipyard applicant. Where the shipyard is the applicant the procedures of section 504, as amended by the draft bill, would be utilized.

Section 5 would amend section 502(a) by providing a new method for determining construction-differential subsidy. Under present law, the subsidy paid is the excess of the lowest responsible bid for a particular vessel over the estimate of the foreign cost of building that vessel, up to a ceiling of 55 percent. The amendment would discontinue computing subsidy on an individual ship basis. Instead, subsidy rates for each type of vessel would be developed by estimating for each type the domestic and foreign construction costs. The rate for each type of vessel would be periodically redetermined but not more frequently than once each year. The ceiling of 55 percent would remain in effect for three years. Under present law this rate would revert to 50 percent on July 1, 1968.

Section 6 would amend section 504 by designating the present text as subsection (a), by limiting its applicability to the situation where the proposed shipowner is the applicant for construction-differential subsidy, and by authorizing the shipowner to negotiate a price with the shipyard as an alternative to competitive bidding. The section is also amended by adding a new subsection under which the shipyard could be the applicant for subsidy based either on competitive bidding or negotiated pricing.

Section 7 would amend the definition of "obsolete vessel" in section 510 so as to eliminate the requirement for a finding that the vessel, in the judgment of the Secretary, is obsolete or inadequate for successful operation in foreign or domestic trade, and to substitute a requirement for a finding that the vessel should be replaced in the public interest. This would conform the required finding under this section to that required under section 605(b) to permit payment of operating subsidy for operation of a vessel that is beyond its statutory age. This amendment avoids the situation of finding under one section that a vessel of a given type and age is obsolete or inadequate for successful operation and finding under another section that it is to the public interest to subsidize another vessel of that type and age.

Section 8 would make applicable to the new title XIII (Experimental Operating Subsidy) the provisions of section 801 which permit the Secretary to prescribe the method to be used by the operator in keeping books and records.

Section 9 would make applicable to the new title XIII of the provisions of section 804 which prohibit operators who receive operating subsidy, and their affiliates, from owning, chartering, acting as broker or agent for, or operating any foreign flag ship which competes with an American flag ship on an essential trade route, without the permission of the Secretary.

Section 10 would apply to title XIII the provisions of 805(a) which prohibit payment of operating subsidy to any contractor if such contractor or an affiliate owns or operates any vessel engaged in the coastwise or intercoastal trade without the consent of the Secretary. Section 12 would also amend section 805 by repealing subsection (c) which limits to $25,000 the amount of any one person's salary which will be taken into account for subsidy accounting purposes.

Section 11 would release existing operators from the provisions of their contracts inserted pursuant to section 805(c).

Section 12 would make applicable to title XIII the provisions of section 810 which prohibit any operator receiving operating subsidy from being a party to any agreement with other carriers which unjustly discriminate against any American flag carrier on an essential trade route.

Section 13 would amend section 905 to apply that section's definition of "citizen of the United States" to title XIII.

Section 14 would provide a new title X which would authorize aid in the development and construction of nuclear powered ships. The most subsidy that could be granted under the title for a ship to be operated in the foreign trade or the non-contiguous domestic trade would be an amount that would give the operator the nuclear ship at the price of constructing a comparable conventional ship. If the ship is to be oper-

ated in any other part of the domestic trade, the most subsidy allowable would be an amount that would give the operator the ship at the price of building a comparable conventional ship in the United States.

Section 15 would amend the Atomic Energy Act of 1954 to vest in the Atomic Energy Commission any invention or discovery useful in the production or utilization of atomic energy which is conceived under any contract entered into under the new title X of the Merchant Marine Act, 1936.

Section 16 would amend the Atomic Energy Act of 1954 to authorize the Atomic Energy Commission to grant the same indemnity with respect to nuclear vessels constructed under the new title X of the 1936 Act as it can grant with respect to the SAVANNAH.

Section 17 would amend section 607(b) of the Merchant Marine Act to permit capital reserve funds to be used in the purchase of new nuclear fuel cores.

Section 18 would amend section 1104(a)(5) of the Act to remove the six percent limit on loans that can be insured under title XI and to substitute therefor a limit on interest at a rate determined by the Secretary of Commerce to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Department.

Section 19 would amend section 1106(2) of the Act to allow refinancing of insured mortgages so as to include new nuclear fuel cores.

Section 20 would create a new title XIII in the Act which would authorize five-year experimental operating subsidy contracts with operators of liner vessels and with owners of dry bulk vessels built after enactment of the title. The purpose is to explore new subsidy concepts which contain incentives sufficient to reduce unit costs of subsidy in the future.

Section 21 would provide for the establishment of a Commission on American Shipbuilding to study the private shipbuilding industry and to report to the President and Congress within three years as to the extent to which Federal assistance is necessary to preserve the competitive position of the shipbuilding industry and to preserve a national shipbuilding capability.

Section 22 would allow merchant vessel and fishing vessel owners to contract with the Secretary of Commerce and Secretary of the Interior respectively for the establishment of vessel replacement funds. Monies deposited into such funds would be treated as tax deferred but only if used for the purpose of replacing and modernizing vessels.

COMPARATIVE TEXT SHOWING THE CHANGES IN EXISTING LAW THAT WOULD BE MADE BY THE BILL "TO AMEND THE MERCHANT MARINE ACT, 1936, AND OTHER STATUTES TO PROVIDE A NEW MARITIME PROGRAM"

[Deletions are enclosed in black brackets; new material is shown in italic.]

SEC. 20. (a) Except as provided in subsection (b) of this section, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

(b) Nothwithstanding any other provisions of this Act or any other law, there are authorized to be appropriated after December 31, 1967, for the use of the Maritime Administration for—

(1) acquisition, construction, or reconstruction of vessels;

(2) construction-differential subsidy and cost of national defense features incident to the construction, reconstruction or reconditioning of ships;

(3) payment of obligations incurred for operating-differential subsidy;

(4) expenses necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations);

(5) reserve fleet expenses;

(6) maritime training at the Merchant Marine Academy at Kings Point, New York;

(7) financial assistance to State Marine Schools; and

(8) the Vessel Operations Revolving Fund;

only such sums as the Congress may specifically authorize by law: *Provided, however, That for each of the fiscal years 1969 through 1973, there is authorized to be appropriated (1) for construction-differential subsidy and the cost of national defense features incident to construction, reconstruction, or reconditioning of ships for operation in foreign or non-contiguous domestic commerce, and for the acquisition of used ships pursuant to section 510 of this Act, $300,000,000, to remain available until expended; and (2) for research and development, $25,000,000, to remain available until expended. For fiscal year 1969, there is also authorized to be appropriated for reconstruction of the reserve fleet, $30,000,000, to remain available until expended.*

SEC. 211. The Commission is authorized and directed to investigate, determine, and keep current records of—

(a) The ocean services, routes, and lines from ports in the United States, or in a territory, district, or possession thereof, to foreign markets, which are, or may be determined by the Commission to be essential for the promotion, development, expansion, and maintenance of the foreign commerce of the United States, and in reaching its determination the Commission shall consider and give due weight to the cost of maintaining each of such steamship lines, the probability that any such line cannot be maintained except at a heavy loss disproportionate to the benefit accruing to foreign trade, the number of sailings and types of vessels that should be employed in such lines, and any other facts and conditions that a prudent business man would consider when dealing with his own business, with the added consideration, however, of the intangible benefit the maintenance of any such line may afford to the foreign commerce of the United States and to the national defense;

(b) The type, size, speed, and other requirements of the vessels, including express-liner or super-liner vessels, which should be employed in such services or on such routes or lines, and the frequency and regularity of the sailings of such vessels, with a view to furnishing adequate, regular, certain, and permanent service, *or which should be employed as contract carriers;*

(c) The relative cost of construction of comparable vessels in the United States and in foreign countries:

(d) The relative cost of marine insurance, maintenance, repairs, wages and subsistence of officers and crews, and all other items of expense, in the operation of comparable vessels in particular service routes, and lines, *or as contract carriers,* under the laws, rules, and regulations of the United States and under those of the foreign countries whose vessels are substantial competitors of any such American service, route, or line, *or contract carrier;*

SEC. 501. (a) [Any citizen of the United States may make application to the Commission for a construction-differential subsidy to aid in the construction of a new vessel to be used in the foreign commerce of the United States.] *Any privately-owned shipyard or proposed shipowner who is a citizen of the United States may make application to the Secretary of Commerce for a construction-differential subsidy to aid in the construction of a new vessel to be documented under the laws of the United States and to be used in the foreign commerce of the United States.* No such application shall be approved by the Commission unless it determines that (1) the plans and specifications call for a new vessel which will meet the requirements of the foreign commerce of the United States, will aid in the promotion and development of such commerce, and be suitable for use by the United States for national defense or military purposes in time of war or national emergency; (2) [the applicant] *the proposed owner of the vessel is a citizen of the United States* and possesses the ability, experience, financial resources, and other qualifications necessary to enable it to operate and maintain the proposed new vessel, and (3) the granting of the aid applied for is reasonably calculated to replace worn out or obsolete tonnage with new and modern ships, or otherwise to carry out effectively the purposes and policy of this Act. The contract of sale, and the mortgage given to secure the payment of the unpaid balance of the purchase price shall not restrict the lawful or proper use or operation of the vessel except to the extent expressly required by law.

* * * * *

SEC. 502. (a) If the Secretary of the Navy certifies his approval under section 501(b) of this Act, and the Commission approves the application, it may secure, on behalf of the [applicant] *proposed shipowner,* bids for the construction of the proposed vessel according to the approved plans and specifications. If the bid of the shipbuilder who is the lowest responsible bidder is determined by the Commission to be fair and reasonable, the Commission may approve such bid, and if such approved bid is accepted by the [applicant] *proposed shipowner,* the Commission is authorized to enter into a contract with the successful bidder for the construction, outfitting, and equipment of the proposed vessel, and for the payment by the Commission to the shipbuilder, on terms to be agreed upon in the contract, of the contract price of the vessel, out of the construction fund herein before referred to, or out of other available funds. Concurrently with entering into such contract with the shipbuilder, the Commission is authorized to enter into a contract with the [applicant] *proposed shipowner* for the purchase by him of such vessels upon its completion, at a price corresponding to the estimated cost, as determined by the Commission pursuant to the provisions of this Act, of building such vessel in a foreign shipyard.

(b) [The amount of the reduction in selling price which is herein termed "construction differential subsidy" may equal, but not exceed, the excess of the bid of the shipbuilder constructing the proposed vessel (excluding the cost of any features incorporated in the vessel for national defense uses, which shall be paid by the Secretary in addition to the subsidy), over the fair and reasonable estimate of cost, as determined by the Secretary, of the construction of the proposed vessel if it were constructed under similar plans and specification (excluding national defense features as above provided) in a foreign shipbuilding center which is deemed by the Secretary to furnish a fair and representative example of the determination of the estimated foreign cost of construction of vessels of the type proposed to be constructed.] *The amount of the reduction in selling price which is herein termed "construction-differential subsidy" shall be computed by taking the excess of the fair and reasonable estimate, as determined by the Secretary, of the cost of constructing a type of vessel in United States shipyards (excluding the cost of any features incorporated in the vessel for national defense uses, which shall be paid by the Secretary in addition to the subsidy), over the fair and reasonable estimate of cost, as determined by the Secretary, of the construction of that type vessel (excluding national defense features as above provided) in a foreign shipbuilding center which is deemed by the Secretary to furnish a fair and representative example of the determination of the estimated foreign cost of construction of vessels of the type proposed to be constructed, and expressing the result as a percentage of the fair and reasonable estimate, as determined by*

the Secretary, of the cost of construction of that type vessel in United States shipyards, and applying such percentage to the lowest responsible bid. Subsidy rates shall be computed separately for different types of vessels and shall be periodically recomputed but not more frequently than once each year. In making his foreign cost estimate, the Secretary shall review and consider any foreign cost estimates and substantiating information submitted by operators, shipyards, or his staff. The construction differential approved and paid by the Secretary shall not exceed 55 per centum of the construction cost of the vessel, except that in the case of reconstruction or reconditioning of a passenger vessel having the tonnage, speed, passenger accommodations and other characteristics set forth in section 503 of this Act, the construction differential approved and paid shall not exceed 60 per centum of the reconstruction or reconditioning cost (excluding the cost of national defense features as above provided): *Provided, however,* That after [June 30, 1968] *the expiration of three years from the date of enactment of this amendment* the construction differential approved by the Secretary shall not exceed in the case of the construction, reconstruction or reconditioning of any vessel, 50 per centum of such cost. When the Secretary finds that the construction differential in any case exceeds the foregoing applicable percentage of such cost, the Secretary may negotiate and contract on behalf of the applicant to construct, reconstruct, or recondition such vessel in a domestic shipyard at a cost which will reduce the construction differential to such applicable percentages or less. In the event that the Secretary has reason to believe that the bidding in any instance is collusive, he shall report all the evidence on which he acted (1) to the Attorney General of the United States, and (2) to the President of the Senate and to the Speaker of the House of Representatives if the Congress shall be in session or if the Congress shall not be in session, then to the Secretary of the Senate and Clerk of the House, respectively.

* * * * *

SEC. 504. (a) Where an eligible [applicant] *proposed shipowner* under the terms of this title desires to finance the construction of a proposed vessel according to approved plans and specifications rather than purchase the same vessel from the Commission as hereinabove authorized, the Commission may permit the [applicant] *proposed shipowner* to obtain and submit to it competitive bids from domestic shipyards for such work. *Alternatively, the Secretary may, in accordance with terms and conditions to be prescribed by him, permit the proposed shipowner to submit a negotiated price together with backup cost details and evidence that the price is fair and reasonable.* If the Commission considers the [bid] *bid or negotiated price* of the shipyard in which the [applicant] *proposed shipowner* desires to have the vessel built fair and reasonable, it may approve such [bid] *bid or negotiated price* and become a party to the contract or contracts or other arrangements for the construction of such proposed vessel and may agree to pay a construction-differential subsidy in an amount determined by the Commission in accordance with section 502 of this title, and for the cost of national-defense features. The construction-differential subsidy and payments for national-defense features shall be based on the lowest responsible domestic bid, *or the negotiated price.* No construction-differential subsidy, as provided in this section, shall be paid unless the said contract or contracts or other arrangements contain such provisions as are provided in this title to protect the interests of the United States as the Commission deems necessary. Such vessel shall be documented under the laws of the United States as provided in section 503 of this title. The contract of sale, and the mortgage given to secure the payment of the unpaid balance of the purchase price, shall not restrict the lawful or proper use or operation of the vessel, except to the extent expressly required by law.

(b) *Where a shipyard is the applicant, it may in accordance with terms and conditions prescribed by the Secretary, request construction-differential subsidy based upon a price which has been negotiated with the proposed shipowner. If the Secretary considers the negotiated price to be fair and reasonable, he may become a party to a contract between the shipyard and the shipowner and agree to pay the cost of national defense features and construction-differential subsidy computed under section 502(b) of this Act. If the Secretary determines that the negotiated price is not fair and reasonable, he may request renegotiation in an effort to arrive at a fair and reasonable price. As an alternative to accepting a negotiated price, the Secretary may, with the consent of the shipyard applicant, request competitive bids on the proposal, in which case, the applicant shipyard may be the bidder. In this event, the Secretary may become a party to a contract between the lowest competitive bidder and the proposed shipowner.*

* * * * *

SEC. 506. Every owner of a vessel for which a construction-differential subsidy has been paid shall agree that the vessel shall be operated exclusively in foreign trade, or on a round-the-world voyage, or on a round voyage from the west coast of the United States to a European port or ports which includes intercoastal ports of the United States, or a round voyage from the Atlantic coast of the United States to the Orient which includes intercoastal ports of the United States, or on a voyage in foreign trade on which the vessel may stop at the State of Hawaii, or an island possession or island territory of the United States, and that if the vessel is operated in the domestic trade on any of the above-enumerated services, he will pay annually to the Commission that proportion of one twenty-fifth of the construction-differential subsidy paid for such vessel as the gross revenue derived from the domestic trade bears to the gross revenue derived from the entire voyages completed during the preceding year. The Commission may consent in writing to the temporary transfer of such vessel to service other than the service covered by such agreement for periods not exceeding six months in any year, whenever the Commission may determine that such transfer is necessary or appropriate to carry out the purposes of this Act. Such consent shall be conditioned upon the agreement by the owner to pay to the Commission, upon such terms and conditions as it may prescribe, an amount which bears the same proportion to the construction-differential subsidy paid by the Commission as such temporary period bears to the entire economic life of the vessel. No operating-differential subsidy shall be paid for the operation of such vessel for such temporary period.

* * * * *

SEC. 509. Any citizen of the United States may make application to the Commission for aid in the construction of a new vessel to be operated in the foreign or domestic trade (excepting vessels engaged solely in the transportation of property on inland rivers and canals exclusively. If such application is approved by the Commission, the vessel may be constructed under the terms and conditions of this title, but no construction-differential subsidy shall be allowed. The Commission shall pay for the cost of national-defense features incorporated in such vessel. In case the vessel is designed to be of not less than three thousand five hundred gross tons and to be capable of sustained speed of not less than fourteen knots, the applicant shall be required to pay the Commission not less than 12½ per centum of the cost of such vessel, and in the case of any other vessel the applicant shall be required to pay the Commission not less than 25 per centum of the cost of such vessel (excluding from such cost, in either case, the cost of national defense features); and the balance of such purchase price shall be paid by the applicant within twenty-five years in not to exceed twenty-five equal annual installments, with interest at 3½ per centum per annum, secured by a preferred mortgage on the vessel sold and otherwise secured as the Commission may determine: *Provided,* That, notwithstanding any other provisions of law, the balance of the purchase price of a passenger vessel constructed under this section which is delivered subsequent to March 8, 1946, and which has the tonnage, speed, passenger accommodations, and other characteristics set forth in section 503 of this Act, may, with the approval of the Commission, be secured as provided in such section, and the obligation of the purchaser of such a vessel shall be satisfied and discharged as provided in such section.

SEC. 510. (a) When used in this section—

[(1) The term "obsolete vessel" means a vessel or vessels, each of which (A) is of not less than one thousand three hundred and fifty gross tons, (B) is not less than seventeen years old and, in the judgment of the Commission, is obsolete or inadequate for successful operation in the domestic or foreign trade of the United States, and (C) is owned by a citizen or citizens of the United States and has been owned by such citizen or citizens for at least three years immediately prior to the date of acquisition hereunder: *Provided,* That until June 30, 1964, the term "obsolete vessel" shall mean a vessel or vessels, each of which (A) is of not less than one thousand three hundred and fifty gross tons, (B) is not less than twelve years old, and (C) is owned by a citizen or citizens of the United States and has been owned by such citizen or citizens for at least three years immediately prior to the date of acquisition hereunder.]

(1) *The term "obsolete vessel" means a vessel or vessels each of which is of not less than one thousand three hundred and fifty gross tons; which has been owned by a citizen or citizens of the United States for at least three years immediately prior to the date of acquisition hereunder; and which in the judgment of the Secretary should be replaced in the public interest.*

* * * * *

(j) Any vessel heretofore or hereafter acquired under this section, or otherwise acquired by the Secretary of Commerce under any other authority shall be placed in the national defense reserve fleet established under authority of section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and shall not be traded out or sold from such reserve fleet, except as provided for in [subsections (g) and (i)] *section (g)* of this section. This limitation shall not affect the rights of the Secretary of Commerce to dispose of a vessel as provided in other sections of this title or in titles VII or XI of this Act.

* * * * *

SEC. 801. Every contract executed by the Commission under the provisions of [titles VI or VII] *titles VI, VII, or XIII* of this Act shall contain provisions requiring (1) that the contractor and every affiliate, domestic agent, subsidiary, or holding company connected with, or directly or indirectly controlling or controlled by, the contractor, to keep its books, records, and accounts, relating to the maintenance, operation, and servicing of the vessels, services, routes, and lines covered by the contract, in such form and under such regulations as may be prescribed by the Commission: *Provided,* That the pro-

visions of this paragraph shall not require the duplication of books, records, and accounts required to be kept in some other form by the Interstate Commerce Commission; (2) that the contractor and every affiliate, domestic agent, subsidiary, or holding company connected with, or directly or indirectly controlling or controlled by the contractor, to file, upon notice from the Commission, balance sheets profit and loss statements, and such other statements of financial operations, special report, memoranda of any facts and transactions, which in the opinion of the Commission affect the financial results in, the performance of, or transactions or operations under, such contract; (3) that the Commission shall be authorized to examine and audit the books, records, and accounts of all persons referred to in this section whenever it may deem it necessary or desirable; and (4) that upon the willful failure or refusal of any person described in this section to comply with the contract provisions required by this section, the Commission shall have the right to rescind the contract, and upon such rescission the United States shall be relieved of all further liability on such contract.

* * * * *

SEC. 804. It shall be unlawful for any contractor receiving an operating-differential subsidy under title VII *operating subsidy under titles VI or XIII* or for any charter of vessels under title VII of this Act, or any holding company, subsidiary, affiliate, or associate of such contractor or such charterer, or any officer, director, agent, or executive thereof, directly or indirectly to own, charter, act as agent or broker for, or operate any foreign-flag vessel which competes with any American-flag service determined by the Commission to be essential as provided in section 211 of this Act: *Provided, however,* That under special circumstances and for good cause shown the Commission may, in its discretion, waive the provisions of this section as to any contractor, for a specific period of time, by affirmative vote of four of its members, except as otherwise provided in section 201(a).

SEC. 805. (a) It shall be unlawful to award or pay any subsidy to any contractor under authority of title VI *or title XIII* of this Act, or to charter any vessel to any person under title VII of this Act, if said contractor or charterer, or any holding company, subsidiary, affiliate, or associate of such contractor or charterer, or any officer, director, agent, or executive thereof, directly or indirectly, shall own, operate, or charter any vessel or vessels engaged in the domestic intercoastal or coastwise service or own any pecuniary interest, directly or indirectly, in any person or concern that owns, charters, or operates any vessel or vessels in the domestic intercoastal or coastwise service without the written permission of the Commission. Every person, firm, or corporation having any interest in such application shall be permitted to intervene and the Commission shall give a hearing to the applicant and the intervenors. The Commission shall not grant any such application if the Commission finds it will result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service or that it would be prejudicial to the objects and policy of this Act: *Provided,* That if such contractor or other person above-described or a predecessor in interest was in bona fide operation as a common carrier by water in the domestic, intercoastal, or coastwise trade in 1935 over the route or routes or in the trade or trades for which application is made and has so operated since that time or if engaged in furnishing seasonal service only, was in bona fide operation in 1935 during the season ordinarily covered by its operation, except in either event, as to interruptions of service over which the applicant or its predecessor in interest had no control, the Commission shall grant such permission without requiring further proof that public interest and convenience will be served by such operation, and without further proceedings as to the competition in such route or trade.

If such application be allowed, it shall be unlawful for any of the persons mentioned in this section to divert, directly or indirectly, any moneys, property, or other thing of value, used in foreign-trade operations, for which a subsidy is paid by the United States, into any such coastwise or intercoastal operations; and whosoever shall violate this provision shall be guilty of a misdemeanor.

* * * * *

[(c) In determining the rights and obligations of any contractor under a contract authorized by title VI or title VII of this Act, no salary for personal services in excess of $25,000 per annum paid to a director, officer, or employee by said contractor, its affiliates, subsidiary, or associates, shall be taken into account. The terms "director", "officer", or "employee" shall be construed in the broadest sense. The term "salary" shall include wages and allowances of compensation in any form for personal services which will result in a director, officer, or employee receiving total compensation for his personal services from such sources exceeding in amount or value $25,000 per annum.]

(d) It shall be unlawful, without express written consent of the Commission, for any contractor holding a contract authorized under title VI or VII of this Act to employ any other person or concern as the managing or operating agent of such operator, or to charter any vessel, on which an operating-differential subsidy is to be paid, for operation by another person or concern, and if such charter is made, the person or concern operating the chartered vessel or vessels shall be subject to all the terms and provisions of this Act, including limitations of profits and salaries. No contractor *under titles VI or XIII of this Act* shall receive an operating-differential subsidy for the operation of any chartered vessel save and except during a period of actual emergency determined by the Commission, or except as provided in section 708.

* * * * *

SEC. 810. It shall be unlawful for any contractor receiving an [operating-differential] *operating* subsidy under [title VI] *titles VI or XIII* or for any charterer of vessels under title VII of this Act, to continue as a party to or to conform, to any agreement with another carrier or carriers by water, or to engage in any practice in concert with another carrier or carriers by water, which is unjustly discriminatory or unfair to any other citizen of the United States who operates a common carrier by water exclusively employing vessels registered under the laws of the United States on any established trade route from and to a United States port or ports.

No payment or subsidy of any kind shall be paid directly or indirectly out of funds of the United States or any agency of the United States to any contractor or charterer who shall violate this section. Any person who shall be injured in his business or property by reason of anything forbidden by 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.

* * * * *

SEC. 905. * * *

(c) The words "citizen of the United States" include a corporation, partnership, or association only if it is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916, as amended (U.S.C. title 46, sec. 802), and with respect to a corporation [under title VI] *under titles VI or XIII* of this Act. all directors of the corporation are citizens of the United States, and, in the case of a corporation, partnership, or association operating a vessel on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States the amount of interest required to be owned by a citizen of the United States shall not be less than 75 per centum.

* * * * *

Title X—Aid in developing, constructing, and operating privately owned nuclear-powered merchant ships

Sec. 1001. The purpose of this title is to further implement the policy declared in section 101 of this Act, by fostering at the least cost to the United States the development, construction, and operation of privately owned nuclear-powered merchant ships whose designs embody significant departures from the designs of existing nuclear-powered merchant ships which may lead to reduction of the cost of constructing and operating future nuclear-powered merchant ships.

Sec. 1002. The Secretary of Commerce is authorized to invite from citizens of the United States proposals for the development and construction of nuclear-powered merchant ships for operation in the domestic or foreign commerce of the United States, including trade on the Great Lakes. Proposals shall be invited only for the development and construction of nuclear-powered merchant ships (1) of types and general specifications (whether dry-cargo, liquid bulk carrier, or other) determined by the Secretary of Commerce, and (2) with nuclear propulsion systems of general types and conceptual designs which the Atomic Energy Commission has determined could reasonably be expected to accomplish nuclear power base development program objectives more quickly, more effectively, or at lower cost than other nuclear propulsion systems (these would include, without limitation, objectives of dependability, reliability, operability, and the acquisition of data that would be of value to the future development of merchant marine nuclear propulsion systems). Each proposal shall include a detailed description of the proposed ship or ships; their contemplated use in commerce; the proposed development, construction, and operating programs; the technical justification and detailed estimate of development, construction and operating costs; the amount of aid applied for itemized separately for the development, construction, and operating programs; and such other information as the Secretary directs.

Sec. 1003. The Secretary, in cooperation with the Atomic Energy Commission, shall evaluate all proposals determined to be responsive to the invitation and shall select from them the proposal or proposals which will most closely carry out the purposes of this title. If the Secretary determines that the person who submitted a selected proposal, although such person may have had no experience in the operation of nuclear-powered ships, possesses the ability, experience, financial resources, and other qualifications necessary to enable him to operate and maintain ships in that area of the domestic or foreign commerce of the United States (including trade on the Great Lakes) in which he proposes to operate the proposed ship or ships, the Secretary may negotiate the award of a contract with such person (hereafter called the applicant) for the development and construction of the proposed ship or ships. The Secretary may require such modifications in the proposed ship or ships as he deems desirable, taking into account the views of the Atomic Energy Commission with respect to modifications of the nuclear propulsion system, and the views of the Secretary of Defense with respect to national defense features. The Secretary may agree to provide so much of the aid authorized by section 1004 of this title as he determines is necessary to carry out the purposes of this

title, taking into consideration the financial risk to the applicant, and the contribution which the development, construction and operation of the proposed ship or ships may make toward carrying out the purposes of this title.

Sec. 1004. (a)(1) In connection with the development and construction of vessels proposed and selected pursuant to section 1003, the Secretary may offer the following assistance:

(A) With the scientific and engineering advice of the Atomic Energy Commission, he may assist in negotiating the award of and become a party to contracts between the applicant and the developer for the development of the proposed nuclear-powered merchant ship or ships, including the first fuel cores. He may agree in such contracts to pay the developer all of, or part of, the excess of the cost of developing the proposed ship or ships, including national defense features and the first fuel cores, over the estimated fair and reasonable cost of developing a comparable conventional ship or ships without national defense features.

(B) He may become a party to contracts between the applicant and the builder for the construction of the proposed nuclear-powered merchant ship or ships, and may agree in such contracts to pay the builder all of, or part of, the excess of the cost of constructing in the United States the proposed ship or ships, including national defense features and the first fuel cores, over the estimated average weighted fair and reasonable foreign cost of constructing a comparable conventional ship or ships without national defense features: Provided, however, That if the ship or ships are to be operated in the domestic trade (except the non-contiguous domestic trade) aid under this paragraph is limited to the excess of the cost of constructing in the United States the proposed ship or ships, including national defense features and the first fuel cores, over the estimated fair and reasonable cost of constructing a comparable conventional ship without national defense features in the United States.

(2) The Secretary may also assist in training crews for the ships; plan and design or assist in planning and designing appropriate shore facilities to service the ships; make available to the applicant, with the consent of the Atomic Energy Commission, appropriate classified information; provide research and development in Government laboratories which have facilities, personnel, or equipment not available in private laboratories, with the consent of the department or agency which operates the laboratory, and with or without charge to the applicant; and provide, without charge, design review services, ship construction inspection services and ship operation advisory services.

(3) If, under section 184 of the Atomic Energy Act of 1954 (42 U.S.C. 2234), the Atomic Energy Commission consents to the creation of a mortgage or lien on the nuclear-powered merchant ship, and if the loan and mortgage are eligible for insurance under title XI of this Act, the Secretary may insure under that title the interest on and the unpaid balance of the principal amount of the loan and mortgage. In determining the applicant's eligibility, the Secretary is not required to make the finding required by subsection (c) of section 1004 of this Act. The Secretary may make the findings required by subsection (a)(1) and (b)(1) of section 1104 even though the applicant has had no experience in the operation of nuclear-powered merchant ships. The applicability of section 184 of the Atomic Energy Act of 1954 to the ship shall not prevent a mortgage on the ship from being a preferred mortgage under the Ship Mortgage Act, 1920.

(b) In providing the aid specified in subsection (a) of this section, the Secretary may, upon payment of the costs, and with the consent of the department or agency concerned, avail himself of the use of licenses, information, services, facilities, offices, and employees of any executive department, independent establishment, or other agency of the Government, including any field service thereof.

(c) Section 505(a) of this Act shall apply to all ships whose construction is aided under this title.

Sec. 1005. Each applicant for aid under this title shall agree that if the ship, after its construction is completed, cannot at any time be operated for a period of more than 30 days because of an inter-union dispute in which the fact that the ship is nuclear-powered is an important element, the owner will, if so directed by the Secretary of Commerce, place the vessel up for sale at competitive bidding, with a minimum price in the amount that would be paid if the vessel were requisitioned for title, and on such other terms and conditions as the Secretary of Commerce determines will be conducive to the continued operation of the ship. This obligation shall run with the title to the vessel.

Sec. 1006. Any ship developed and constructed with aid under this title shall be documented under the laws of the United States and shall remain so documented for 25 years or so long as it is propelled by nuclear propulsion, whichever is longer.

Sec. 1007. Ships whose construction is aided under this title are eligible to receive operating-differential subsidy under whatever system is in force when the ships go into operation if the applicant qualifies under the statute.

Sec. 1008. There are authorized to be appropriated to the Secretary such sums as may be necessary, to remain available until expended, to carry out the provisions of this title.

Sec. 1009. Authority to contract for the development or construction of ships under this title expires at midnight on the last day of the sixtieth month following the month in which this title is enacted.

THE ATOMIC ENERGY ACT OF 1954

* * * * *

SEC. 152. INVENTIONS MADE OR CONCEIVED DURING COMMISSION CONTRACTS—Any inventions or discovery, useful in the production or utilization of special nuclear material or atomic energy, made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the benefit of the Commission, *or with the Secretary of Commerce under the authority of title X of the Merchant Marine Act, 1936, as amended,* regardless of whether the contract, subcontract, or arrangement involved the expenditure of funds [by the Commission] *by the Commission or the Secretary,* shall be vested in, and be the property of, the Commission, except that the Commission may waive its claim to any such invention or discovery under such circumstances as the Commission may deem appropriate, consistent with the policy of this section. No patent for any invention or discovery, useful in the production or utilization of special nuclear material or atomic energy, shall be issued unless the applicant files with the application, or within thirty days after request therefor by the Commissioner of Patents (unless the Commission advises the Commissioner of Patents that its rights have been determined and that accordingly no statement is necessary) a statement under oath setting forth the full facts surrounding the making or conception of the invention or discovery described in the application and whether the invention or discovery was made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the benefit of the Commission, regardless of whether the contract, subcontract, or arrangement involved the expenditure of funds by the Commission. The Commissioner of Patents shall as soon as the application is otherwise in condition for allowance forward copies of the application and the statement to the Commission.

The Commissioner of Patents may proceed with the application and issue the patent to the applicant (if the invention or discovery is otherwise patentable) unless the Commission, within ninety days after receipt of copies of the application and statement, directs the Commissioner of Patents to issue the patent to the Commission (if the invention or discovery is otherwise patentable) to be held by the Commission as the agent of and on behalf of the United States.

If the Commission files such a direction with the Commissioner of Patents, and if the applicant's statement claims, and the applicant still believes, that the invention or discovery was not made or conceived in the course of or under any contract, subcontract or arrangement entered into with or for the benefit of the Commission entitling the Commission to the title to the application or the patent the applicant may, within thirty days after notification of the filing of such a direction, request a hearing before a Board of Patent Interferences. The Board shall have the power to hear and determine whether the Commission was entitled to the direction filed with the Commissioner of Patents. The Board shall follow the rules and procedures established for interference cases and an appeal may be taken by either the applicant or the Commission from the final order of the Board to the Court of Customs and Patent Appeals in accordance with the procedures governing the appeals from the Board of Patent Interferences.

If the statement filed by the applicant should thereafter be found to contain false material statements any notification by the Commission that it has no objections to the issuance of a patent to the applicant shall not be deemed in any respect to constitute a waiver of the provisions of this section or of any applicable civil or criminal statute, and the Commission may have the title to the patent transferred to the Commission on the records of the Commissioner of Patents in accordance with the provisions of this section. A determination of rights by the Commission pursuant to a contractual provision or other arrangement prior to the request of the Commissioner of Patents for the statement, shall be final in the absence of false material statements or nondisclosure of material facts by the applicant.

* * * * *

SEC. 170. INDEMNIFICATION AND LIMITATION OF LIABILITY.—

* * * * *

1. The Commission is authorized until August 1, 1977, to enter into an agreement of indemnification with any person engaged in the design, development, construction, operation, repair, and maintenance or use of the nuclear-powered ship authorized by section 716 of the Merchant Marine Act, 1936, and designated the 'nuclear-ship *Savannah', or any ship whose development or construction is aided under title X of the Merchant Marine Act, 1936, as amended.* In any such agreement of indemnification the Commission may require such person to provide and maintain financial protection of such a type and in such amounts as the Commission shall determine to be appropriate to cover public liability arising from a nuclear incident in connection with such design, development, construction, operation, repair, maintenance or use and shall indemnify the person indemnified against such claims above the amount of the financial protection required, in the amount of $500,000,000 including the reasonable costs of investigating and settling claims and defending suits for damage in the aggregate for all persons indem-

nified in connection with each nuclear incident: *Provided,* That this amount of indemnity shall be reduced by the amount that the financial protection required shall exceed $60,000,000.

The contractor shall also deposit in the capital reserve fund, from time to time, such percentage of the annual net profits of the contractor's business covered by the contract as the Commission shall determine is necessary to further build up a fund for replacement of contractor's subsidized ships, but the Commission shall not require the contractor to make such deposit of the contractor's net profits in the capital reserve fund unless the cumulative net profits of the contractor, at the time such deposit is to be made, shall be in excess of 10 per centum per annum from the date the contract was executed. From the capital reserve fund so created, the contractor may pay the principal, when due, on all notes secured by mortgage on the subsidized vessels and may make disbursements for the purchase of replacement vessels or reconstruction of vessels or additional vessels to be employed by the contractor on an essential foreign-trade line, route, or service approved by the Commission, and on cruises, if any, authorized under section 613 of this title, *or new nuclear fuel cores for vessels,* but payments from the capital reserve fund shall not be made for any other purpose.

* * * * *

SEC. 1104(a) * * *

(5) shall secure bonds, notes or other obligations bearing interest (exclusive of premium charges for insurance, *and service charges, if any*) at [a rate] *rates* not to exceed [5] *such* per centum per annum on the [amount of the unpaid principal at any time, or not to exceed 6 per centum per annum if the Secretary of Commerce finds that in certain areas or under special circumstances the mortgage or lending market demands it] *principal obligation outstanding as the Secretary of Commerce determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Department of Commerce;*

SEC. 1106. No provision of this title shall be construed to authorize the Secretary of Commerce to insure a mortgage securing any loan or advance made prior to the enactment of this title, and no mortgage shall be insured for refinancing in whole or in part any existing mortgage indebtedness except as provided in section 1107, or

(1) where a substantial portion of the total amount to be secured by the new mortgage, not to extend beyond twenty-five years from the date of the original mortgage, shall be applied to new construction, reconditioning, or reconstruction of one or more of the mortgaged vessels: *Provided, however,* That the aggregate amount of all mortgages insured under this paragraph and outstanding at any one time shall not exceed $20,000,000, and provided that all of the eligibility requirements of section 1104 (46 U.S.C. 1274) not inconsistent with this paragraph are complied with;

(2) where the Secretary of Commerce has insured a mortgage under the provisions of this title, and the mortgagor thereafter makes application to the mortgagee or another lender for an additional loan or advance for reconditioning or reconstructing the mortgaged property *or to provide a new nuclear fuel core for the mortgaged property,* the Secretary of Commerce may insure a new mortgage, not to extend beyond twenty-five years from the date of the original mortgage, in the amount of the principal outstanding balance of the original mortgage plus the amount of the additional loan, provided the amount of the additional loan is within the limits of paragraph (2) of subsection (a) of section 1104 (46 U.S.C. 1274) and the new mortgage conforms to the eligibility requirements of all the other paragraphs of said subsection (a);

* * * * *

Title XIII—Experimental operating subsidy

Sec. 1301. The Secretary of Commerce is authorized to enter into five-year experimental contracts with liner operators for the payment of operating subsidy for the operation of liner vessels in the foreign commerce of the United States and with owners of dry bulk vessels built after the enactment of this title for operation as contract carriers in the foreign commerce of the United States, subject to such terms and conditions as the Secretary may determine.

Sec. 1032. A subsidy contract may be awarded on any service which the Secretary, in his discretion, without public hearing, determines is not adequately served. Applicants for such contracts must meet the eligibility requirements of section 601 of this Act. The Secretary, in his discretion, may apply the provisions of sections 605(a) and (b), 606 (5) (6) (7), 607(a) (b) (c) (d) (e) (f) (g), 608, 609, 610, and 611 of this Act, or any of them, to contracts entered into under this title. He may also, in his discretion, apply the provisions of section 607(h) to contracts entered into under this title with liner operators.

Sec. 1303. The amount payable during the first year of the subsidy contract shall not exceed the difference between the costs incurred in operating the ship for insurance, wages, maintenance and repair, and the cost of such items incurred in the operation of a comparable ship under the flag of a foreign country whose ships are substantial competitors of the subsidized ship. During the subsequent years of the contract, the amount of subsidy shall be computed in such manner as the Secretary in his discretion may determine. In developing any new system the Secretary shall be guided by the overriding principal that the system must contain incentives which can be reasonably expected to reduce unit costs of subsidy in the future. Such incentives may include the use of an objective index or indices to govern the annual change in costs eligible for subsidy, the use of a formula or formulae reasonably relating the amount of subsidy payable to the performance or production of subsidized service, or the use of such other reasonable approaches to the determination of the amount of subsidy as the Secretary may in his discretion establish.

Sec. 1304. Such contracts shall provide that upon their termination the operator shall have the option of receiving a contract for the operation of his vessels under whatever subsidy system is in force at that time, or of selling his ships to the Government for a price not to exceed their depreciated book value.

Shipbuilding Commission

(a) There is hereby established a Commission to be known as the Commission on American Shipbuilding (hereinafter referred to as the "Commission"). The Commission shall be composed of six members, appointed by the President. At least one member shall be from the United States shipbuilding industry. Members of the Commission shall be appointed for the life of the Commission. The President shall designate one of the members of the Commission as Chairman. Four members of the Commission shall constitute a quorum.

(b) Members of the Commission shall each be entitled to receive $100 per diem when engaged in the actual performance of duties vested in the Commission, including travel-time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by title 5 of the United States Code for persons in the Government service employed intermittently.

(c) The Commission shall meet at the call of the Chairman or at the call of a majority of the members thereof.

(d) The Commission shall have the power to appoint and fix the compensation of such personnel, as it deems advisable, subject to the civil service laws and the Classification Act of 1949, as amended.

(e) The Commission may procure, in accordance with the provisions of title 5 of the United States Code, the temporary or intermittent services of experts or consultants; individuals so employed shall receive compensation at a rate to be fixed by the Commission, but not in excess of $100 per diem, including travel time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by title 5 of the United States Code for persons in the Government service employed intermittently.

(f) The Commission shall conduct a study of the extent to which Federal assistance to the private shipbuilding industry in the United States is necessary to preserve the competitive position of such industry and to preserve a national capability for the building and repair of United States merchant and United States naval ships.

(g) The Commission shall not later than three years after the date of enactment of this Act submit a comprehensive report of its findings and recommendations to the President and to the Congress, and thereafter shall cease to exist.

Title XIV—Replacement and expansion of United States nonsubsidized merchant and fishing fleets.

Sec. 1401. Authority To Negotiate Contracts.—(a) For the purpose of promoting the construction or acquisition of new merchant vessels or the substantial reconstruction of existing merchant vessels and for other purposes authorized by this Act, the Secretary of Commerce may enter into contracts not to exceed twenty years with any person who is a citizen of the United States if the Secretary determines the person possesses the ability, experience, financial resources, and other qualifications necessary to enable him to conduct the proposed operations of the merchant vessels as to meet competitive conditions and promote United States domestic or foreign commerce.

(b) For the purpose of promoting the construction of new fishing vessels, the Secretary of the Interior may enter into contracts not to exceed twenty years with any person who is a citizen of the United States if the Secretary determines the person possesses the ability, experience, financial resources, and other qualifications necessary to enable him to conduct the proposed operations of the fishing vessel to meet competitive conditions and promote the utilization of fishery resources.

Sec. 1402. Terms and Conditions of Contract.—The Secretary shall include in each contract a provision—

(a) that any new vessel constructed under a contract will be built in a shipyard in the United States under a contract with a shipbuilder entered into after the effective date of this Act;

(b) that any new vessel acquired under a contract will be one that was built in a shipyard in the United States for the United States Government under a contract with a shipbuilder entered into after the effective date of this Act;

(c) that any vessel substantially reconstructed under a contract will be one that was built in a shipyard in the United States and will be substantially reconstructed in a shipyard in the United States under a contract with a shipbuilder entered into after the effective date of this Act;

(d) that any vessel constructed, acquired, or substantially reconstructed under a contract will be of a type, size, and speed that the

Secretary determines to be suitable for use on the high seas or Great Lakes;

(e) that any vessel constructed, acquired, or substantially reconstructed under a contract negotiated under section 1(a) will be of a type which the Secretary of the Navy certifies is suitable for economical and speedy conversion into a naval auxiliary or otherwise suitable for use by the United States in the event of war or national emergency;

(f) for the creation and maintenance of a capital reserve fund;

(g) for the approximate number and type of vessels which the contractor will construct, acquire, or substantially reconstruct subject to modifications and extensions upon a showing to the satisfaction of the Secretary of acceptable reasons for modifications or extensions;

(h) for additional terms and conditions consistent with this Act, that the Secretary determines to be necessary to protect the interest of the United States;

(i) for the early replacement of any war-built vessel used in the movement of cargo under section 901(b), Merchant Marine Act, 1936, as amended;

(j) that each contractor agrees not to incur any purchase money indebtedness with respect to any vessel constructed, acquired, or substantially reconstructed under a contract without the prior consent of the Secretary;

(k) that upon failure of the contractor to construct, acquire, or substantially reconstruct any vessel as provided in the contract as modified or extended, all deposits of the contractor will be withdrawn from the fund with the same tax consequences as result from withdrawals from the funds created by section 607, Merchant Marine Act, 1936, as amended, and no further deposits may be made by the contractor until a new contract is negotiated; and

(l) that the contractor agrees that any vessel constructed or acquired under a contract will remain documented under the laws of the United States for twenty-five years from the date of its delivery by the shipbuilder and any vessel reconstructed under a contract will remain documented under the laws of the United States for the remainder of its economic life as determined by the Secretary.

Sec. 1403. Creation and Maintenance of Capital Reserve Fund.—(a) Each contractor shall create and maintain for the duration of the contract, in depositories approved by the Secretary, a capital reserve fund under the joint control of the operator and the Secretary.

(b) Each contractor shall deposit in the capital reserve fund as is required to be deposited by subsidized operators under section 607, Merchant Marine Act, 1936, as amended, the proceeds of sales of vessels, the proceeds of insurance and indemnities, the depreciation charges, as earned, and the earnings made on deposits in the capital reserve fund, and shall annually deposit any percentage of differential payments received on the movement of cargo under section 901(b), Merchant Marine Act, 1936, as amended, that the Secretary determines is from profits and is necessary to fulfill the contractor's obligation under the contract.

(c) The contractor may deposit in the fund other earnings from his vessel operations.

Sec. 1404. Tax Department of Deposits in the Fund.—(a) Deposits of capital gains into the fund are taxed in the same manner as deposits of capital gains by subsidized operators under section 607, Merchant Marine Act, 1936, as amended.

(b) Deposits of earnings and differential payments into the fund are taxed in the same manner as deposits of earnings of subsidized operators under section 607, Merchant Marine Act, 1936, as amended.

Sec. 1404. Withdrawals From the Fund.—Contractors may withdraw deposits from the fund with the same restriction and limitation, under the same conditions and with the same tax consequences as deposits may be withdrawn from the capital reserve fund by subsidized operators under section 607, Merchant Marine Act, 1936, as amended.

Sec. 1405. Investment of the Fund.—Contractors may invest deposits in the fund under the conditions and with the same restriction as deposits of subsidized operators under section 607, Merchant Marine Act, 1936, as amended.

Sec. 1406. Discontinuance of Differential Payments.—No operator of a nonsubsidized vessel may receive any differential payments for cargo moved by such vessel under section 901(b), Merchant Marine Act, 1936, as amended, unless the operator has concluded a contract with the Secretary under this Act before January 1, 1968.

Sec. 1407. Definitions.—In this Act—

(a) "Contract" means a vessel construction, acquisition, or reconstruction contract authorized by this Act.

(b) "Differential payments" means the payments made by the United States Government to operators of the United States-flag merchant vessels for the movement of cargo under section 901(b), Merchant Marine Act, 1936, as amended, at rates in excess of world market rates.

(c) "Documented" includes enrolled.

(d) "Earnings from the operation of vessels" includes hire from bareboat charters.

(e) "Earnings made on deposits" means earnings on funds deposited as well as earnings on accumulated earnings and gains made on sale of securities.

(f) "Fund" means the capital reserve fund authorized by this Act.

(g) "Nonsubsidized vessel" means any vessel not included in an operating differential subsidy contract under the Merchant Marine Act, 1936, as amended.

(h) "Person" includes corporation.

(i) "Reconstruction" means the substantial reconstruction and major modernization of a vessel if the Secretary determines that the objectives of this Act will be promoted by such reconstruction.

(j) "Secretary" means the Secretary of Commerce in reference to powers and duties relating to contracts for the construction, acquisition, or substantial reconstruction of merchant vessels and means the Secretary of the Interior in reference to powers and duties relating to contracts for the construction of fishing vessels.

(k) "Subsidized operators" means persons who have an operating differential subsidy contract under the Merchant Marine Act, 1936, as amended.

(l) "Vessel" includes non-self-propelled vessels, cargo containers, cargo vans, and other related equipment.

(m) "War-built vessel" means a vessel as defined in section 3, Merchant Ship Sales Act, 1946.

S. 1916, S. 1917, S. 1918, S. 1919, S. 1920, S. 1921, S. 1922, AND S. 1923—INTRODUCTION OF BILLS DEALING WITH COMMUNICATIONS, ELECTRIC POWER, GAS PIPELINE SAFETY, HIGHWAY SAFETY, AND PROCUREMENT OF TRANSPORTATION IN PUBLIC UTILITY SERVICES

Mr. MAGNUSON. Mr. President, at the request of the National Association of Regulatory Utility Commissioners, I introduce, for appropriate reference, a series of bills dealing with communications, electric power, gas pipeline safety, highway safety, motor carrier safety, and procurement of transportation in public utility services.

The NARUC is to be commended for its diligence in preparing these legislative responses to a number of regulatory problems. I am hopeful that the Congress will be able to give these proposals very serious consideration during this session.

Mr. President, I ask unanimous consent that the text of the various bills, together with the justification, be printed in the RECORD at this point.

The PRESIDENT pro tempore. The bills will be received, and appropriately referred, and; without objection, the bills and justifications will be printed in the RECORD.

The bills (S. 1916) to amend the Federal Power Act to further promote the provision of reliable, abundant, and economical electric power supply by intergovernmental cooperation and strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the preservation and enhancement of the environment and conservation of scenic, historic, recreational and other natural resources; and for other purposes; (S. 1917) to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to prescribe uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes; (S. 1918) to amend the Communications Act of 1934, as amended, to redefine State and local governmental authority over communications primarily of local concern; (S. 1919) to amend the Natural Gas Pipeline Safety Act of 1968 to establish a formula for the division of Federal grants among State agencies, and for other purposes; (S. 1920) to amend the Interstate Commerce Act to provide assistance to the States in establishing, developing, and administering State motor carrier safety programs to insure the safe operation of commercial motor vehicles, and for other purposes; (S. 1921) to amend the Interstate Commerce Act to provide assistance to the States in establishing, developing, and administering State motor carrier programs to enforce the economic laws and regulations of the States and the United States concerning highway transportation, and for other purposes; (S. 1922) to amend section 410 of the Communications Act of 1934 to permit the Federal Communications Commission to pay the expenses of certain State officials serving in joint hearings with the Commission; and (S. 1923) to amend the Interstate Commerce Act to strengthen and improve the enforcement of Federal and State economic laws and regulations concerning highway transportation; introduced by Mr. MAGNUSON, by request, were received, read twice by their titles, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1916

A bill to amend the Federal Power Act to further promote the provision of reliable, abundant, and economical electric power supply by intergovernmental cooperation and strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the preservation and enhancement of the environment and conservation of scenic, historic, recreational, and other natural resources; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal-State Electric Power Reliability and Scenic Conservation Act of 1969."

SEC. 2. (a) The Congress finds that reliability in the generation and transmission of electrical energy is important to the national defense, the commercial life of the country, and the general welfare of the people of the United States; that the rapidly growing demand for power, the increase in the size and complexity of generating and transmission facilities and the rapidly advancing technology in the generation and transmission of power requires a high degree of coordination in the generation and transmission of electric power within and between regions of the country; that the people of the United States are entitled to receive the benefits of such coordination notwithstanding he continuing diversity of utility ownership and while preserving the pluralism of the electric utility industry; and that a new part IV of the Federal Power Act, as added by this Act, will aid in assuring such coordination and reliability.

(b) The Congress finds that the relatively reliable electric service enjoyed by the people of the United States should be continued and improved upon, consistent with abundant, economical and efficient bulk power supplies; that the public interest in accelerated progress will be best served through the intergovernmental efforts of Federal, State and local governments in a national program designed to enlist the cooperation and stimulate the creative energies of all segments of the electric industry and all other interested persons; that the public interest requires the strengthening and expansion of the mechanisms for coordination in the electric utility industry, and the mechanisms for intergovernmental cooperation; and that actions taken under the authority of this Act should be consistent with these goals.

(c) The Congress finds that the preservation and enhancement of the environment, the conservation of natural resourecs, including scenic, historic, and recreation assets, and the strengthening of long-range land-use planning is vital to the health and welfare of the people of the United States and that actions taken under the authority of this Act should be consistent with these goals.

SEC. 3. A new part IV is added to the Federal Power Act, as amended (16 U.S.C. 791–825r), to read as follows:

"PART IV—EXPANDED REGIONAL COORDINATION

"APPLICATION AND OBJECTIVES OF PART; DEFINITIONS

"SEC. 401. (a) This part shall apply to all bulk power supply systems engaged in interstate or foreign commerce.

"(b) This part is intended to further the national policy declared by subsection 202(a) of the Federal Power Act, by assuring an abundant supply of electric energy throughout the United States with the greatest practicable economy and with due regard for the preservation and enhancement of the environment, the conservation of natural resources, including scenic, historic, and recreation assets, and the strengthening of long-range, land-use planning; by enhancing the reliability of bulk power supply; by strengthening existing, and establishing new, mechanisms for coordination in the electric utility industry; by encouraging the comprehensive development of the power resources of each area and region of the United States to take advantage of advancing technology; by seeking to strengthen State regulation of the electric utilities; and by drawing upon the cooperation of State and local governments and all segments of the electric utility industry.

"(c) As used in this part, 'person' means a 'person', 'municipality', or a 'State', as defined in section 3 of the Federal Power Act, and any department, agency, or instrumentality of the United States, and shall include privately, cooperatively, federally, and other publicly owned persons: *Provided,* That the term 'person' as used in section 407 shall not include any department, agency, or instrumentality of the United States or a federally owned person.

"(d) As used in this part, 'bulk power supply facilities' means facilities for generation or transmission of electric power and energy in interstate or foreign commerce which are of sufficient size to have a significant effect upon the reliability of electric service; *Provided,* That the term 'bulk power supply facilities' shall not include facilities for the distribution of electric power and energy.

"(e) As used in this part, 'bulk power supply' means the furnishing of electric power and energy by means of bulk power supply facilities.

"(f) As used in this part, 'extra-high-voltage facilities' or 'EHV facilities' means transmission lines and associated facilities designed to be capable of being operated at a nominal voltage higher than three hundred kilovolts between phase conductors for alternating current or between poles for direct current, the construction, extension, or modification of which is commenced two years or more after the enactment of this part.

"(g) As used in this part, 'national organization of the State commissions' means the national organization of the State commissions referred to in sections 202(b) and 205 (f) of the Interstate Commerce Act, as amended.

"(h) As used in this part, 'State commission' means the regulatory body of the State having jurisdiction to regulate rates and charges for the sale of electric energy to consumers within the State, or if no such regulatory body exists, the Governor of the State.

"(i) As used in this part, 'State commissioner' means a member of the regulatory body of the State having jurisdiction to regulate rates and charges for the sale of electric energy to consumers within the State, or if no such regulatory body exists, the Governor of the State or his designee.

"RELATION TO OTHER PARTS

"SEC. 402. This part supplements parts I, II, and III in order further to promote the reliability, abundance, and efficiency of bulk power supply in the United States and to assure that actions taken pursuant to all parts shall have due regard for the enhancement and preservation of the environment, the conservation of natural resources, including scenic, historic, and recreation assets and the strengthening of long-range land-use planning.

"COOPERATION OF GOVERNMENTS AND BULK POWER SUPPLY SYSTEMS

"SEC. 403. The purposes of this part should be achieved as far as possible by intergovernmental cooperation and cooperation among all persons engaged in bulk power supply, or affected thereby, whatever their nature.

"REGIONAL POWER COORDINATION ORGANIZATIONS

"SEC. 404. (a) After appropriate consultation, held under procedures to be prescribed by the Commission, with persons engaged in bulk power supply, appropriate Federal agencies and State commissions, the national organization of the State Commissions, State and local regulatory officials, the Commission shall secure the establishment of appropriate regional organizations to carry out regional and interregional coordination. Each regional coordination organization (hereafter 'regional council') shall be open to membership by each electric system in the region, whatever the nature of its ownership or of its facilities. Some electric systems may in appropriate cases be admitted to more than one regional council. The Commission, and the State commissions within the region, may designate appropriate staff representatives, who shall participate in the work of the regional councils, except for the ultimate adoption of coordination plans or any other council actions.

"(b) Under such rules as the Commission shall prescribe, each regional council shall file a statement of its organization, and any amendments thereto, with the Commission, the appropriate State Joint Board (hereafter defined), and each State commission represented on such State Joint Board. Such statements and amendments shall be available for public inspection. Within thirty days after adoption by the council, any regional, or interregional coordination plan, including reliability standards, or amendment thereto developed by such regional council shall be filed with the Commission, the appropriate State Joint Board, and each State commission represented on such State Joint Board, under such rules as the Commission shall prescribe. Such coordination plans, including reliability standards, and amendments shall be available for public inspection. The Commission shall consider such coordination plans, including reliability standards, and amendments in exercising its responsibilities under this Act, including parts I, II, III, and IV; *Provided,* That such coordination plans and amendments shall in no manner be construed or considered as comprehensive plans pursuant to section 10(a) of part I of this Act (16 U.S.C. 803d).

"(c) After notice and opportunity for hearing and after consultation with the State Joint Board, the Commission may by order determine whether any statement of organization filed under subsection (b) of this section is consistent with the objectives of this part. If the Commission determines that the statement is not consistent with the objectives of this part it shall modify it or set it aside.

"(d) After public notice and opportunity for hearing, to be held insofar as practicable in the region affected, the Commission and State Joint Board may determine whether any coordination plan, including reliability standards, submitted under this section is consistent with the objectives of this part. If the Commission or the State Joint Board determines that the coordination plan, including reliability standards, is not consistent with the objectives of this part it shall have no authority under this part to modify it or set it aside, but shall request reconsideration and revision of the plan by the regional council. The Commission or the State Joint Board shall accompany its request with a specific statement of its reasons as to why it believes revision is required in the public interest. If upon reconsideration, the regional council fails to comply with the request of the Commission or the State Joint Board, the Commission or the Board shall report such failure to the Congress.

"(e) The Commission and the State Joint Board shall require annual reports from the regional council and such additional reports as they may deem necessary or appropriate to carry out the objectives of this part. The Commission shall, and each State Joint Board may, annually report to the Congress on the effectiveness of the regional and interregional coordination efforts.

"(f) If the Commission, after notice and after opportunity for hearings, determines that any person engaged in generation or transmission unreasonably refuses to participate in the creation of a regional council, to contribute toward its expenses, or to participate in effective regional or interregional coordination, it may require such person by order to participate in the creation and work of such regional council, and to contribute a reasonable share of the expenses thereof, to the extent the Commission finds necessary to carry out the objectives of this part.

"(g) A State Joint Board, under the provisions of this part, shall be composed solely of one State commissioner from each State, within all or part of the region of a regional council, nominated by the State commission and appointed by the Commission. There shall be a separate State Joint Board for each regional council. Each State commission shall certify to the Commission the name, title and address of its nominee. A substitution of membership upon a Board from any State may be made at any time by the nomination by the State commission of a successor and his appointment by the Commission. If a State commission shall fail to nominate a member, in the original constitution of the Board or to fill a vacancy therein, the Board shall be constituted, or shall continue to function, without a member from such State until such time, if ever, as such a member shall be nominated and appointed as provided above. Each member of the Board shall have one vote. The Chairman of the Board shall be elected by the members of the Board and shall serve at their pleasure. All decisions of the Board shall be by majority vote. The Commission shall designate an examiner to advise with and assist the Board in the handling of any proceedings before it. The Commission shall provide each Board from among the personnel and facilities of the Commission such staff and facilities as are necessary to carry out the functions of the Board. In conducting hearings, each Board shall be vested with the same rights, duties, powers and jurisdiction as are vested in a hearing examiner when designated by the Commission to hold a hearing. An order of the State Joint Board shall be deemed an order of the Commission for purposes of judicial review. The members of the Joint Board when administering the provisions of this Act shall be reimbursed by the Commission for their reasonable travel and subsistence expenses. A Board shall direct by the giving of reasonable advance notice. A majority of the members of a Board shall constitute a quorum.

"NATIONAL ELECTRIC STUDIES COMMITTEE

"SEC. 405. The Commission, after consultation with the State Joint Boards and the regional councils, shall establish a national committee representative of all elements of the electric industry as well as representative of consumer interests, conservation organizations and land-use planning experts to facilitate interregional exchange of views and experience and to consolidate electric industry efforts to investigate major present and future problems in planning and operating of bulk power supply facilities. The Committee shall seek to stimulate vigorous scientific and engineering interest in the challenges to achieving reliable and efficient bulk power supply for the United States and protecting and enhancing the general environment of the United States.

"COORDINATION AGREEMENTS

"SEC. 406. Subject to such rules and regulations as the Commission may prescribe, a copy of all written agreements and a written statement of all oral agreements for coordinated planning or operation of bulk power supply facilities (including but not limited to agreements for joint ownership of such facilities) shall be lodged with the Commission and the State Joint Board of the region affected by or on behalf of the persons participating in such agreement. Each such statement or copy of agreement shall be readily available for inspection by the public within the region affected and with the Commission.

"CONSTRUCTION OF EXTRA-HIGH-VOLTAGE FACILITIES

"SEC. 407. (a) Any person proposing the construction of extra-high-voltage facilities in a State whose State commission does not at that time possess the authority to regulate the routing or location of such facilities based upon due consideration being given to (1) the requirements for present and future demands for service, (2) the reliability of electric service, (3) the conservation, to the extend practicable, of scenic, historic and recreation assets, and (4) long-range land-use planning (the existence or non-existence of such authority being evidenced by an opinion of the chief legal officer representing the State commission), shall file with the State Joint Board of each region directly affected by the proposed routing or location of such facilities, where not subject to such State regulation, its proposal which shall include a map and specific information as to the routing of the proposed line or location of proposed plant and such other information as the State Joint Board may require to enable it to determine whether the proposed construction of such facilities is consistent with the objectives of this section identified as (1), (2), (3) and (4) above. The State Joint Board shall require the person filing the proposal to cause notice of same to be promptly published in local newspapers of general circulation in the region affected and to be served upon interested Federal, State, and local agencies, parties whose interests may be affected and such other interested persons as the State Joint Board may require. The State Joint Board shall afford to any interested person a reasonable time in which to comment upon such filing.

"(b) No such person may commence construction of extra-high-voltage facilities under this section unless and until the State Joint Board issues an order determing that such proposed construction is consistent with the objectives of subsection (a) of this section identified as (1), (2), (3) and (4). The State Joint Board shall issue a prohibitory order when it concludes that the proposed construction of such facilities is inconsistent with such objectives. Any order issued shall summarize the State Joint Board's reasons for its actions.

"(c) In reviewing extra-high-voltage facilities proposals, the State Joint Board shall use informal procedures, including joint or separate conferences, to the fullest extent feasible. However, the State Joint Board shall not finally disapprove a proposal under this section except after timely notice served upon all interested parties and opportunity for public hearing held in the region affected. Any such public hearing shall be instituted and concluded as promptly as practicable after the date the proposal for construction of EHV facilities is filed with the Board.

"(d) If a State Joint Board fails to issue an order permitting or prohibiting such proposed construction of extra-high-voltage facilities within one hundred and twenty days from the date such proposal is filed with the Board, or, in the event of a public hearing, within one hundred and twenty days from the date the record is closed in such hearing, the Commission may assert jurisdiction over such proposed construction and permit or prohibit it in accordance with the objectives of subsection (a) of this section identified as (1), (2), (3) and (4).

"SEC. 408. Subject to such rules and regulations as the Commission shall prescribe after consultation with the State Joint Boards and the national organization of the State commissions, any department, agency, or instrumentality of the United States or a federally owned person proposing the construction of extra-high-voltage facilities shall file with the State Joint Board of each region directly affected by the proposed routing or location of such facilities, its proposal which shall include a map and specific information as to the routing of the proposed line or location of proposed plant and such other information as the State Joint Board or Boards may require to determine whether the proposed construction of such facilities is consistent with the objectives of this part. The State Joint Board or Boards shall, after consultation with the person proposing construction of such EHV facilities and other interested parties and within ninety days after the date such proposal is filed, approve such proposal if found to be consistent with the objectives of this part or recommend appropriate modification of the proposal if found inconsistent with the objectives of this part. If a modification is recommended, such person, within thirty days, shall modify the proposal as recommended or state its reasons for declining to abide by the recommendation. No such person may commence construction of EHV facilities under this section until: (a) such State Joint Board or Boards issue an order determining that such proposed construction is consistent with the objectives of this part; or (b) the expiration of one hundred and twenty days after the date such proposal is filed; whichever event occurs first. The periods of time prescribed in this section may be enlarged by such State Joint Board or Boards upon approval of the Commission."

S. 1917

A bill to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to prescribe uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange services; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal-State Communications Joint Board Act of 1969."

SEC. 2. The Communications Act of 1954, as amended, is further amended by striking subsection (c) and (d) of Section 221 and inserting in lieu thereof the following:

"(c) There is hereby established a Federal-State Joint Board (hereinafter defined) vested with sole administrative authority under this Act to adopt and amend from time to time by order uniform procedures for determining what part of the property and expenses of common carriers engaged in wire or radio communication shall be considered as used in interstate or foreign communication toll service subject to the jurisdiction of the Commission, and what part of such property and expenses shall be considered as used in intrastate, exchange or other communication service not subject to the jurisdiction of the Commission. Such uniform procedures shall be determined after opportunity for hearing, upon notice to each affected carrier, the State commission (or the Governor, if the State has no State commission) of any State in which the property of such carrier is located, and such other persons as the Federal-State Joint Board may prescribe. The establishment of the Federal-State Joint Board shall not impair in any way the right of any State commission, the national organization of the State commissions, hereinafter referred to, or any other interested party to advocate its position on issues before such Board, to submit evidence and oral argument concerning same, and to seek

reconsideration and judicial review of the Board's decisions.

"(d) The Federal-State Joint Board shall be composed of four Commissioners of the Commission designated by the Commission, and three commissioners of State commissions, nominated by the national organization of the State commissions, as referred to in Sections 202(b) and 205(f) of the Interstate Commerce Act, as amended, and appointed by the Commission. The Commission shall designate one of the members of the Board as Chairman.

"(e) Each State commissioner member of the Federal-State Joint Board shall be selected in the following manner. The national organization of the State commissions or a committee designated by it shall nominate one, two, or three State commissioners, as requested by the Commission, and certify the name, title, and address of each nominee to the Commission within ninety days after the date this Act becomes law, or at least ninety days prior to the expiration of the term of an incumbent State commissioner, or within thirty days after a vacancy occurs in the office, as the case may be. Within thirty days after receipt of such certification, the Commission shall appoint the nominee or one of the nominees as a member of the Federal-State Joint Board. In any case where the national organization of the State commissions fails to so nominate and certify State commissioners within the prescribed time, the Commission shall appoint a State commissioner as a member of the Board to serve in lieu of the nominee it would have otherwise appointed.

"(f) Each State commissioner member of the Federal-State Joint Board shall hold office for a term of three years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of members first taking office after the date this Act becomes law shall expire as follows: one at the end of one year after such date, one at the end of two years after such date, and one at the end of three years after such date, as designated by the Commission at the time of appointment, and (3) the term of any member shall be extended until the date on which the successor's appointment is effective. The office of a State commissioner member of the Board shall become vacant upon the incumbent ceasing to be a State commissioner.

"(g) A State commissioner member of the Federal-State Joint Board shall, while attending meetings or hearings of such Board or otherwise engaged in the business of such Board, be entitled to receive compensation at a rate fixed by the Commission, but not exceeding $100 per diem, including traveltime, and while away from his home or regular place of business he may be allowed travel expenses, including per diem in lieu of subsistence, as authorized in Section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently. Payments under this section shall not render a State commissioner member of the Board an employee or official of the United States for any purpose.

"(h) The Federal-State Joint Board shall meet from time to time upon the call of the Chairman of the Board or of three members of the Board. A majority of the members of the Board shall constitute a quorum. Each member of the Board shall have one vote. All decisions of the Board shall be by majority vote. The Commission shall designate an examiner to advise with and assist the Board in the handling of any proceedings before it. The Commission shall provide the Board from among the personnel and facilities of the Commission such staff and facilities as are necessary to carry out the functions of the Board. In conducting hearings, the Board, within the scope of its authority, shall be vested with the same rights, duties and powers as are vested in the Commission in holding a hearing. An order of the Board shall be deemed an order of the Commission for purposes of judicial review.

"(i) In making a valuation of the property of any telephone carrier, the Commission, after the adoption of the uniform procedures authorized in subsection (c) of this section, may in its discretion value only that part of the property of such carrier determined to be used in interstate or foreign communication toll service."

S. 1918

A bill to amend the Communications Act of 1934, as amended, to redefine State and local governmental authority over communications primarily of local concern

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Local Communication Service Act of 1969."

SEC. 2. The Communications Act of 1934, as amended, is further amended by striking subsections (r) and (s) of section 3 and inserting in lieu thereof two new subsections to read as follows:

"(r) 'Exchange service' means communication service between two or more points within an exchange area. An exchange area is that area within which communication service is provided for under exchange service charges subject to regulation by a State commission or by local governmental authority.

"(s) 'Toll service' means communication service between stations in different areas for which there is made a separate charge not included in contracts with subscribers for exchange service."

SEC. 3. The Communications Act of 1934, as amended, is further amended by striking the word "telephone" from subsection (b) of section 221.

S. 1919

A bill to amend the Natural Gas Pipeline Safety Act of 1968 to establish a formula for the division of Federal grants among State agencies, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Natural Gas Pipeline Safety Act Amendment of 1969."

SEC. 2. The Natural Gas Pipeline Safety Act of 1968, 82 Stat. 720, is amended by striking the first sentence of paragraph (1) of subsection (c) of section 5 and inserting in lieu thereof a new sentence to read as follows: "Upon application, the Secretary is authorized to pay out of funds appropriated or otherwise made available up to 50 per centum of the cost of the personnel, equipment and activities of a State agency reasonably required, during the ensuing fiscal year: to carry out a safety program under a certification under subsection (a) or an agreement under subsection (b) of this section; or to act as agent of the Secretary in enforcing Federal safety standards for pipeline facilities or the transportation of gas subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act."

SEC. 3. The Natural Gas Pipeline Safety Act of 1968 is further amended by adding at the end of subsection (c) of section 5 the following:

"(4) Federal funds authorized to be appropriated or otherwise made available for each fiscal year for the purposes of this subsection shall be apportioned, on or before January 1 next preceding the commencement of each fiscal year, by the Secretary among the several States, whose State agencies are eligible for funds under this section, in the following manner: one-half in the ratio which the mileage of pipelines engaged in transportation of gas and subject to safety standards enforced by State agency within the State bears to the total mileage of such pipelines in all of the States whose State agencies are eligible for funds under this section; and one-half in the ratio which the number of retail customers directly served by pipelines engaged in the transportation of gas and subject to safety standards enforced by State agency within the State bears to the total number of such retail customers in all of the States whose State agencies are eligible for funds under his section; *Provided,* That no State, to the extent it is able to satisfy the 50 per centum requirement of paragraph (1) of this subsection, shall receive less than one-fourth of 1 per centum of each year's apportionment or $50,000, whichever is the greater.

"(5) On or before January 1 next preceding the commencement of each fiscal year, the Secretary shall certify to each such State agency the funds which he has apportioned hereunder to each State for such fiscal year. As soon as practicable after the apportionment has been made for each fiscal year, the State agency of any State desiring to obtain financial assistance shall submit to the Secretary for his approval the State's safety program for the use of the funds apportioned for such fiscal year. The Secretary shall act on each State program as soon as practicable after it has been submitted. The Secretary may approve any program in whole or in part. His approval of any program shall be deemed a contractual obligation of the Federal Government for the payment of its apportioned contribution thereto. If a State agency elects not to accept the funds apportioned to it, such funds shall be reapportioned, in accordance with the above formula, among the other States whose State agencies are eligible to receive Federal funds under this subsection.

"(6) The Secretary may, in his discretion, from time to time as work progresses make payment to a State agency for the annual program costs incurred by it. These payments shall at no time exceed the Federal share of the program costs incurred to the date of the voucher covering such payment. After completion of an annual program and approval of the final voucher by the Secretary, the State agency shall be entitled to payment out of the appropriate funds apportioned to it of the unpaid balance of the Federal share on account of such program. Such payments shall be made to such official or officials or depository as may be designated by the State agency and authorized under the laws of the State to receive public funds of the State.

"(7) Upon application by the national organization of the State commissions submitted on or before September 30th of any calendar year, the Secretary shall pay out of the funds appropriated pursuant to this Act, or other available funds, the sum of $20,000, plus such additional sums as he deems justified, to such national organization, to pay, during the ensuing calendar year, the reasonable cost of (i) conducting training of State enforcement personnel, (ii) furnishing technical assistance, or (iii) other activities appropriate for the advancement of the safety programs of State agencies carried on under this Act.

SEC. 4. Section 15 of the Natural Gas Pipeline Safety Act of 1968 is amended by inserting "(a)" immediately after "Sec. 15." and by adding at the end thereof the following:

"(b) For the purpose of further aiding the Secretary in providing financial assistance to State agencies pursuant to section 5(c) of this Act, there is hereby authorized to be appropriated the additional sum of $——— for the fiscal year ending June 30, 1970; the additional sum of $——— for the fiscal year ending June 30, 1971; and the additional sum of $——— for the fiscal year ending June 30, 1972."

S. 1920

A bill to amend the Interstate Commerce Act to provide assistance to the States in establishing, developing, and administering State motor carrier safety programs to insure the safe operation of commercial motor vehicles, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Carrier Safety Act of 1969."

SEC. 2. Part II of the Interstate Commerce Act, as amended, is amended by inserting after section 205 thereof a new section 205a as follows:

"MOTOR CARRIER SAFETY

"SEC. 205a(1). Policy, purpose and assistance to the States.

"(A) The Congress declares that public policy requires measures to reduce the causes of death, injury and damage resulting from the operation of commercial motor vehicles in interstate or foreign commerce on the Nation's highways, and finds that a program of joint Federal-State cooperation in the enforcement of safety regulations pertaining to such vehicles is needed to achieve this end.

"(B) In furtherance of this policy the Secretary is authorized to cooperate with appropriate State commissions in establishing, developing and administering a State motor carrier safety program designed to insure the safe operation of commercial motor vehicles on the highways by regulating the safety of operation and equipment, and the qualifications and maximum hours of service of employees, and in providing for the effective enforcement of such programs.

"SEC. 205a(2). Definitions.

"As used in this section—

"(A) The term 'Secretary' means the Secretary of Transportation.

"(B) The term 'motor carrier' means any person operating in commercial service in interstate or foreign commerce on the public highways a motor vehicle with six or more wheels and (i) a gross weight in excess of 10,000 pounds or (ii) designed to transport more than one ton of cargo or more than six passengers including the driver.

(C) The term 'motor carrier safety program' means a range of activities specifically designed to insure the safe operation of motor carriers on the public highways, including qualification and maximum hours of service of employees, and safety of operation and equipment.

"(D) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

"(E) The term 'State commission' means the State department, commission, agency, officer, or official authorized by State law to adopt or enforce regulations governing the safety of operation of motor carriers.

"(F) The term 'national organization of the State commissions' means the national organization of the State commissions referred to in sections 202(b) and 205(f) of the Act.

"SEC. 205a(3). Federal Assistant for Motor Carrier Safety Programs.

"The Secretary is authorized to make grants for the purpose of establishing, increasing and maintaining motor carrier safety programs administered by State commissions to reduce the causes of death, injury and property damage on the highways, and to develop Federal-State cooperation in the conduct of these programs.

"SEC. 205a(4). Minimum Program.

"The Secretary shall establish by order a minmum motor carrier safety program to be used in determining the eligibility of a State to receive grants under this section. The safety aspect of such motor carrier programs may be based, to the extent the Secretary finds appropriate, on existing motor carrier safety regulations and hazardous material regulations.

"SEC. 205a(5). Minimum Motor Carrier Regulations and Enforcement.

"(A) The Secretary shall formulate minimum motor carrier safety regulations, minimum hazardous material regulations and minimum standards for the enforcement of such regulations, after consultation and cooperation with the State commissions, the national organization of the State commissions, and the National Motor Carrier Safety Advisory Committee provided for in subsection 205a(8)(A), which he shall promulgate within two years after this Act takes effect. Five years after this Act takes effect, the State commissions which have adopted regulations at least equal to those minimum motor carrier safety regulations and minimum hazardous material regulations and have established enforcement procedures at least equal to those minimum enforcement standards, may receive grants under this section unless the Secretary finds for good cause shown, and publishes his reasons for such finding, that a later effective date is in the public interest. The Secretary may, for good cause and after consultation and cooperation with the above parties, by order amend or revoke any such minimum motor carrier safety regulation, hazardous material regulations or enforcement standard established by him under this section.

"(B) A State commission may adopt such additional or more stringent safety regulations applicable to motor carriers as are not incompatible with the minimum motor carrier safety regulations and minimum hazardous material regulations promulgated and adopted by the Secretary pursuant to subsection 205a(5)(A), if such regulations adopted by the State commission are reasonable, do not constitute an undue burden on interstate commerce, and are required to better protect the public safety.

"SEC. 205a(6). Grant Authorization.

"(A) The Secretary is authorized to make grants to State commissions for a period of two years after this Act takes effect in an amount up to 100 per centum of the cost of planning, developing, and establishing minimum motor carrier safety programs in States requiring such assistance, and thereafter, grants in an amount not to exceed 50 per centum of the cost of maintaining and further developing effective and continuing motor carrier safety programs. The Secretary shall make the grants authorized by this subsection only upon application by the State commission. Whenever a State shall have two or more State commissions, as determined by the chief legal officer of the State, the States shall organize a 'Governor's Council' composed of the Governor, or his representative, and one representative of each State commission, each of whom shall have one vote, and decisions of the Council shall be by majority vote. Each grant application shall describe the long range program proposed by the applicant State to carry out the basic purposes set forth in this section and shall be in such form and contain such additional information as the Secretary may require. The Secretary may approve an application for a grant only to State commissions which:

"(1) have a State commission or commissions, and in the event of two or more State commissions, the motor carrier safety program for such State shall be coordinated by and through the Governor's Council;

"(2) have on file with the Secretary an approved motor carrier safety program with regulations, including enforcement procedures, conforming to the purposes and requirements of this section;

"(3) submit an annual work plan satisfactory to the Secretary which shall disclose the total estimated cost of the annual program;

"(4) have regulations which, in the Secretary's determination, do not constitute an unreasonable burden on motor carriers;

"(5) provide assurance satisfactory to the Secretary that Federal funds made available under this section will be so used as to supplement and, to the extent practical; increase the amount of funds that the applicant would make available for motor carrier safety in the absence of such Federal funds; and

"(6) provide assurance satisfactory to the Secretary that its expenditure of State funds not derived from Federal sources, for its motor carrier safety program, will be maintained at a level which does not fall below the average level of such expenditures for its last two full fiscal years preceding the date of enactment of this section.

"(B) The Secretary shall not disapprove any State's application under this subsection without first providing the State commission concerned reasonable notice and opportunity in a hearing to present its views. Each State commission receiving a grant under this section shall submit an annual report on its program containing such information as the Secretary requires.

"(C) Upon application by the national organization of the State commissions submitted on or before September 30th of any calendar year, the Secretary shall pay out of the funds appropriated pursuant to this Act, or other available funds, the sum of $20,000, plus such additional sums as he deems justified, to such national organization, to pay, during the ensuing calendar year, the reasonable cost of coordinating the activities of the State commissions, to assist them in the maintenance and improvement of motor carrier safety programs, and to render assistance to such commissions in other regulatory matters.

"(D) Funds authorized to be appropriated for each fiscal year to carry out this section shall be used to aid the State commissions to conduct the motor carrier safety programs approved in accordance with such section and shall be apportioned by the Secretary among the several States on or before January 1 next preceding the commencement of each fiscal year. Such funds for each fiscal year shall be apportioned among the several States in the following manner:

"One-half in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; and

"One-half in the ratio which motor carriers use the public highways within the State, based on the reportable miles operated by them in the State for motor fuel tax purposes or on other appropriate criteria, bears to the total motor carrier use of the public highways within all the States;

"Provided, That no State shall receive less than one-fourth of 1 per centum of each year's apportionment or $50,000, whichever is the greater.

"(E) On or before January 1 next preceding the commencement of each fiscal year, the Secretary shall certify to each State commission the funds which he has apportioned hereunder to each State for such fiscal year. As soon as practicable after the apportionment has been made for each fiscal year, the State commission of any State desiring to obtain financial assistance shall submit to the Secretary for his approval the State's motor carrier safety program for the use of the funds apportioned for such fiscal year. The Secretary shall act on each State program as soon as practicable after it has been submitted. The Secretary may approve any program in whole or in part. His approval of any program shall be deemed a contractual obligation of the Federal Government for the payment of its apportioned contribution thereto. If a State commission elects not to accept the funds apportioned to it, such funds shall be reapportioned in accordance with the above formula, among the other

States whose State commissions are eligible to receive Federal funds under this section.

"(F) The Secretary may, in his discretion, from time to time as work progresses make payments to a State commission for the annual program costs incurred by it. These payments shall at no time exceed the Federal share of the program costs incurred to the date of the voucher covering such payment. After completion of an annual program and approval of the final voucher by the Secretary, the State commission shall be entitled to payment out of the appropriate funds apportioned to it of the unpaid balance of the Federal share on account of such program. Such payments shall be made to such official or officials or depository as may be designated by the State commission and authorized under the laws of the State to receive public funds of the State.

"(G) State personnel, compensated in whole or in part from Federal funds received under this section, shall be authorized, while engaged in the conduct of the motor carrier safety program, to enforce the safety and economic laws of the State concerning highway transportation.

"SEC. 205a(7). Research, Training and Development.

"In order to encourage training, research and development in the motor carrier safety field, the Secretary is authorized to conduct research and development and in addition is authorized—

"(A) to make continuing studies and undertake approaches, techniques, systems, equipment, and devices to improve motor carrier safety;

"(B) to enter into contracts with public agencies, institutions of higher education, private organizations and individuals to conduct research, demonstration, or special projects pertaining to the purposes described in this section, including the development of new or improved approaches, techniques, systems, equipment and devices to improve motor carrier safety;

"(C) to provide instructional assistance to the States for the programs authorized under this section, and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects authorized by this section;

"(D) to carry out a program of collection and dissemination of information obtained by the Department or other Federal agencies, State and public agencies, institutions of higher education, or private organizations engaged in projects under this subsection, including information relating to new or improved approaches, techniques, systems, equipment, and devices to improve motor carrier safety; and

"(E) to make grants to the national organization of the State commissions, or other national organizations representing State governments or State officials, to pay up to 50 per centum of the costs of providing training to officials or employees of State commissions relative to the conduct of their motor carrier safety programs.

"SEC. 205a(8). National Motor Carrier Safety Advisory Committee; Cooperation.

"(A) There is established in the Department of Transportation a National Motor Carrier Safety Advisory Committee, composed of the Secretary or an officer of the Department appointed by him, who shall be Chairman, the Federal Highway Administrator, and 20 members appointed by the Secretary, five of whom shall be State commissioners nominated by the national organization of the State commissions. The remainder of the appointed members, having due regard for the purposes of this subsection, shall be selected from among representatives of public and private interests, contributing to, affected by, or concerned with the conduct of motor carrier safety programs, including national organizations of motor carrier vehicle manufacturers, owners, and operators, as well as research scientists and other individuals who are expert in this field. Members of the Committee who are not officers or employees of the United States shall, while attending meetings or conferences of such Committee or otherwise engaged in the business of such Committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Payments under this section shall not render members of the Committee employees or officials of the United States for any purpose.

"The National Motor Carrier Safety Advisory Committee shall advise, consult with, and make recommendations to, the Secretary on matters relating to the activities and functions of the Department relative to the conduct of motor carrier safety programs. The Committee is authorized (1) to review training, research or development projects or programs submitted to or recommended by it relative to the conduct of motor carrier safety programs and recommend to the Secretary any such projects which it believes show promise of making valuable contributions to the strengthening of such motor carrier safety programs in the public interest; and (2) review, prior to issuance, regulations and standards proposed to be issued by order of the Secretary under the provisions of subsections 205a (4) and 205a (5) of this section and to make recommendations thereon. Such recommendations shall be published in connection with the Secretary's determination or order.

"The National Motor Carrier Safety Advisory Committee shall meet from time to time as the Secretary shall direct, but at least once each year.

"(B) The Secretary shall provide such staff and facilities to the National Motor Carrier Safety Advisory Committee from among the personnel and facilities of the Department of Transportation as are necessary to carry out the functions of such Committee.

"(C) The Secretary is authorized and directed to assist, cooperate and consult with other Federal departments and agencies, State and local governments, private industry, the national organization of the State commissions, and other interested parties, in order to carry out the provisions of this section.

"SEC. 205a(9). Administration and Reporting.

"(A) The Secretary shall carry out the provisions of this section through the Federal Highway Administration.

"(B) Nothing in this section shall prohibit the Secretary from enforcing any other provisions of the Interstate Commerce Act relating to motor carriers in those States which have not adopted the minimum motor carrier safety regulations and the minimum hazardous materials regulations.

"(C) The Secretary shall submit to the President for transmission to the Congress on or before January 1 of each year a report on the activities carried on pursuant to the provisions of this section during the preceding full fiscal year and recommendations for future legislation, if any.

"SEC. 3. Authorization of Appropriations.

"(A) For the purpose of carrying out section 205a (6) of the Interstate Commerce Act, there is hereby authorized to be appropriated the sums of $——— for the fiscal year ending June 30, 1970, $——— for the fiscal year ending June 30, 1971, and for the succeeding fiscal years such sums as the Congress may hereafter authorize. The unexpended balance of sums appropriated under this section for any fiscal year shall remain available for expenditure during the next succeeding fiscal year in addition to amounts otherwise available to carry out this section in such year.

"(B) For the purpose of carrying out section 205a (7) of the Interstate Commerce Act, there is hereby authorized to be appropriated to remain available until expended the sums of $——— for the fiscal year ending June 30, 1970; and $——— for the fiscal year ending June 30, 1971.

S. 1921

A bill to amend the Interstate Commerce Act to provide assistance to the States in establishing, developing, and administering State motor carrier programs to enforce the economic laws and regulations of the States and the United States concerning highway transportation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Carrier Economic Law Enforcement Act of 1969."

SEC. 2. Part II of the Interstate Commerce Act, as amended, is amended by inserting after section 205 thereof a new section 205b as follows:

"MOTOR CARRIER ECONOMIC LAW ENFORCEMENT

"SEC. 205b(1). Policy, purpose and assistance to the States.

"(A) The Congress declares that public policy requires additional measures to enforce the economic laws and regulations of the States and the United States concerning highway transportation so as to enhance the strength and vitality of lawful motor carrier operations which are essential not only to meeting the growing transportation needs of the people of the United States, but also to the national economy and defense, and further finds that a program of joint Federal-State cooperation in the enforcement of such economic laws and regulations is needed to achieve this end.

"(B) In furtherance of this policy the Interstate Commerce Commission is authorized to cooperate with appropriate State commissions in establishing, developing and administering a State motor carrier economic law enforcement program to combat the conduct of illegal motor carrier operations, and in providing for the effective enforcement of such program.

"SEC. 205b(2). Definitions.

"As used in this section—

"(A) The term 'Commission' means the Interstate Commerce Commission.

"(B) The term 'motor carrier' means any person operating in commercial service in interstate or foreign commerce on the public highways a motor vehicle with six or more wheels and (i) a gross weight in excess of 10,000 pounds or (ii) designed to transport more than one ton of cargo or more than six passengers including the driver.

"(C) The term 'motor carrier program' means a range of activities specifically designed to insure the enforcement of the economic laws and regulations of the United States concerning motor carriers.

"(D) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

"(E) The term 'State commission' means the State department, commission, agency, officer, or official authorized by State law to fix rates for transportation by motor carriers or to certificate or permit their operations.

"(F) The term 'national organization of the State commissions' means the national

organization of the State commissions referred to in sections 202(b) and 205(f) of the Act.

"SEC. 205b(3). Federal Assistance for Motor Carrier Programs.

"The Commission is authorized to make grants for the purpose of establishing, increasing and maintaining motor carrier programs administered by State commissions to combat illegal motor carrier operations by enforcing the economic laws and regulations of the States and United States concerning highway transportation, and to develop Federal-State cooperation in the conduct of these programs.

"SEC. 205b(4). Minimum Program.

The Commission shall establish by order a minimum motor carrier program to be used in determining the eligibility of a State to receive grants under this section.

"SEC. 205b(5). Minimum Motor Carrier Regulations and Enforcement.

"The Commission shall formulate minimum standards for the enforcement of the economic laws and regulations of the United States concerning motor carriers, after consultation and cooperation with the State commissions, the national organization of the State commissions, the National Motor Carrier Enforcement Advisory Committee provided for in subsection 205b(8)(A), which it shall promulgate within two years after this Act takes effect. Five years after this Act takes effect, the State commissions which have established enforcement procedures at least equal to those minimum enforcement standards, may receive grants under this section unless the Commission finds for good cause shown, and publishes its reasons for such finding, that a later effective date is in the public interest. The Commission may, for good cause and after consultation and cooperation with the above parties, by order amend or revoke any such enforcement standard established by it under this section.

"SEC. 205b(6). Grant Authorization.

"(A) The Commission is authorized to make grants to State commissions for a period of two years after this Act takes effect in an amount up to 100 per centum of the cost of planning, developing, and establishing minimum motor carrier programs in States requiring such assistance, and thereafter, grants in an amount not to exceed 50 per centum of the cost of maintaining and further developing effective and continuing motor carrier programs. The Commission shall make the grants authorized by this subsection only upon application by the State commission. Whenever a State shall have two or more State commissions, as determined by the chief legal officer of the State, the States shall organize a 'Governor's Council' composed of the Governor, or his representative, and one representative of each State commission, each of whom shall have one vote, and decisions of the Council shall be by majority vote. Each grant application shall describe the long range program proposed by the applicant State to carry out the basic purposes set forth in this section and shall be in such form and contain such additional information as the Commission may require. The Commission may approve an application for a grant only to State commissions which:

"(1) have a State commission or commissions, and in the event of two or more State commissions, the motor carrier program for such State shall be coordinated by and through the Governor's Council;

"(2) have on file with the Commission an approved motor carrier program with regulations, including enforcement procedures, conforming to the purposes and requirements of this section;

"(3) submit an annual work plan satisfactory to the Commission which shall disclose the total estimated cost of the annual program;

"(4) provide assurance satisfactory to the Commission that Federal funds made available under this section will be so used as to supplement and, to the extent practical, increase the amount of funds that the applicant would make available for motor carrier enforcement in the absence of such Federal funds; and

"(5) provide assurance satisfactory to the Commission that its expenditure of State funds not derived from Federal sources, for its motor carrier program, will be maintained at a level which does not fall below the average level of such expenditures for its last two full fiscal years preceding the date of enactment of this section.

"(B) The Commission shall not disapprove any State's application under this subsection without first providing the State commission concerned reasonable notice and opportunity in a hearing to present its views. Each State commission receiving a grant under this section shall submit an annual report on its program containing such information as the Commission requires.

"(C) Upon application by the national organization of the State commissions submitted on or before September 30th of any calendar year, the Commission shall pay out of the funds appropriated pursuant to this Act, or other available funds, the sum of $20,000, plus such additional sums as it deems justified, to such national organization, to pay, during the ensuing calendar year, the reasonable cost of coordinating the activities of the State commissions, to assist them in the maintenance and improvement of motor carrier programs, and to render assistance to such commissions in other regulatory matters.

"(D) Funds authorized to be appropriated for each fiscal year to carry out this section shall be used to aid the State commissions to conduct the motor carrier programs approved in accordance with such section and shall be apportioned by the Commission among the several States on or before January 1 next preceding the commencement of each fiscal year. Such funds for each fiscal year shall be apportioned among the several States in the following manner:

"One-half in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; and

"One-half in the ratio which motor carriers use the public highways within the State, based on the reportable miles operated by them in the State for motor fuel tax purposes or on other appropriate criteria, bears to the total motor carrier use of the public highways within all the States;

"Provided, That no State shall receive less than one-fourth of 1 per centum of each year's apportionment or $500,000, whichever is the greater.

"(E) On or before January 1 next preceding the commencement of each fiscal year, the Commission shall certify to each State commission the funds which it has apportioned hereunder to each State for such fiscal year. As soon as practicable after the apportionment has been made for each fiscal year, the State commission of any State desiring to obtain financial assistance shall submit to the Commission for its approval the State's motor carrier program for the use of the funds apportioned for such fiscal year. The Commission shall act on each State program as soon as practicable after it has been submitted. The Commission may approve any program in whole or in part. Its approval of any program shall be deemed a contractual obligation of the Federal Government for the payment of its apportioned contribution thereto. If a State commission elects not to accept the funds apportioned to it, such funds shall be reapportioned in accordance with the above formula, among the other States whose State commissions are eligible to receive Federal funds under this section.

"(F) The Commission may, in its discretion, from time to time as work progresses make payments to a State commission for the annual program costs incurred by it. These payments shall at no time exceed the Federal share of the program costs incurred to the date of the voucher covering such payment. After completion of an annual program and approval of the final voucher by the Commission, the State commission shall be entitled to payment out of the appropriate funds apportioned to it of the unpaid balance of the Federal share on account of such program. Such payments shall be made to such official or officials or depository as may be designated by the State commission and authorized under the laws of the State to receive public funds of the State.

"(G) State personnel, compensated in whole or in part from Federal funds received under this section, shall be authorized, while engaged in the conduct of the motor carrier program, to enforce the economic and safety laws of the State concerning highway transportation.

"SEC. 205b(7). Training.

"In order to encourage training in the motor carrier enforcement field, the Commission is authorized to conduct training and in addition is authorized—

"(A) to make continuing studies and undertake approaches, techniques, systems, and devices to improve motor carrier enforcement;

"(B) to provide instructional assistance to the States for the programs authorized under this section, and special workshops for the presentation and dissemination of information resulting from special projects authorized by this subsection;

"(C) to carry out a program of collection and dissemination of information obtained by the Commission or other Federal agencies, State and public agencies, institutions of higher education, or private organizations engaged in projects under this subsection, including information relating to new or improved means to enforce economic laws and regulations concerning highway transportation; and

"(D) to make grants to the national organization of the State commissions, or other national organizations representing State governments or State officials, to pay up to 50 per centum of the costs of providing training to officials or employees of State commissions relative to the conduct of their motor carrier programs.

"SEC. 205b(8). National Motor Carrier Enforcement Advisory Committee; Cooperation.

"(A) There is established in the Commission a National Motor Carrier Enforcement Advisory Committee, composed of a Commissioner of the Commission appointed by the Commission, who shall be Chairman, and 20 members appointed by the Commission, five of whom shall be State commissioners nominated by the national organization of the State commissions. The remainder of the appointed members, having due regard for the purposes of this subsection, shall be selected from among representatives of public and private interests, contributing to, affected by, or concerned with the conduct of motor carrier programs. Members of the Committee who are not officers or employees of the United States shall, while attending meetings or conferences of such Committee or otherwise engaged in the business of such Committee, be entitled to receive compensation at a rate fixed by the Commission, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Payments under this section shall not render members of the Committee

employees or officials of the United States for any purpose.

"The National Motor Carrier Enforcement Advisory Committee shall advise, consult with, and make recommendations to, the Commission on matters relating to the activities and functions of the Commission relative to the conduct of motor carrier programs. The Committee is authorized (1) to review training projects or programs submitted to or recommended by it relative to the conduct of motor carrier programs and recommend to the Commission any such projects which it believes show promise of making valuable contributions to the strengthening of such motor carrier programs in the public interest; and (2) review, prior to issuance, regulations and standards proposed to be issued by order of the Commission under the provisions of subsection 205b(4) and 205b(5) of this section and to make recommendations thereon. Such recommendations shall be published in connection with the Commission's determination or order.

"The National Motor Carrier Enforcement Advisory Committee shall meet from time to time as the Commission shall direct, but at least once each year.

"(B) The Commission shall provide such staff and facilities to the National Motor Carrier Enforcement Advisory Committee from among the personnel and facilities of the Commission as are necessary to carry out the functions of the Committee.

"(C) The Commission is authorized and directed to assist, cooperate and consult with other Federal departments and agencies, State and local governments, private industry, the national organization of the State commissions, and other interested parties, in order to carry out the provisions of this section.

"SEC. 205b(9). Administration and Reporting.

"(A) Nothing in this section shall prohibit the Commission from enforcing any other provisions of the Interstate Commerce Act relating to motor carriers in those States which have not adopted motor carrier programs.

"(B) The Commission shall submit to the President for transmission to the Congress on or before January 1 of each year a report on the activities carried on pursuant to the provisions of this section during the preceding full fiscal year and recommendations for future legislation, if any.

"SEC. 3. Authorization of Appropriations.

"(A) For the purpose of carrying out section 205a(6) of the Interstate Commerce Act, there is hereby authorized to be appropriated the sums of $——— for the fiscal year ending June 30, 1970, $——— for the fiscal year ending June 30, 1971, and for the succeeding fiscal years such sums as the Congress may hereafter authorize. The unexpended balance of sums appropriated under this section for any fiscal year shall remain available for expenditure during the next succeeding fiscal year in addition to amounts otherwise available to carry out this section in such year.

"(B) For the purpose of carrying out section 205a(7) of the Interstate Commerce Act, there is hereby authorized to be appropriated to remain available until expended the sums of $——— for the fiscal year ending June 30, 1970; and $——— for the fiscal year ending June 30, 1971.

S. 1922

A bill to amend section 410 of the Communications Act of 1934 to permit the Federal Communications Commission to pay the expenses of certain State officials serving in joint hearings with the Commission

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal-State Communications Regulatory Cooperation Act of 1969."

SEC. 2. Section 410 of the Communications Act of 1934, as amended (47 U.S.C., Sec. 410), is hereby further amended by adding at the end thereof a new subsection to read as follows:

"(c) State officials and representatives of the national organization of the State commissions, as referred to in sections 202(b) and 205(f) of the Interstate Commerce Act, as amended (49 U.S.C., Secs., 302(b), 305(f)), serving in joint hearings or in other regulatory cooperative efforts with the Commission shall receive such allowances for travel and subsistence expenses as the Commission shall provide."

S. 1923

A bill to amend the Interstate Commerce Act to strengthen and improve the enforcement of Federal and State economic laws and regulations concerning highway transportation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal-State Highway Transportation Law Enforcement Act of 1969."

SEC. 2. Paragraph (2) of subsection (b) of section 202 of the Interstate Commerce Act, as amended (49 U.S.C., Sec. 302(b)(2)), is hereby further amended by striking the period at the end of the second sentence and inserting in lieu thereof the following: "; *Provided,* That after the standards become effective any amendments thereof subsequently determined by the national organization of the State commissions shall become effective at the time of promulgation or at such other time as may be determined by such organization."

SEC. 3. Paragraph (2) of subsection (b) of section 202 of the Interstate Commerce Act, as amended, is hereby further amended by inserting between the third and fourth sentences a new sentence to read as follows: "Any form established hereunder may be so devised as to be appropriate for use relative to operations by motor carriers or other persons subject to Federal or State laws and regulations concerning highway transportation, whether or not such persons are subject to regulation by the Commission."

The material, presented by Mr. MAGNUSON, follows:

JUSTIFICATION, FEDERAL-STATE ELECTRIC POWER RELIABILITY AND SCENIC CONSERVATION ACT OF 1969

In the Ninetieth Congress, there were introduced so-called electric power reliability bills prepared by the Federal Power Commission and others which, if enacted, would have concentrated enormous regulatory authority in the FPC over the electric utility industry. None of these bills provided any meaningful role for the State commissions irrespective of their long-standing and intimate regulatory involvement with electric utilities.

The same and similar bills have been introduced in the Ninety-first Congress. While their enactment now appears unlikely, this outlook could change radically if the Nation suffers a massive power failure.

It is unfortunate, and possibly dangerous, for the Congress to have before it only such extreme proposals and none of a moderate nature.

The bill would provide a moderate approach to the matter of electric reliability. It would have basically two purposes.

First, the FPC would be empowered to identify the power pools within the Nation and to establish a regional council for each pool. A council would be composed of representatives of utilities operating within the power pool area, whether publicly or privately owned. The FPC would have no authority to define voting rights for the council members.

A State Joint Board would be established for each council which would be composed of a State commissioner from each State wholly or partially within the power pool area.

The members of the regional council would meet from time to time to discuss mutual problems and to cooperatively plan for improved pool and inter-regional reliability.

The council would report from time to time to the FPC and the State Joint Board. The FPC and the Board would have the right to comment upon the plans and to suggest modifications. However, neither the FPC or the Board, as such, would have the authority to compel the adoption of any plan.

The individual State commissions would of course continue to have the authority they now have with regard to regulating the reliability of service.

The continuous planning and free interchange of ideas among the council members, and among the council, the FPC and the Board, and between regions, would undoubtedly benefit the individual State commissions and improve their ability to cooperate with each other in seeking to strengthen pool reliability.

The *second* feature of the proposed bill would empower the State Joint Board to determine the routing of transmission lines, based upon consideration being given to the reliability of service and the protection of historical, recreational and scenic values, within the power pool area and where a State commission does not have jurisdiction over such routing. Whenever a State commission acquired such authority from its legislature, the State Joint Board would lose the jurisdiction to make routing determinations in that State.

The adoption of this proposal would afford immediate protection to the public in the preservation of historic, recreational and scenic values with the decisions being made by officials close to the problems. The joint board concept would not override State authority, but would stimulate the exercise of that authority, by inducing the legislatures, which have not yet done so, to enact appropriate enabling legislation.

The joint board concept proposed here is similar to the joint boards now provided for in Part II of the Interstate Commerce Act concerning the regulation of motor carriers. 49 U.S.C., Sec. 305. The joint board procedure has worked successfully in motor carrier regulation since 1935 and has significantly strengthened Federal-State relations. Accordingly, the joint board concept should be applied to the regulation of the electric industry under the terms of the bill.

JUSTIFICATION, FEDERAL-STATE COMMUNICATIONS JOINT BOARD ACT OF 1969

The "Statistics of Communications Common Carriers" issued by the Federal Communications Commission (FCC) for the year ended December 31, 1966, page 33, reveals that the total net communications plant of the Bell System is $30,765,568,524.00. The FCC in an Interim Decision and Order issued on July 5, 1967, in re *American Telephone and Telegraph Company et al,* 70 PUR 3d 129, at page 145, par. 21, stated that "In terms of plant investment and revenues, the interstate and foreign service of the Bell System respondents account for about 25 per cent of their total operations." In paragraph 22, page 146, of the same case, the FCC states that the net plant investment of Bell devoted to interstate and foreign services is $8,606,209,000.00.

Comparing these figures together, we see that approximately 22 billion dollars of the Bell plant is subject to State and local regulation and approximately 8½ billion dollars is subject to FCC regulation.

Prior to the institution of the AT&T rate proceeding on October 27, 1965 (FCC Docket No. 16258), the FCC had traditionally cooperated with the State Commissions in determining procedures for separating and allocating the property and expenses of telephone companies between their intrastate and interstate operations. Even under these circumstances a significant rate disparity developed between intrastate and interstate toll calls because the intrastate operations of telephone companies were forced to support an excessive revenue requirement as a result of separation procedures not permitting an adequate allocation of revenue requirements to interstate operations.

The FCC, by orders released in the AT&T rate proceeding (Docket No. 16258) on July 5, 1967, and January 24, 1968, and in a related rule making proceeding (Docket No. 17975) on January 30, 1969, has unilaterally prescribed changes in separations procedures which have produced an insufficient allocation of revenue requirements from intrastate to interstate operations.

This action, which apparently signals the abandonment of the long-established Federal-State cooperative approach, is contrary to the public interest because not only is the toll rate disparity aggravated, but telephone operating companies are now seeking increases in many States to raise their intrastate earnings. An adequate allocation of revenue requirements from intrastate to interstate operations would have ameliorated both of these unfortunate consequences.

Furthermore, the average user of telephone service is benefited more by fixing his flat monthly charge for service at the lowest practicable level rather than by reductions in toll rates. The lower the flat monthly charge the more accessible telephone service is to economically depressed members of the public. The value of telephone service increases proportionately with the number of telephone users, and the more users the lower the cost of service per user.

Aside from these public interest considerations, it is patently unfair for an agency, which has jurisdiction over only 25% of the property, to in effect claim *sole* authority to determine how 100% of the property shall be separated between the Federal and State authorities for rate making purposes. The State Commissions should have at least a minority voice in the making of such a determination.

Adoption of the Federal-State Communications Joint Board Act of 1969 would create a seven member Board composed of four FCC Commissioners designated by the FCC and three State Commissioners nominated by the NARUC and appointed by the FCC. The Board would have sole administrative authority under the Communications Act of 1934 to adopt and amend separations procedures. An order of the Board prescribing separations procedures would be deemed an order of the FCC for purposes of judicial review.

JUSTIFICATION, LOCAL COMMUNICATION SERVICE ACT OF 1969

The major exemption contained in the Communications Act of 1934, as amended, is Section 221(b) which reads as follows:

"Subject to the provisions of Section 301, nothing in this Act shall be construed to apply, or to give the Commission jurisdiction, with respect to charges, classifications, practices, services, facilities, or regulations for or in connection with wire, mobile, or point-to-point radio *telephone* exchange service, or any combination thereof, even though a portion of such exchange service constitutes interstate or foreign communication, in any case where such mattters are subject to regulation by a State commission or by local governmental authority." (Emphasis supplied.)

Section 3 of the Act defines two terms which relate to the Section 221(b) exemption. These definitions read as follows:

"(r) '*Telephone* exchange service' means service within a *telephone* exchange, or within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange and which is covered by the exchange service charge.

"(s) '*Telephone* toll service' means *telephone* service between stations in different exchange areas for which there is made a separate charge not included in contracts with subscribers for exchange service." (Emphasis supplied.)

Since the Section 221(b) exemption and these definitions are tied to the telephone device, it might be determined that TWX and other present or future means of communication not using the telephone device, but primarily of local concern, are not subject to State and local regulation.

Accordingly, it is important that these provisions of the Act be modernized by orienting them on "communication service" instead of "telephone service." This would be accomplished by the adoption of the Local Communication Service Act of 1969.

JUSTIFICATION, THE NATURAL GAS PIPELINE SAFETY ACT AMENDMENT OF 1969

The Natural Gas Pipeline Safety Act of 1968, in establishing a 50–50 matching grant-in-aid program to assist the State commissions, failed to prescribe a formula for the apportionment of funds among the several States. Accordingly, the apportionment of any available funds is now left to the discretion of the Secretary of Transportation.

Also, as a result of the timing of the State commission's application for funds and the calendar year basis of the existing grant-in-aid program, most State commissions will not know the amount of Federal funds they are entitled to receive in any year until after their State legislatures have made appropriations for that year. Under these circumstances, a State legislature could easily fail to appropriate sufficient State funds to fully match the Federal funds apportioned to the State and hence the unmatched part of the apportionment would lapse.

Adoption of the National Gas Pipeline Safety Act Amendment of 1969 would permit Congressional authorization of a specific amount of funds for a given fiscal year to be apportioned among the several States well in advance of such fiscal year in accordance with a precise statutory formula. Under this concept, the Federal authorizing legislation would be enacted during an even-numbered year, and the apportionment of funds to the States would be made before the close of that even-numbered year, so that the State legislatures (the vast majority of which meet during the odd-numbered years) would know the amount of State funds needed to match the apportioned Federal funds. The Federal-aid highway program is an outstanding example of the application of this concept.

The proposed Amendment also contains a "contract authority" provision which means that when the Secretary of Transportation approves the gas safety program of a State commission, such approval "shall be deemed a contractual obligation of the Federal Government for the payment of its apportioned contribution thereto."

JUSTIFICATION, MOTOR CARRIER SAFETY ACT OF 1969

The Highway Safety Act of 1966 (23 U.S.C., Secs. 401 *et seq.;* 80 Stat. 731) provides for grants-in-aid to assist a State in conducting a highway safety program which meets Federal minimum standards. The Governor of the State is responsible for administering the program, including the determination as to which State agencies are to participate therein and receive Federal funds.

The Act is drawn in broad terms and applies to all vehicles that travel the highways.

However, the history of motor carrier safety regulation generally recognizes that motor carrier safety warrants special regulatory attention at both the Federal and State levels to be distinct from general highway safety regulations such as traffic and speed laws and periodic inspection appropriate for automobiles and small commercial vehicles.

The adoption of the Motor Carrier Safety Act of 1969 would provide Federal grants-in-aid directly to the State commissions in administering their motor carrier safety programs and in enforcing Federal and State safety laws concerning highway transportation. The grants-in-aid would be paid by the Department of Transportation to the State commissions whose safety and enforcement programs meet minimum Federal standards.

Furthermore, the adoption of the proposed Act would provide financial assistance to further implement Public Law 89–170 (79 Stat. 648) which, as amended by the law creating the Department of Transportation, authorized the Department to make cooperative agreements with the various States to enforce the safety laws and regulations of the Federal and State governments concerning highway transportaton. Pursuant to Public Law 89–170, the agencies of 34 States have executed cooperative agreements with DOT to enforce such safety laws.

JUSTIFICATION, MOTOR CARRIER ECONOMIC LAW ENFORCEMENT ACT OF 1969

The adoption of the Motor Carrier Economic Law Enforcement Act of 1969 would provide Federal grants-in-aid directly to the State commissions in enforcing Federal and State economic laws concerning highway transportation. The grants-in-aid would be paid by the Interstate Commerce Commission to the State commissions whose enforcement programs meet minimum Federal standards.

Furthermore, the proposed Act would provide financial assistance to further implement Public Law 89–170 (79 Stat. 648) which authorized the ICC to make cooperative agreements with the various States to enforce the economic laws and regulations of the Federal and State governments concerning highway transportation. Pursuant to Public Law 89–170, the agencies of 46 States have executed cooperative agreements with the ICC.

JUSTIFICATION, FEDERAL-STATE COMMUNICATIONS REGULATORY COOPERATION ACT OF 1969

Section 410(a) of the Federal Communications Act of 1934, as amended, presently authorizes the FCC to refer administrative matters to joint boards composed of State commissioners and further provides that they "shall receive such allowances for expenses as the Commission shall provide."

However, these provisions for defraying the out-of-pocket expenses of joint boards composed wholly of State officials, do not cover the cooperative arrangement where State commissioners sit with FCC presiding officers. The bill is designed to rectify this omission.

It provides that when State commissioners sit with FCC presiding officers pursuant to invitation by the FCC, the reasonable expenses incurred by the State commissioners may be defrayed by the FCC.

For example, the FCC on October 27, 1965, released an order instituting an investigation of the charges of the American Telephone and Telegraph Company and the Associated Bell System Companies for interstate and foreign communication service, Docket No. 16258.

In accordance with paragraph 5 of the order, the FCC extended an invitation to the NARUC to designate Cooperating State commissioners to sit with the presiding of-

ficers of the FCC for the hearing of the proceeding in accordance with the Plan of Cooperative Procedure set forth in Appendix A of Part 1 of the FCC's Rules.

The NARUC on November 9, 1965, accepted the FCC's invitation, and on December 10, 1965, designated Cooperating State commissioners to sit with the presiding officers of the FCC in the AT&T rate proceeding.

AT&T and the Bell System companies operate in forty-eight States and the District of Columbia. The Cooperating State commissioners, like the FCC presiding officers, render a national service when presiding in the proceeding.

Consequently, it would appear inappropriate for a few State commissions to bear the travel, food and lodging expenses of the Cooperating commissioners furnished by them when the service rendered by the commissioners is of national benefit.

Traditionally, when State commissioners are invited to participate in cooperative arrangements with Federal regulatory commissioners, the travel, food and lodging expenses of the State commissioners are defrayed by the Federal Commission issuing the invitation.[1]

The Federal Government benefits from this arrangement by acquiring the use of State expertise and by conserving the use of Federal officials.

Enactment of this bill should strengthen cooperative efforts between the Federal and State governments in the regulation of the communications industry.

JUSTIFICATION OF FEDERAL-STATE HIGHWAY TRANSPORTATION LAW ENFORCEMENT ACT OF 1969

Public Law 89–170 was signed into law by the President on September 6, 1965. Among other things, it amended Section 202(b) of the Interstate Commerce Act (49 U.S.C., Sec. 302(b)(2)) to authorize the NARUC to determine standards, and amendments thereto, evidencing the lawfulness of interstate operations of motor carriers, and to require the Interstate Commerce Commission to promulgate same into law to become effective five years from the date of promulgation. When the standards become effective any State laws not in accord therewith are deemed to be an undue burden on interstate commerce.

The NARUC, assembled in annual convention on November 17, 1966, unanimously adopted a resolution determining such standards,[2] and the ICC promulgated them into law on December 14, 1966. 49 C.F.R., Secs. 1023.1 *et seq.* Accordingly, the standards will become effective on December 15, 1971.

The success of the national regulatory program which will be established by these standards, and the ability of the NARUC to discharge its responsibilities thereunder, will be directly affected by the capacity to expeditiously adopt necessary amendments. Under present law, five years would have to elapse after the NARUC determined an amendment before it could become effective. As an example, it would take a minimum of five years for the NARUC to make a minor change in the language of the cab card form. Accordingly, it is very important that Public Law 89–170 be amended to provide that after the standards become effective, any amendments thereof subsequently determined by the NARUC may become effective at the time of promulgation or at such other time as it may determine.

Another amendment to Public Law 89–170 is also required. The Law and the standards adopted thereunder only apply to motor carrier operations certificated or permitted by the ICC. Therefore, the cab card form prescribed thereunder cannot be altered so as to be appropriate for use in identifying vehicles engaged in interstate or intrastate motor carrier operations exempt from ICC economic regulation.

In order to bring about uniformity in evidencing the lawfulness of "for hire" interstate motor carrier operations exempt from ICC economic regulation, the NARUC on November 14, 1968, determined model standards for such operations for consideration and adoption by the State commissions. NARUC Bulletin No. 49–1968, pp. 11–21. These model standards parallel the 89–170 standards, and accordingly the cab card forms are similar. To achieve greater uniformity the NARUC may decide to later amend the model standards to make them appropriate for State commission use in identifying vehicles engaged in all interstate and intrastate motor carrier operations exempt from ICC economic regulation.

Nevertheless, a comprehensive State regulatory program would still require the use of *two* cab card forms—one for the 89–170 vehicles and one for the remainder. Obviously, the State program could be greatly simplified by devising a single cab card appropriate for use in identifying all motor carrier vehicles encompassed in the program. Therefore, Public Law 89–170 should be amended to provide that any cab card form established thereunder may be so devised as to be appropriate for use by a State commission in identifying vehicles operated by motor carriers, whether or not they are engaged in interstate or intrastate operations, and whether or not subject to ICC economic regulation.

The adoption of the Federal-State Highway Transportation Law Enforcement Act of 1969 will amend Public Law 89–170 in these two respects.

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[1] Section 209(a) of the Federal Power Act (16 U.S.C., Sec. 824h) and Section 17(a) of the Natural Gas Act (15 U.S.C., Sec. 717p), each authorize the Federal Power Commission to refer administrative matters to joint boards composed of State commissioners and further provide that they "shall receive such allowances for expenses as the Commission shall provide."

The Interstate Commerce Commission is also authorized to refer administrative matters to joint boards composed of State officials and the law provides that they "shall receive such allowances for travel and subsistence expenses as the Commission shall provide." Interstate Commerce Act, Part II, Sec. 205(b), 49 Stat. 548, 49 U.S.C., Sec. 305(b), as amended.

[2] 78th NARUC Annual Convention Proceedings (1966) p. 371. The text of the standards appear in the Proceedings at pp. 203–230. The NARUC, assembled in annual convention on November 14, 1968, determined amendments to these standards which were promulgated into law by the ICC on December 19, 1968. 33 Fed. Reg. 19250. The text of the amendments is reported in NARUC Bulletin No. 49–1968, pp. 9–10.

S. 1924—INTRODUCTION OF A BILL ON THE ELIMINATION OF REQUIREMENTS FOR DISCLOSURE OF CONSTRUCTION DETAILS ON PASSENGER VESSELS MEETING PRESCRIBED SAFETY STANDARDS

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards. I ask unanimous consent that a letter from the president of the American Institute of Merchant Shipping, requesting the legislation, be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 1924) to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter, presented by Mr. MAGNUSON, follows:

MARCH 21, 1969.

HON. WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: During the latter part of the session of the 90th Congress, at the behest of the Committee of American Steamship Lines, you introduced S. 3761, a bill to amend Public Law 89–777 to eliminate requirements for the disclosure of construction details on passenger vessels meeting prescribed safety standards. Shortage of time and other events precluded the passage of this legislation during the 90th Congress.

Accordingly, on behalf of the Liner Council, American Institute of Merchant Shipping, (representing substantially the same interests as the former Committee of American Steamship Lines), it is again respectfully requested that you introduce the proposed amendment to Public Law 89–777. Suggested language is attached for convenience.

As you are aware the date is now past when vessels departing U.S. ports must meet those requirements of Public Law 89–777 which became effective on 2 November, 1968. Therefore, certain provisions of this worthwhile legislation already have served their purpose i.e., the requirement for disclosure of safety standards in advertising. I assure you that no citizens are more desirous of assuring the safety of the public during passage at sea than are those who operate passenger services. If there were any possibility that the proposed amendment would in any way lessen that safety, such amendment would not be proposed.

As a matter of information I am providing Senator Russell B. Long with a copy of this letter.

Very sincerely,

JAMES J. REYNOLDS, *President.*

S. 1925—INTRODUCTION OF A BILL TO AMEND THE MARINE RESOURCES AND ENGINEERING DEVELOPMENT ACT OF 1966

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to amend the Marine Resources and Engineering Development Act of 1966.

Two amendments are proposed, one to continue to June 30, 1970, the National Council on Marine Resources and Engineering Development, established by the act, the other to change the statutory authorization of funds for any 1 fiscal year from $1,500,000 to $1,200,000.

This is a companion bill to H.R. 8794, introduced in the House of Representatives on March 12, and cosponsored by Chairman LENNON and all members of the Subcommittee on Oceanography of the House Merchant Marine and Fisheries Committee.

Enactment of this proposed bipartisan legislation is necessary if the coordinating mechanism of our national program in marine science is to be retained during the interim period between June 30, 1969, and the development by the Congress and administration of a new over-

all plan for a national oceanographic program.

As we know, the Marine Resources and Engineering Development Act established for limited periods of time both the Council and a Commission on Marine Science, Engineering and Resources—the latter composed of distinguished representatives, appointed by the President, from industry, educational institutions, and State and Federal government.

The Chairman of the Commission was Dr. Julius A. Stratton, chairman of the board of the Ford Foundation and a former president of the Massachusetts Institute of Technology, and the vice chairman, Dr. Richard A. Geyer, is head of the Department of Oceanography at Texas A. & M. University.

The Commission, for a period of 2 years, conducted a comprehensive study of marine science activities, applied research programs, ocean engineering and marine resource needs, and completed, on January 9 of this year, a voluminous report titled "Our Nation and the Sea" which included more than 120 recommendations.

One of the statutory responsibilities of the Commission was to recommend "an overall plan for an adequate national oceanographic program that will meet the present and future national needs." This, with the other recommendations, was submitted by the Commission to the President, via the Council, but it was received too late for analysis and evaluation by the Council during the previous administration.

The Commission, in its report, recommended that the National Council on Marine Resources and Engineering Development be continued until decisions are reached on the Commission's proposed new organization plan, which would entail merging a number of civilian marine activities into an independent agency to be designated the National Oceanic and Atmospheric Agency.

Mr. President, there is great merit to most of the Commission recommendations. Many of the advances, programs, and activities recommended by the Commission would be of benefit to the Nation and its people, and many would do so whether carried out under the existing organizational structure, under the proposed NOAA, or under some other integrated organizational arrangement.

A major value of the Commission report, as I see it, is that it looks ahead in discussing the great potential in man's use of the seas and the marine environment. What agency or agencies actually develops this potential is of secondary importance provided it is explored. Commission members have advised me that approximately one-half of the recommendations could be implemented without new legislation.

This brings me to the National Council on Marine Resources and Engineering Development. With the change in administration we have an entirely new Council and one with a statutory new Chairman, the Vice President of the United States.

The Council, under the Marine Resources and Engineering Development Act, consists of the Vice President, the Secretary of State, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Secretary of Transportation, the Chairman of the Atomic Energy Commission, and the Director of the National Science Foundation.

All of these high level officials head departments or agencies with distinct oceanographic missions or responsibilities, or both. The new Council is alert to its responsibilities under the Marine Resources and Engineering Development Act. It already has held its first meeting with the Vice President presiding as Council Chairman.

The Vice President, who comes from a coastal State with wide and varied interests in the oceans and marine environment, has indicated in a recent address before the American Management Association in New York City, that he welcomes the opportunity to serve as Council Chairman "at this moment when we stand on the threshold of penetrating present mysteries of the deep and tapping the ocean's rich potential."

The Council advises and assists the President in carrying out the policy and objectives of the Marine Resources and Engineering Development Act which includes encouragement and maintenance of a coordinated, comprehensive and long-range national program in marine science that will contribute to certain specific objectives. The bill I am introducing today will extend the life of the Council for another year, and it will also authorize adequate funding for the Council to carry out its responsibilities.

As the Vice President and Chairman of the Council have stated:

> All reports from both Republicans and Democrats give the Council high marks in mobilizing our resources, focusing attention on major policy issues, and stimulating ideas and action in all sectors of the marine community.

The Marine Resources and Engineering Development Act provides that the President shall transmit to the Congress each year a comprehensive report of the activities and accomplishments of all agencies and departments of the United States in the field of marine science during the preceding fiscal year.

This is an excellent provision, one for which colleagues in the House and Senate who participated in drafting the final statute are to be commended. The National Council on Marine Resources and Engineering Development has prepared three annual reports to the President during the slightly less than 3 years of its existence, reports that the President has promptly transmitted to the Congress.

These reports detail the activities and accomplishments of the Federal Government in marine science, describes progress and budget and, what is perhaps most important, outlines the Government goals for achievement in the near future and the progress that is being made toward reaching them.

The Council has issued numerous staff reports of value to my colleagues in Congress, to industry, academic institutions and the general public.

The Council, in keeping with the act, has solicited the views of non-Federal organizations and individuals with capabilities in marine science, and has reaped great benefit from these expressions.

On technical and highly specialized subjects the Council has awarded contracts to industries, research organizations and institutes of experts who have made detailed studies of distinctive oceanographic problems.

These contracts have not been in large amounts; in fact, the largest, to a major industrial concern, has been in the amount of $89,373 for a systems analysis of specified trawler operations. Contracts in lesser amounts have been made to industry for studies of the potential of spacecraft oceanography, management of marine data systems, nonmilitary needs for underwater technology, and multiple use of Chesapeake Bay.

Six contracts have been for sums under $7,500; the median has approximated $30,000.

Twenty-four contracts have been awarded by the Council since its creation in June 1966. Fifteen have been completed and published and are available from the Clearinghouse for Federal Scientific and Technical Information at nominal cost.

Two, "Gulf of Mexico Research and Environmental Programs" and "Legal Aspects of Great Lakes Resources," are expected to be available during the coming month, and another, "Multiple Use of Lakes Erie and Superior," is nearing completion.

Any of my colleagues who may be interested in these contracts and publications will find them listed on page 195 of the third Council report to the President and the Congress. On the preceding page are listed the Council's own reports.

As the President stated not long before his inauguration, and I quote:

> While much still needs to be done, the Council has, I feel, made a giant first step in pulling together existing information on marine sciences.

The bill I am introducing today will enable this important work to be continued until at least June 30, 1970, without interruption.

Mr. President, some question has been raised about the ability of a Council composed of Cabinet members and department heads and a small and limited staff to accomplish all the duties assigned to them in the Marine Resources and Engineering Development Act of 1966.

To assist it the Council has appointed five committees with the general responsibility of undertaking studies and submitting recommendations, either as assigned or on their own initiative, concerning the activities, fields of marine science and technology, which come under their jurisdiction.

These are:

Committee on Marine Research, Education and Facilities, headed by the Assistant Secretary of the Navy for Research and Development.

Committee on Ocean Exploration and Environmental Sciences, headed by the Administrator of the Environmental Science Services Administration.

Committee on Food From the Sea, headed by the Deputy Administrator for

the Agency for International Development.

Committee on Multiple Use of the Coastal Zone, on which the Council is placing greatly increased emphasis, headed by the Assistant Secretary of the Interior for Fish and Wildlife.

Committee on International Policy in the Marine Environment, headed by the Deputy Under Secretary of State.

It would be a misfortune, Mr. President, if the Council and its committees were to terminate their constructive endeavors before a new governmental organizational plan for an adequate national oceanographic program that will meet present and future national needs is approved.

I therefore urge, Mr. President, that the bill I am introducing today, be referred to an appropriate committee for early consideration.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 1925) to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development, and for other purposes, introduced by Mr. MAGNUSON, for himself and other Senators, was received, read twice by its title, and referred to the Committee on Commerce.

S. 1931—INTRODUCTION OF A BILL TO PROVIDE FULL FEDERAL FINANCING OF PAYMENTS MADE UNDER THE PUBLIC ASSISTANCE PROVISIONS OF THE SOCIAL SECURITY ACT

Mr. MURPHY. Mr. President, in outlawing minimum residency requirements for potential welfare recipients, the Supreme Court has once again blatantly exercised its self-induced disposition to meddle and muddle, and in so doing has prepared a new financial load for California's already overburdened taxpayers.

We Californians are tired of having our State used as a test laboratory for sociological experiments.

We are fed up with being treated as guinea pigs.

I say this because we have borne the burden of many of the Court's far-out decisions and today I feel that my sentiments might well be shared by representatives of some of the other States and the District of Columbia which also have a deep interest in the maintenance of residency restrictions.

For the moment, however, I shall confine my remarks to the possible effects of this recent ruling on my State.

Mr. President, to anticipate what is to come, we have only to look at the record since last April, when my State was enjoined by a Federal court order from enforcing residency requirements which had been in effect for 30 years and which had received congressional approval.

During this period, 3,000 to 4,000 additional persons have been added to California's welfare rolls every month.

The estimated cost for this fiscal year is $26 million. For next year the estimated cost is $35 million. It is not that we are inhospitable—we just cannot afford it. Remember the once challenging exhortation, "Go West, Young Man"?

Well, Mr. President, now that advice seems to be the guiding rule of many welfare seekers, but the opportunities they envision are not in our farmlands, ranches, mines, businesses, and industrial plants, but rather in an instant welfare program which has helped make Californians the second highest taxed citizens on a per capita basis in the United States.

Sure—go west, young man.

The Supreme Court might as well hang that sign on the front of the welfare offices of every State with benefits lower than the ones in mine. This was pointed out most effectively by Spencer Williams, the secretary of California's Human Relations Agency, when he said:

> By its decision, the Court encourages welfare recipients to shop for the best deal. Already there are indications that persons are moving to California solely to obtain higher welfare payments.

For this reason, Mr. President, I am offering legislation to amend the Social Security Act, so as not to financially penalize those States which have utilized reasonable residence requirements as a determinant of eligibility for welfare assistance.

As of May 24, 1968, 42 States had durational residence restrictions on old-age assistance payments. Thirty-eight had them with regard to aid to the blind. Forty-one did not permit payments to the permanently and totally disabled without regard to residence and 39 had a requirement of this kind for aid to families with dependent children.

Mr. President, I ask unanimous consent that a chart illustrating the provisions of the various States for the inclusion of residency as an eligibility factor in payments be inserted in the RECORD at this point in my remarks.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

RESIDENCE AS AN ELIGIBILITY FACTOR IN OLD-AGE ASSISTANCE

Federal requirement: The State plan may not include any residence requirement more restrictive than the maximums in the act for Old-Age Assistance: 5 years in the last 9 years and 1 year immediately preceding application.

No durational residence requirement, 8 States: Connecticut,[1 2] Hawaii,[1] Kentucky,[1] Maine,[1 2] New York,[1] Delaware,[1] Rhode Island,[1] Vermont.[1]

One-year immediately preceding application, 27 States: Alaska,[2] Alabama, Georgia, Idaho,[2] Illinois, Maryland, New Hampshire,[2] Massachusetts, Michigan, Minnesota,[3] Mississippi, New Jersey,[1 2] New Mexico,[7] Oregon, Nebraska,[7] North Carolina, Pennsylvania,[1 2] South Carolina, North Dakota,[3] South Dakota,[3] Tennessee, Texas, Utah,[2] West Virginia, Wisconsin,[3] Wyoming, Virginia.

More than 1 year but different from wording of Federal act, 3 States: Indiana (3 of 9), Ohio (3 of 9), Louisiana (3 of 9).[4]

Identical or similar to wording of Federal act, 13 States: Arizona, Arkansas,[5] California, Colorado,[7] District of Columbia, Florida, Kansas,[7] Iowa,[7] Missouri, Montana, Nevada, Oklahoma, Washington.

RESIDENCE AS AN ELIGIBILITY FACTOR IN AID TO THE BLIND

Federal requirement: (Same as above.)

No durational residence requirement, 12 States: California,[1] Connecticut,[1 2] Delaware, Hawaii,[1] Kentucky,[1] Maine,[1 2] Massachusetts,[1] Mississippi,[1] New York,[1] Rhode Island,[1] Vermont,[1] Washington.[1]

Six months immediately preceding application, 0 States.

One year immediately preceding application, 28 States: Alaska,[5 2] Alabama, District of Columbia, Georgia, Idaho,[2] Illinois,[5] Indiana,[5] Maryland,[5] Michigan,[5] Minnesota,[4 5] Nebraska,[7] New Hampshire,[2] New Jersey,[1 2] Ohio, Oregon,[5] North Dakota,[4] North Carolina, Pennsylvania,[1 2] South Dakota,[4 6] South Carolina,[5] New Mexico,[5 7] Tennessee, Utah,[2] Texas, Virginia, West Virginia, Wisconsin,[2 5 7] Wyoming.

More than 1 year but different from wording in Federal act, 2 States: Louisiana[6 9] (3 of 9), Nevada[5] (2 of 9).

Identical or similar wording of Federal act, 9 States: Arizona,[5] Arkansas,[5 8] Oklahoma,[5] Colorado,[5] Florida,[3] Iowa,[5 7] Kansas,[7] Missouri, Montana.[3]

RESIDENCE AS AN ELIGIBILITY FACTOR IN AID TO THE PERMANENTLY AND TOTALLY DISABLED

Federal requirement: (Same as above.)

No durational residence requirement, 9 States: Connecticut,[1 2] Hawaii,[1] Delaware, Kentucky,[1] Maine,[1 2] New York,[1] Rhode Island,[1] Vermont,[1] South Carolina.

One year immediately preceding application, 33 States: Alaska,[2] Alabama, Colorado, District of Columbia, Georgia, Idaho, Illinois,[5] Iowa,[5 7] Maryland, Massachusetts, Michigan,[5] Minnesota, Mississippi, Missouri, Montana Nebraska,[7] New Hampshire,[2] New Jersey,[1 2] North Carolina, North Dakota,[3] Ohio, New Mexico,[7] Oregon, Pennsylvania,[1 2] South Dakota,[3 6] Tennessee, Texas, Virginia, Utah,[2] Washington, West Virginia, Wisconsin, Wyoming.

More than 1 year but different from wording in Federal act, *3 States:* California[5] (3 of 9), Indiana (3 of 9), Louisiana[1 9] (3 of 9).

Identical or similar to wording of Federal act, *5 States:* Arizona, Arkansas,[5] Florida, Kansas,[7] Oklahoma.

RESIDENCE AS AN ELIGIBILITY FACTOR IN AID TO FAMILIES WITH DEPENDENT CHILDREN

Federal requirement: The State plan may not include any residence requirement more restrictive than the maximums in the act for Aid to Families with Dependent Children: 1 year immediately preceding the application or born within 1 year immediately preceding the application if parent or other relative with whom the child is living has resided in the State for 1 year immediately preceding the *birth* of the child.

No durational residence requirement, *11 States:* Alaska, Connecticut,[1, 2] Georgia, Hawaii,[1 5] Kentucky,[1] Maine,[1 2] New Jersey,[1] New York,[1] Delaware, Rhode Island,[1 5] Vermont.[1 7]

Identical or similar to wording of Federal act, *40 States:* Alabama,[5] Arizona, Arkansas, California,[5 6] Colorado, District of Columbia,[5] Florida,[7] Idaho,[2 5 8] Illinois,[8] Indiana,[8] Iowa, Kansas,[5 7 8] Louisiana,[5] Maryland,[8] Massachusetts,[8] Michigan,[8] Minnesota,[2] Mississippi, Missouri, Montana,[5] Nebraska, Nevada,[5] New Hampshire,[2] North Carolina, North Dakota,[5 7] New Mexico,[5 7] Ohio, Oklahoma,[5] Oregon,[8] Pennsylvania,[1 2 5] South Carolina, South Dakota,[2 8] Tennessee, Texas, Virginia, Washington,[5 8] West Virginia, Wisconsin,[5] Wyoming,[2] Utah.[2]

FOOTNOTES

[1] Must be living in State at time of application. Washington—"Must be resident of State."

[2] Reciprocal agreements may be made with other States to waive or alter requirement for non-resident applicant who is otherwise eligible.

[3] Special provisions reducing requirement for blind children.

[4] For non-resident applicant who is otherwise eligible, residence requirement is based upon the corresponding provision of the State in which applicant has residence.

[5] Special provision to reduce or waive residence requirement when blindness developed while applicant was a resident of the State (21 States).

[6] Or has been previously domiciled in State for 5 years or more.

[7] These States have special modifications; refer to published document.

[8] 3 years during the 5 years immediately preceding application and last 1 year continuously may be substituted.

[9] In severe hardship cases, 2 of the 3 required years may be waived for former longtime residents of the State.

Mr. MURPHY. Mr. President, the Supreme Court's decision yesterday, however, declared unconstitutional various State statutes requiring a period of residence within the State before a person becomes eligible for public assistance under titles I, IV, X, XIV, and XVI of the Social Security Act. The enforcement of these decisions and their application to all States will impose an unreasonable financial burden on State and local governments at a time when they can ill afford such an additional responsibility.

Mr. President, I strongly feel that if the Federal Government wants to impose its will on the States in this fashion, it is incumbent on the Federal Government to bear the cost of the additional payments which will have to be made.

Mr. President, consequently, I am introducing legislation at this time to insure that the Federal Govrnment pays the entire cost of assistance to those who would be ineligible solely by reason of a residency requirement if it were permitted to stand as a criterion.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 1931) to provide full Federal financing of payments made under the public assistance provisions of the Social Security Act to recipients who do not meet the duration-of-residence requirements of the applicable State plan, where such payments must nonetheless be made because of court determinations that such requirements are unconstitutional, introduced by Mr. MURPHY, was received, read twice by its title, and referred to the Committee on Finance.

S. 1933—INTRODUCTION OF A BILL PROVIDING FOR FEDERAL RAILROAD SAFETY

Mr. HARTKE. Mr. President, I introduce, for appropriate reference, a bill providing for comprehensive Federal railroad safety measures. I hope the present Congress will enact a strong railroad safety law. The time for such action is long past due. Broad Federal safety laws have been on the books for years covering airline safety and the safety of most intercity truckers and bus lines. Nothing comparable exists in the area of railroad safety. The bill I introduce today will give the Secretary of Transportation the same broad kind of authority over railroad safety that is already lodged in his Department over these other forms of transportation safety.

Train accidents have been steadily increasing, Mr. President, and so have the dangers flowing from them. The number of such accidents rose from 4,149 in 1961 to 8,027 in 1968, an increase of 93 percent. Number of deaths from all kinds of railroad accidents rose from 2,127 in 1961 to 2,359 in 1968. This substantially exceeds the number of yearly deaths in airplane accidents.

But mere statistics from the past, as significant as they are, do not provide an accurate picture of the dangerous conditions attending the operation of the Nation's railroads. The railroads today are transporting extremely flammable, explosive, highly reactive, and poisonous substances through the Nation's metropolitan areas and countrysides. Often the hazardous materials carried are so exotic that the control of fire and contamination resulting from an accident is beyond the capability of local authorities. Special firefighting equipment and procedures may be necessary for each of several kinds of materials being transported on a single train. Biological and chemical warfare materials including deadly nerve gases which are shipped on rails by the Defense Department are of value to the military precisely because they can maim and kill and are difficult to defend against.

Increased accidents, greater speeds and more hazardous shipments provide a very lethal combination. With increasing frequency train wrecks threaten whole communities with flames, explosives, and contamination by poisonous chemicals.

I recall one such wreck in the little town of Dunreith, Ind., on January 1, 1968. This happened on New Year's Day, a day of rest and relaxation for most of us, but not for the inhabitants of Dunreith on that occasion. A Pennsylvania Railroad freight train derailed, reportedly because of a broken rail; it collided with a passing train; and the wreck sent blasts, flames and chemical fumes into the town. All of Dunreith's 236 residents had to be evacuated in the bitter cold and were kept away from their homes for several days until fires had burned out and lethal gases had dissipated. On returning, some of them found their homes burned to the ground, along with a local liquid fertilizer plant which had exploded, adding to the destruction.

More recently, I am sure many of us read of the tragic accident in Crete, Nebr., last February 18 when a Burlington Railroad freight train derailed and smashed into a tank car filled with deadly ammonia gas, early in the morning. The ammonia gas spread to homes, asphyxiating people in their beds, killing eight and injuring scores of helpless citizens of this Nebraska town.

Again, a derailment on the Southern Railway at Laurel, Miss., last January 25 was followed by multiple explosions and fires originating in 14 ruptured tank cars carrying propane gas. Two persons died, hundreds were injured, 60 homes were destroyed and 1,000 persons had to be evacuated.

As these illustrations indicate, recent accidents have been confined to smaller communities. What would be the result in a large metropolitan center where high population density would automatically place more people, more businesses, and more fuel in the immediate vicinity of the accident?

I should like to quote here, in part, a statement made by Mr. John H. Reed, a member of the National Transportation Safety Board and former Governor of Maine, in opening an investigation of the derailment at Laurel, Miss.:

> In a recent five week period, four derailments, including the one at Laurel, resulted in endangering thousands of lives and hundreds of homes in four small towns across the country.
>
> These four accidents had one common denominator—in each instance each train was carrying hazardous cargo involving highly inflammable or toxic materials . . .
>
> It is obvious that in rail transportation we are facing a new dimension in accident exposure. In the past when a derailment occurred, even in the geographic limits of a town, it did not create a holocaust of fire, explosion or release suffocating chemical fumes over large areas, or cause the mass evacuation of a town.
>
> We must now begin to develop ways and means to reduce and prevent such attacks on our environment, and on our lives.

Mr. President, these hazardous and dangerous materials must be transported. Our economy needs most of them. But it is crucial that they be transported safely. To achieve this, in the case of railroads, their equipment, their rights of way and their operating practices must be safe and sound. Today, unfortunately, a very large proportion of the thousands of train accidents each year is caused by faulty track or faulty equipment. Faulty operating practices are undoubtedly responsible for other serious accidents.

What is the Federal Government doing and what can it do under existing law? The sad truth is that Federal laws today are grossly inadequate to meet the need.

Most of the existing rail safety statutes were enacted from 50 to 75 years ago when technology and the accompanying hazards were much different. These outmoded statutes are limited to particular hazards, and they contain broad gaps. The Department of Transportation at present has no jurisdiction over the design, construction, inspection, or maintenance of track, roadway, and bridges. Its authority with respect to freight and passenger cars applies only to safety appliances and certain aspects of the brake systems. Car wheels and axles, which are major causative elements in many accidents, are not subject to Federal regulation.

Mr. A. Scheffer Lang, who was then the Federal Railroad Administrator of the Department of Transportation, on May 21, 1968, stated:

> Approximately 95 per cent of the accidents that occur on the nation's railroads are caused by factors not subject to any control by the federal agency responsible for promoting railroad safety. To us this is a key factor in the month-by-month increase in train accidents.

Mr. Lang, incidentally, was testifying in favor of a broad Federal rail safety bill sponsored by the previous administration. Unfortunately Congress last year did not act on the matter.

My bill would deal with this urgent problem by giving the Secretary of Transportation broad authority to issue rules, regulations and minimum standards for railroad safety, power to enforce such rules and realistic penalties for violations. At the same time the Secretary's authority would be circumscribed in sev-

eral ways; he would not be given a blank check.

I understand Representative HARLEY STAGGERS, chairman of the House Committee on Interstate and Foreign Commerce, is sponsoring similar legislation in that Chamber.

I am advised by the Department of Transportation that Secretary Volpe has asked railroad management and labor representatives to join with the Federal Railroad Administrator and representatives of State regulatory commissions in a task force on railroad safety matters. I commend the Secretary for seeking the assistance and guidance of those charged with the public interest, representatives of railroad employees and officials of the industry.

I would urge the task force to be expeditious but thorough in examining all facets of the rail safety problem. A concerted effort by the task force would doubtless be valuable to the Secretary and to the Congress as we seek to meet this safety problem.

I trust that both Senate and House can move forward promptly on this life-and-death matter and I intend, as chairman of the Senate surface transportation subcommittee, to do all in my power to achieve prompt action.

The National Transportation Safety Board has recently released a summary of testimony taken during the Board's investigation of the Laurel, Miss., January 25 accident. This revealing summary is quite relevant to the legislation which I am introducing. Mr. President, I ask unanimous consent that the April 14, 1969, release by the NTSB be printed in the RECORD at the close of my remarks. I urge my colleagues to read this eye opening account. I also ask unanimous consent that the text of the bill be printed in the RECORD at this point.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 1933) providing for Federal railroad safety, introduced by Mr. HARTKE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Railroad Safety Act of 1969".

FEDERAL SAFETY REGULATIONS

SEC. 2. It shall be unlawful for any common carrier, as defined for the purposes of this Act in the first section of the Act of February 17, 1911 (45 U.S.C. 22), in carrying out its functions as a common carrier, to use or permit to be used any facilities or equipment or to engage in any operating practice unless any such facilities or equipment are made, inspected, and maintained, and any such operating practice is in accordance with applicable rules, regulations, and minimum standards promulgated by the Secretary of Transportation (supplementing provisions of law and regulations in effect on the date of enactment of this Act) for the purpose of reducing unnecessary peril to life or limb: *Provided,* That nothing herein shall be construed to give the Secretary of Transportation authority to issue rules, regulations, and standards relating to the qualifications of employees.

STATE REGULATIONS

SEC. 3. No existing State law or regulation affecting safety of common carriers shall be superseded, nullified, or preempted by any action of the Secretary under this Act, unless the Secretary shall have promulgated rules, regulations, or minimum standards covering the subject matter of the State law or regulation and the Secretary shall find that such rules, regulations, or standards impose a standard of safety equal to or higher than the standard imposed by the particular provision of State law or regulation.

PENALTIES

SEC. 4. (a) Any common carrier who violates any provision of this Act, except section 6, shall be subject to a civil penalty of not less than $500 nor more than $1,000 for each violation. Each day of such violation shall constitute a separate offense.

(b) The civil penalties provided by subsection (a) of this section may be compromised by the Secretary. The amount of any such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the common carrier charged.

INJUNCTIVE RELIEF

SEC. 5. (a) The United States district courts shall, upon petition by the appropriate United States Attorney or the Attorney General on behalf of the United States, have jurisdiction, subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this Act or to enforce standards, rules, or regulations established hereunder.

(b) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, which violation also constitutes a violation of this Act, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42 (b) of the Federal Rules of Criminal Procedure.

CEASE AND DESIST POWERS

SEC. 6. (a) Whenever the Secretary or his duly authorized representative shall find that any facilities or equipment used or intended to be used by any common carrier in carrying out its functions as a common carrier is not in condition for safe operation, he may immediately issue an order providing for the immediate cessation of such condition. Thereafter, such facilities or equipment shall not be used unless found by the Secretary or his duly authorized representative to be in condition for safe operation.

(b) Any common carrier who violates an order of the Secretary to cease and desist shall forfeit and pay to the United States a civil penalty of not more than $5,000 for each violation. Each day of such violation shall constitute a separate offense.

(c) The United States district courts shall have jurisdiction to enforce any order of the Secretary under this section, and any person aggrieved by such order may obtain review thereof by such courts.

GENERAL POWERS

SEC. 7. (a) In addition to the powers granted to him under section 2 of this Act, the Secretary is authorized to perform such acts, including, but not limited to, conducting investigations, issuing subpenas, taking depositions, prescribing recordkeeping and reporting requirements, arranging for research, development, testing, evaluation and training, and delegating to any public bodies or qualified persons functions respecting examination, inspecting and testing of facilities or equipment, as he shall deem necessary to carry out the provisions of, and to exercise and perform his powers and duties under this Act.

(b) The Secretary may, after reasonable notice and opportunity for hearing, grant such exemptions from the requirements of any rule, regulation, or order prescribed under this Act as he considers to be in the public interest and consistent with the purpose of this Act of reducing unnecessary peril to life or limb.

EFFECT UPON THE RAILWAY LABOR ACT

SEC. 8. Nothing in this Act shall in any way be construed or applied so as to abridge, modify, limit, supersede, or repeal any provision of the Railway Labor Act (45 U.S.C. 151–188) or any agreements made pursuant thereto.

APPROPRIATION AUTHORIZATION

SEC. 9. There is hereby authorized to be appropriated $——— to carry out the purposes of this Act.

SEPARABILITY

SEC. 10. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

The letter, presented by Mr. HARTKE, follows:

The National Transportation Safety Board today issued a summary of testimony taken during a recent public hearing as part of its investigation to determine the probable cause of a Southern Railway freight train derailment at Laurel, Mississippi, on January 25, 1969. The derailment of 15 propane gas tank cars touched off explosions and fire, fatally injured two residents, hospitalized 33 persons, and caused widespread property damage.

Safety Board Member John H. Reed presided at the seven-day public hearing, which convened March 4, 1969 in Jackson, Mississippi, and reconvened in Washington, D.C., March 24, 1969. Forty persons testified and 73 exhibits were entered into the public record.

Member Reed explained that the Safety Board will issue a public report later with its formal determination of the probable cause of the accident.

The Board designated six parties to the investigation. They were: Southern Railway Company; Gulf, Mobile and Ohio Railroad Company; Association of American Railroads; Allied Chemical Corporation; Armco Steel Corporation; and Railway Labor Executives Association.

Testimony of the train and engine crews on Southern Railway freight train No. 154, on January 25, 1969, revealed that the derailment occurred about 4:15 a.m., C.S.T., and was followed immediately by fire and explosions. Witnesses testified that for 45 to 60 minutes after the derailment a series of explosions propelled pieces of tank cars ranging in size from small to those weighing thousands of pounds for distances up to 1,500 feet.

A retired minister and a seventeen year old girl died as a result of injuries received after the wreck, according to testimony received. Numerous people were injured and, of the 33 who were hospitalized, 17 were still hospitalized at the opening of the hearing. As a result of either fire or explosion, 54 residences were destroyed with an additional 1,350 suffering various degrees of damage. Two business plants were heavily damaged or destroyed, and the structures or equipment of four other businesses or industries were substantially damaged. Six public schools and five churches were also damaged, and approximately 100 small business establishments within the downtown area suffered plate glass damage. Southern Railway estimates monetary damage to track and equipment at $334,675; to lading, $45,000; and total damage in all categories to be about three million dollars.

The freight involved was Southern Railway train 154, a northbound, through freight, which originated in New Orleans. The train left New Orleans with four diesel-electric locomotives pulling 113 cars, and picked up 26 tank cars loaded with propane at Dragon, Mississippi. This made a train of 139 cars with a gross tonnage of 10,486 tons.

As near as can be determined the original derailment occurred while the train was traveling 30 mph. Marks on the west rail indicated that the trailing wheel on the west side of the lead truck of the 62nd car broke while passing over the GM&O Railroad crossing and caused the original derailment about 356 feet north of the crossing. A second pair of wheels derailed about 970 feet north of the crossing and broke the lead wheel on the east side of the front truck. The derailed 30,000-gallon tank car of propane continued northward to a facing point switch about 2,400 feet north of the GM&O crossing where 14 additional 30,000-gallon tank cars of propane derailed.

During the height of the explosions and fire, Southern Railway employees, including an off-duty switchman who volunteered his services, removed those cars not derailed from the fire area. This action involved crew members subjecting themselves to high heat and danger from explosions in order to remove the remaining cars from the wreck area. Included were additional propane cars and a car of poison gas.

The Southern Railway's Chief Engineer testified that the track through the derailment area was good enough for speeds of 40 to 45 mph, even though the maximum authorized speed was 30 mph. Neither he nor the track supervisor believed the track condition to be a contributing factor. This opinion was a value judgment based on experience and not on a set of objective standards. There are no publicized objective standards for track maintenance. He also testified that the track involved was relaid with new 115-pound continuous welded rail on February 4, 1969, followed by the usual track maintenance operation. This work had been programmed for this date.

Reports of laboratory tests made on the first broken wheel by the Southern Railway, the Illinois Institute of Technology Research Institute, and Armco Steel Corporation revealed rough corrective machining in the plate area surrounding the hub. The requirements of the Association of American Railroads are not specific as to finish, and acceptance standards depend upon individual interpretation. Generally, the wheels are required to "have a workmanlike finish and must be free from defects liable to develop in or cause removal from service." The machining resulted in a surface whose irregularities exceeded 5,000 microinches, thus providing discontinuities which can act as stress concentrators or notches which would initiate cracks under a suddenly applied lateral load.

Testimony concerning the broken wheel revealed that the wheel met the A.A.R. specifications, with the possible exception of the rough plate machining. It had a rim worn to within 0.008 inches of being condemnable for a high flange. The tread was worn hollow permitting a vertical difference or 7/32 inch if the wheel were riding on the outer edge as opposed to its riding close to the gage of the rail.

Testimony indicates that the brittle fracture of the wheel originated in the plate near the hub, probably as a result of a combination of factors. These factors were the presence of the rough machining, the hollow worn tread, the strength of the steel at the prevailing temperature, and lateral stresses from impacts of normal irregularities in track.

Testimony of tank car experts representing the Association of American Railroads Committee on Tank Cars covered the history, construction, and service of the so-called "jumbo" tank car for transportation of liquefied petroleum gas. There is no indication at this point that any of the tank cars involved failed to meet requirements of the DOT or AAR. In spite of this, 14 of the 15 tank cars subjected to the derailment conditions were punctured, ruptured, or exploded.

There was sufficient testimony by expert witnesses to raise questions about the adequacy of the design of the "jumbo" tank car without a continuous center sill, the safety relief valves, and the proper handling of loaded tank cars subjected to high heat.

Eyewitnesses from the Laurel area described the fear and confusion which accompanied the explosions and fire. One woman who lived within 800 feet of the scene described how she was awakened by explosions and then knocked down by concussion while fleeing with her young children. She also described seeing a large piece of tank car hurtling through the air at a point determined to be more than 1,000 feet from the wreck. Other witnesses confirmed this phenomenon.

The Chiefs of the Police and Fire Departments of Laurel described the functions of their groups in the post crash procedures. They also related how numerous agencies and organizations rendered aid. These organizations included Fire and Police Departments from neighboring communities, the American Red Cross, Salvation Army, National Guard, and many churches and other groups.

Two tank cars did not explode. One was burning at a puncture; the other was burning around the dome and its safety relief valve was venting periodically. To relieve the unsafe condition presented by this situation and to expedite the cleanup operation, the two tanks were vented by blowing holes in their shells by the use of shaped charges applied by Army personnel. The results were successful; however, there was considerable testimony to the effect that this is not a procedure that can always be depended upon to give satisfactory results from a safety standpoint.

Several witnesses indicated that the fact that a catastrophe such as this could occur with equipment which apparently met both Federal and AAR regulations, required a new look at the regulations.

Tests of safety relief valves from the tank cars involved in the wreck have not been completed; however, the results of these tests will become a part of the public docket when available. There are numerous steel samples from the tank cars which will be analyzed under the surveillance of the AAR's Committee on Tank Cars. The results of these tests also will be made available.

S. 1937—INTRODUCTION OF THE YOUTH POWER ACT

Mr. HATFIELD. Mr. President, in the belief that the talents and energies of young people should be more effectively devoted to voluntary service and learning opportunities to the benefit of the whole Nation, I offer for introduction today a bill to establish a National Youth Service Foundation and a National Youth Service Council. It is designated the "Youth Power Act of 1969." Senator MATHIAS, Senator PERCY, and Senator SAXBE join in the cosponsorship of this legislation.

Within the last half century, the potential role that youth might play in our society has grown tremendously. We have changed from a rural to an urban society. Better medicine and health have added to vigor and ability of young people to act upon their concerns. Available leisure time has been increased. The ideal of universal education has come closer to realization. The world of work has become more complex and more challenging. Young persons are raising fundamental questions about our society and are taking new and different views of the problems of life today. They seek to become the movers of our society rather than to be among the manipulated.

Yet, the potential role for youth in our society has not been nearly realized. Chances for creative work, learning and service to mankind have not kept pace with the increasing abilities and desires of our young citizens for such opportunities. Many millions of our under-27 citizens live in poverty while other millions of our youth sense that they are irrelevant to the myriad public and private institutions regulating their lives.

Since the establishment 8 years ago of the Peace Corps, the Federal Government has had an increasing commitment to lessen the gap between the potential service and learning roles and the actual service and learning roles of youth in our society. Following the Peace Corps came Volunteers in Service to America—VISTA—the Teacher Corps, the Job Corps, and National Youth Corps. The attention given to youth problems at the national level has increased the awareness of the need to deal with these problems in the communities in all parts of our land.

It should be emphasized that private voluntary organizations have also been active in providing experiences of both service and learning for our youth.

The purpose of the bill which I am introducing today is to supplement and increase, not to replace, the service and learning opportunities currently available to our young people. The goal is to provide enough opportunities so that no young person is denied a chance to serve and to learn.

The extent of the broad effort required is well described in the following statement of Donald J. Eberly in the "Directory of Service Organizations," National Service Secretariat, Washington, D.C., 1968:

> We must ask our young people to engage themselves fully with the war on poverty, on disease, on illiteracy, on pollution. We must make it possible for every American youth who wants to serve his fellow man to do so. Black or white, rich or poor, from north or south, east or west, from slum or suburb, village or farm, from the school, the college or university, our young people are needed.
>
> They are needed in our schools as tutors for young children. They are needed in our hospitals and clinics to assist doctors and nurses.
>
> They are needed in our courts to work with youth who have started off on the wrong foot. They are needed as friends by old folks living alone, by the mentally retarded and the mentally ill. They are needed in our forests and open lands, to protect and conserve them. They are needed to respond to natural disasters, at home and overseas. They are needed to build new towns where there will be no discrimination, no illiteracy, no pollution, but opportunities for all to move with confidence into the 21st century.
>
> Already the organizations exist to make this program possible. We shall ask the nation's schools, hospitals, churches, labor unions, businesses and industries, civic organizations, governmental departments at

the local, state, regional and federal levels to provide opportunities for young people to serve.

We shall ask private citizens, foundations, profit-making organizations and, as necessary, Congress, for funds to provide the yearly subsistence that will be needed to feed, house, transport and give a living allowance to each young person in service.

We shall ask our colleges and universities, labor unions and industries to organize training and information programs so that each young person will be able to find the challenge he wants and will be able to meet that challenge.

As stated in the act's declaration of purpose, young people at all educational levels from high school dropouts through graduate students can and will take advantage of increased service and learning opportunities. A huge number of domestic tasks remain unmet which simultaneously provides a unique opportunity for young people to serve and learn. Future manpower requirements for increased skills in the fields of education, health, conservation, welfare, job training, and governmental affairs are increasingly difficult to fulfill, and can be alleviated by a coordinated effort to increase service and learning opportunities for young people. The experience young people acquire in service and learning projects will serve to increase manpower skills and to strengthen their understanding of the world in which they live. It is the purpose of the act to strengthen, supplement, and coordinate programs and activities contributing to these policy objectives.

NATIONAL YOUTH SERVICE FOUNDATION

The bill establishes a National Youth Service Foundation to be operated by a 21-member Board of Trustees, 15 of its members to be appointed by the President, by and with the advice and consent of the Senate, and the following to be ex officio members: Director of the Peace Corps; Director of the Teacher Corps; Assistant Director of the Office of Economic Opportunity for Volunteers in Service to America; Director of the Neighborhood Youth Corps; Director of the Job Corps; and the Director of the National Youth Service Foundation.

The Director and Deputy Director of the Foundation are to be appointed by the President, by and with the advice and consent of the Senate.

The National Youth Service Foundation is authorized to make grants to or contract with public and private nonprofit agencies for recruitment and training of 17- to 27-year-olds, for periods up to 2 years for, and to conduct, youth service and learning programs as defined in the act; agree to furnish 17- to 27-year-olds to public and private nonprofit agencies to carry out any youth service and learning program or any other program approved by the Foundation; recruit and train 17- to 27-year-olds for, and to conduct, youth service and learning programs; provide technical assistance to any public and private nonprofit agency receiving assistance under the act; and develop and carry out a program to encourage greater participation by State and local agencies and by private agencies and organizations in programs offering greater opportunities for youth participation in projects for community betterment.

No payment may be made under the act in excess of 80 percent of the cost of the program. Not more than 12½ percent of the funds provided for grants and contracts shall be made available within any one State.

The Foundation shall submit to the President and to Congerss an annual report of its operations and its recommendations.

The bill provides for an Advisory Council to the Board. The President would appoint the 24 members of the Council—at least eight of whom will be under 27 years of age—to advise the Board on broad policy matters.

NATIONAL YOUTH SERVICE COUNCIL

The second major provision of the bill establishes a National Youth Service Council in the Executive Office of the President, who would be Chairman of the Council. In addition to the President, the Council would be composed of the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Chairman of the Civil Service Commission, the Commissioner of Education, the Director of the Peace Corps, the Director of the Teacher Corps, the Director of the Office of Economic Opportunity, the Assistant Director of the Office of Economic Opportunity for Volunteers in Service to America, and the Director of the National Youth Service Foundation.

The functions of the Council will be to advise and assist the President as to youth service and learning programs conducted or assisted by the Federal Government; to assure effective program planning for summer and other related youth programs of the Federal Government; coordinate youth programs and activities of all agencies of the Federal Government; encourage the adoption by appropriate agencies of the Federal Government of common procedures and simplified application forms for recruitment and transfer into youth service and learning programs conducted or assisted by any agency of the Federal Government, particularly with respect to the Job Corps, the Neighborhood Youth Corps, the Volunteers in Service to America, the Teacher Corps, the Peace Corps, and the National Youth Service Foundation; encourage each agency of the Federal Government administering a youth service and learning program to coordinate at the local level recruiting and informational activities; encourage development of cooperative programs among agencies of the Federal Government administering or conducting youth service and learning programs so as to more effectively meet the unmet community needs and services; encourage State and local agencies and private agencies and organizations to provide service and learning opportunities for youths; resolve differences between agencies of the Federal Government with respect to youth service and learning programs; and report to Congress at least once each year on the activities of the Council.

The Council may employ a staff to be headed by an executive director.

The bill provides that the functions of the President's Council on Youth Opportunity and the Citizens Advisory Board on Youth Opportunity established pursuant to Executive order, are transferred to the National Youth Service Council.

YOUTH SERVICE AND LEARNING PROGRAM

References are made throughout the bill to youth service and learning programs. Such a program is one primarily designed to improve educational opportunities of persons, improve health and welfare of persons, contribute to the development, conservation, or management of natural resources or recreational areas, strengthen library services, and improve community services.

AUTHORIZATIONS OF APPROPRIATIONS

There is authorized to be appropriated for the National Youth Service Council an amount not to exceed $2 million for any fiscal year. This is somewhat more than the $1.75 million recommended for the operation of the President's Council on Youth Opportunity for fiscal year 1970. As noted above, the functions of the President's Council on Youth Opportunity would be transferred, under the bill to the National Youth Service Council.

Authorizations for the National Youth Service Foundation are divided into: First, those for grant and contract awards; and, second, those for the activities carried on directly by the Foundation. In the first category, authorizations are provided of $75 milon for the first fiscal year; $300 million for the second fiscal year; and $600 million for the third fiscal year. The second category provides for authorizations of $75 million for the first fiscal year; $200 million for the second fiscal year; and $300 million for the third fiscal year.

POSITIVE OBJECTIVE

I wish to stress the positive objective of the bill. We are passing through a time when the temptation is great to adopt measures designed to repress the energies of young people in the cities and on the campuses. But we have to recognize that energy per se is neither moral nor immoral. It is amoral. It can be used to shape a sword or a plowshare. By providing constructive ways for all young people to use their energies and talents, they will have a chance for a better life and a chance to relate to and serve their society—as well as to help peacefully improve it where necessary.

Mr. President, I ask unanimous consent that the bill which I have introduced be printed at this point in the RECORD.

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

The bill (S. 1937) to supplement and strengthen voluntary youth service and learning opportunities supported or offered by the Federal Government by establishing a National Youth Service Council and a National Youth Service Foundation, and for other purposes, introduced by Mr. HATFIELD (for himself

and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 1937

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

TITLE I—GENERAL PROVISIONS

SHORT TITLE

SECTION 101. This Act may be cited as the "Youth Power Act of 1969".

DECLARATION OF PURPOSE

SEC. 102. (a) The Congress hereby declares that it is the policy of the United States that the talents and energies of young people should be more effectively devoted to voluntary service and learning opportunities to the benefit of the whole nation.

(b) The Congress declares that young people at all educational levels from high school dropouts through graduate students can and will take advantage of increased service and learning opportunities; that a huge number of domestic tasks remain unmet which simultaneously provides a unique opportunity for young people to serve and learn; that future manpower requirements for increased skills in the fields of education, health, conservation, welfare, job training, and governmental affairs are increasingly difficult to fulfill, and can be alleviated by a coordinated effort to increase service and learning opportunities for young people; and that the experience young people acquire in service and learning projects will serve to increase manpower skills and to strengthen their understanding of the world in which they live.

(c) It is the purpose of this Act, therefore, to strengthen, supplement, and coordinate programs and activities contributing to the policy contained in this section.

DEFINITIONS

SEC. 103. As used in this Act—

(1) "Youth service and learning program" means a program primarily designed to—

(A) improve the educational opportunities of persons in the area to be served by any such program, including projects for counseling, custodial services, library assistance, tutorial work, teaching assistance, and maintenance of educational equipment;

(B) improve the health and welfare of the persons in the area to be served by any such program, including projects for clinical or clerical assistance in nonprofit private or public hospitals or public health centers or other related facilities; health surveys, increasing sanitation services, improving air and water pollution control services, and increasing services to the handicapped;

(C) contribute to the development, conservation, or management of natural resources or recreational areas in the area to be served by any such program, including projects for historical site restoration, camp site building and maintenance, trail construction and maintenance, protecting and maintaining forests, animal care and game services, grounds keeping and landscaping, soil surveys and water shed improvements;

(D) strengthen library services in the area to be served by any such program, including projects for increased staffing of bookmobiles, reading and recording services for the blind and young children, cataloguing, shelving and repairing books, and preparing exhibits; or

(E) improve community services available to persons in the area to be served by any such program, including projects for increased day camp and child care services, assistance for museum professional personnel, playground maintenance and operation, and assisting probationers and the disadvantaged, particularly helping unemployed youths locate services available to improve their skills and employability

and is conducted or is to be conducted substantially for participation by persons who have attained 17 years of age but not 27 years of age. For the purpose of this paragraph "youth service and learning program" includes any program designed to increase the skills and employability of youths.

(2) "Private nonprofit agency" means any agency owned or operated by one or more corporations, organizations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(3) "State" means each of the several States and the District of Columbia.

TITLE II—COORDINATION OF YOUTH SERVICE AND LEARNING OPPORTUNITIES

ESTABLISHMENT OF THE NATIONAL YOUTH SERVICE COUNCIL

SEC. 201. (a) There is hereby established in the executive office of the President the National Youth Service Council (hereinafter referred to as the "Council") which shall be composed of—

(1) the President, who shall be Chairman of the Council;

(2) the Secretary of the Interior;

(3) the Secretary of Agriculture;

(4) the Secretary of Labor;

(5) the Secretary of Health, Education, and Welfare;

(6) the Secretary of Housing and Urban Development;

(7) the Chairman of the Civil Service Commission;

(8) the Commissioner of Education;

(9) the Director of the Peace Corps;

(10) the Director of the Teacher Corps;

(11) the Director of the Office of Economic Opportunity;

(12) the Assistant Director of the Office of Economic Opportunity for Volunteers in Service to America; and

(13) the Director of the National Youth Service Foundation.

(b) Each member of the Council from a department or agency of the Federal Government may designate another officer of his department or agency to serve on the Council as his alternate in his unavoidable absence.

(c) The President shall from time to time designate one of the members of the Council to preside over meetings of the Council during the absence, disability, or unavailability of the Chairman.

(d) Whenever any matter is considered by the Council relating to the interests of a Federal agency not represented on the Council, the Chairman shall invite the head of any such agency to participate in the business of the Council. The authority contained in this subsection may be exercised by the Chairman in any case in which the agency concerned is in a Federal department the head of which is a member of the Council.

FUNCTIONS

SEC. 202. It shall be the function of the Council to—

(1) advise and assist the President as he may request with respect to youth service and learning programs conducted or assisted by any agency of the Federal Government;

(2) assure effective program planning for summer and other related youth programs of the Federal Government;

(3) provide effective procedures for the coordination of youth programs and activities of all agencies of the Federal Government;

(4) develop and encourage, to the extent practicable, the adoption by appropriate agencies of the Federal Government of common procedures and simplified application forms for recruitment and transfer into any youth service and learning program conducted or assisted by any agency of the Federal Government, particularly with respect to the Job Corps, the Neighborhood Youth Corps, the Volunteers in Service to America, the Teacher Corps, the Peace Corps, and the National Youth Service Foundation;

(5) develop adequate procedures and encourage each agency of the Federal Government administering a youth service and learning program to coordinate at the local level recruiting and informational activities so that the young people in any such locality may be aware of the full range of service and learning opportunities available;

(6) to encourage the development of cooperative programs among agencies of the Federal Government administering or conducting youth service and learning programs with particular emphasis on cooperative programs designed to more effectively meet the unmet community needs and services;

(7) encourage State and local agencies and private nonprofit and other private agencies and organizations to participate fully in efforts to provide service and learning opportunities for youths;

(8) resolve differences arising among agencies of the Federal Government with respect to youth service and learning programs; and

(9) report to the Congress at least once in each fiscal year on the activities of the Council during the preceding fiscal year.

ADMINISTRATIVE PROVISIONS

SEC. 203. (a) The Council may employ a staff to be headed by an executive director and a deputy director. The executive director, subject to the direction of the Chairman, is authorized to—

(1) appoint and fix the compensation of such staff personnel, including not more than five persons who may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and who may be compensated, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, as he deems necessary; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(b) The Council shall, to the fullest extent possible, use the services, facilities, and information, including statistical information, of other Governmental agencies as well as private research agencies. Each department, agency, and instrumentality of the executive branch of the Government, including any independent agency, is authorized and directed to furnish to the Council, upon request made by the Chairman, such information as the Council deems necessary to carry out its functions under this title.

(c) The Council is authorized to establish an advisory committee and may consult with such representatives of State and local governments and other groups, organizations, and individuals as the Council deems advisable.

COMPENSATION OF THE EXECUTIVE DIRECTOR

SEC. 204. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(92) Executive Director—National Youth Service Council."

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(128) Deputy Director—National Youth Service Council."

TRANSFER OF FUNCTIONS OF PRESIDENT'S COUNCIL ON YOUTH OPPORTUNITY

SEC. 205. (a) The functions of the President's Council on Youth Opportunity and the Citizens Advisory Board on Youth Op-

portunity established pursuant to Executive Order 11330, approved March 6, 1967, are transferred to the Council.

(b) All personnel, assets, liabilities, property, and records as are determined by the Director of the Bureau of the Budget to be employed, held, or used primarily in connection with any function transferred by subsection (a) are transferred to the Council.

AUTHORIZATION OF APPROPRIATIONS

SEC. 206. There are authorized to be appropriated such sums as may be necessary, not to exceed $2,000,000 for any fiscal year, to carry out the provisions of this title.

TITLE III—NATIONAL YOUTH SERVICE FOUNDATION

ESTABLISHMENT OF FOUNDATION

SEC. 301. (a) In order to carry out the purposes of this Act, there is hereby established an agency to be known as the National Youth Service Foundation (hereinafter referred to as the "Foundation").

(b) The Foundation shall be subject to a Board of Trustees (hereinafter referred to as the "Board"). The Board shall be composed of 15 members who shall be appointed by the President, by and with the advice and consent of the Senate, of whom 4 members shall be appointed from among officials of agencies of the Federal Government, administering any youth service and learning program, and 11 members shall be appointed from among individuals from private life who are widely recognized by virtue of their experience or ability as specially qualified to serve on the Board. The Director of the Peace Corps, the Director of the Teacher Corps, the Assistant Director of the Office of Economic Opportunity for Volunteers in Service to America, the Director of the Neighborhood Youth Corps, the Director of the Job Corps, and the Director of the Foundation shall serve as ex officio members of the Board. In making appointments from private life, the President is requested to give consideration to the appointment of individuals who—

(1) will be representative of youth in the United States, and

(2) will provide collectively the appropriate regional balance on the Board.

(c) The term of office of each appointive trustee of the Foundation shall be six years; except that—

(1) the members first taking office shall serve as designated by the President, five for terms of two years, five for terms of four years, and five for terms of six years, and

(2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed.

(d) Members of the Board who are not regular full-time employees of the United States shall, while serving on business of the Foundation, be entitled to receive compensation at rates fixed by the President, but not exceeding $100 per diem, including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) The President shall call the first meeting of the trustees of the Foundation, at which the first order of business shall be the election of a Chairman and a Vice Chairman, who shall serve until one year after the date of enactment of this title. Thereafter each Chairman and Vice Chairman shall be elected for a term of two years in duration. The Vice Chairman shall perform the duties of the Chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Foundation shall elect an individual from among the trustees to fill such vacancy.

(f) A majority of the trustees of the Foundation shall constitute a quorum.

DIRECTOR AND DEPUTY DIRECTOR

SEC. 302. (a) There shall be a Director and a Deputy Director of the Foundation who shall be appointed by the President, by and with the advice and consent of the Senate. In making such appointments the President is requested to give due consideration to any recommendations submitted to him by the Board. The Director shall be the chief executive officer of the Foundation. The Director shall receive compensation at the rate provided for level IV of the Federal Executive Salary Schedule, and the Deputy Director shall receive compensation at the rate provided for level V of such Schedule. Each shall serve for a term of four years unless previously removed by the President. The Deputy Director shall perform such functions as the Director, with the approval of the Foundation, may prescribe, and be acting Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

(b) The Director shall carry out the programs of the Foundation subject to its supervision and direction, and shall carry out such other functions as the Foundation may delegate to him consistent with the provisions of this title.

AUTHORITY OF THE FOUNDATION

SEC. 303. (a) The Foundation is authorized to—

(1) make grants, enter into contracts or other arrangements in any State with public and private nonprofit agencies, including junior colleges and other institutions of higher education, under which such agencies will recruit, select, train and enroll persons who have attained the age of 17 years of age but not 27 years of age, for periods up to two years in a youth service and learning program assisted under this title;

(2) make grants, enter into contracts or other arrangements in any State with public and private nonprofit agencies to conduct youth service and learning programs;

(3) enter into arrangements in any State to furnish persons who have attained 17 years of age but not 27 years of age to public and private nonprofit agencies to carry out any youth service and learning program or any other program approved by the Foundation to be conducted by such agency or organization;

(4) to recruit, select, train and enroll persons who have attained 17 years of age but not 27 years of age for youth service and learning programs;

(5) conduct youth service and learning programs;

(6) provide technical assistance to any public and private nonprofit agency receiving assistance under this title;

(7) develop and carry out a program to encourage greater participation by State and local agencies and by private agencies and organizations in programs offering greater opportunities for youth participation in projects for the betterment of the community.

(b) No payment may be made under paragraphs (1), (2), (3), (6), and (7) of this section, except upon application therefor which is submitted to the Foundation in accordance with regulations and procedures established by the Board.

LIMITATIONS ON PAYMENTS

SEC. 304. (a) No payment may be made pursuant to this title in excess of 80 per centum of the cost of the program, project, activity, or award for which the application is made. Non-Federal contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, or services. For the purposes of this subsection, financial assistance under any provision of Federal law other than this Act shall be considered financing from a non-Federal source.

(b) Not more than 12½ per centum of the funds provided in this title for grants or contracts pursuant to paragraphs (1), (2), and (3) of section 303(a) shall be made available within any one State.

(c) No compensation or stipend paid to any individual pursuant to this title may exceed $5,000 in any fiscal year. This limitation shall not apply to medical or travel expenses and other special expenses as determined by the Foundation.

(d) Assistance pursuant to this title shall not cover the cost of any land acquisition, construction, building acquisitions, or acquisition of major equipment.

(e) Nothing contained in this title shall be construed to authorize the making of any payment under this title for religious worship or instruction.

ADMINISTRATIVE PROVISIONS

SEC. 305. (a) In addition to any authority vested in it by other provisions of this title, the Foundation, in carryng out its functions, is authorized to—

(1) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Foundation; and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(3) in the discretion of the Foundation, receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)) money and other property donated, bequeathed, or devised to the Foundation with a condition or restriction, including a condition that the Foundation use other funds of the Foundation for the purposes of the gift;

(4) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this title;

(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per diem;

(6) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(7) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this title, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) or any other provision of law relating to competitive bidding;

(8) make advances, progress, and other payments which the Board deems necessary under this title without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

(9) rent office space in the District of Columbia; and

(10) perform such other functions as are necessary to carry out the provisions of this title.

(b) The Foundation shall submit to the President and to the Congress an annual report of its operations under this title, which shall include a detailed statement of all private and public funds received and expended by it, and such recommendations as the Foundation deems appropriate.

ADVISORY COUNCIL OF YOUTH SERVICE AND LEARNING PROGRAMS

SEC. 306. (a) There is established an Advisory Council on Youth Service and Learning Programs (hereinafter referred to as the Advisory Council) composed of 24 members appointed by the President from among individuals who are widely recognized by reason of experience, education, or scholarship as specially qualified to serve on such Advisory

Council. In making such appointments the President shall give due consideration to any recommendations submitted by the Board. At least 8 members appointed to the Advisory Council shall not have attained the age of 27 years on the date of appointment.

(b) The Advisory Council shall advise the Board on broad policy matters relating to the administration of this title. The Advisory Council shall select its own chairman and vice chairman.

(c) Each member of the Advisory Council who is appointed from private life shall receive $100 per diem (including travel time) for each day during which he is engaged in the actual performance of his duties as a member of the Council. A member of the Council who is an officer or employee of the Federal Government shall serve without additional compensation. All members of the Council shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

AUTHORIZATION OF APPROPRIATIONS

SEC. 307. (a) For the purpose of making payments pursuant to paragraphs (1), (2), and (3) of section 303 (a) of this title there is authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1970, $300,000,000 for the fiscal year ending June 30, 1971, and $600,000,000 for the fiscal year ending June 30, 1972.

(b) For the purpose of carrying out other provisions of this title there are authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1970, $200,000,000 for the fiscal year ending June 30, 1971, and $300,000,000 for the fiscal year ending June 30, 1972.

S. 1938—INTRODUCTION OF A BILL TO AMEND THE RAILROAD HOURS OF SERVICE ACT OF 1907

Mr. HARTKE. Mr. President, on behalf of Senators BURDICK, HARRIS, MAGNUSON, MCGEE, and WILLIAMS of New Jersey, I rise to introduce a bill which has for its purpose the promotion of safety and employees and travelers upon the Nation's railroads by limiting the hours of service of the railroad employees.

The present law on this subject, enacted March 4, 1907, provides in general that a railroad may not keep its employees on duty for more than 16 hours in a 24-hour period. My bill would make it unlawful for a railroad to keep an employee on duty longer than 12 hours in a 24-hour period or permit him to go on duty without having had at least 8 consecutive hours off duty during the preceding 24-hour period. The bill would provide for certain exceptions in emergency situations and it would tighten up the definition of what is considered time on duty.

I believe this measure is wholly reasonable and in the public interest. There have been many changes in railroad operations since 1907 and they have, for the most part, placed more strain and tension on the employees. Engineers now frequently have both the operation and care of the locomotive units placed on them. The actual speed of trains has increased in running over the road. The threat of derailment due to poor maintenance or to daredevil motorists at grade crossings hangs over the train crew's head and creates its own tension. Daily exposure to acts of vandalism—including rock throwing, attempts at train wrecking, even robbery and physical violence—makes the need of rest more imperative for the train crews.

There is little comparison between today's trains of three to six diesel units, hauling up to 300 cars with a lading of 10,000 tons or more, and the small steam-powered trains of one locomotive and 30 to 60 cars with a lading around 1,000 tons, back in 1907. Today's trains require far more responsibility from the employees and, therefore, more alertness.

My bill will help make sure that railroad employees are rested and fully alert and can do a safer job for their employers and the American public. I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

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

The bill (S. 1938) to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, introduced by Mr. HARTKE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Commerce, as follows:

S. 1938

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

"(b) For the purpose of this Act—

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

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

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

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

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

"(C) Time spent in deadhead transportation by an employee to or from duty assignment;

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

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

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

"(1) to require or permit an employee, in case such employee shall have been continuously on duty for twelve hours, to continue on duty or to go on duty until he has had at least ten consecutive hours off duty; or

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

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

"(c) Crews of relief trains or wreck trains may be permitted to remain on duty for a longer period than is otherwise permitted by this section when necessary to clear the track at the scene of a wreck, but only until such time as the track is cleared sufficiently to permit movement of trains.

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

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

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

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

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

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

"SEC. 4. (a) Any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be, or remain on duty in violation of section 2 or section 3 of this Act shall be liable to a penalty of $500 for each and every violation, to be recovered in a suit or suits to be brought by the United States attorney in the district court of the United States having jurisdiction in the locality where such violations shall have been committed; and it shall be the duty of such district attorney to bring such suit upon satisfactory information being lodged with him.

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

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

"(d) The provisions of this Act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge

of the employee at the time said employee left a terminal, and which could not have been foreseen.

"SEC. 5. It shall be the duty of the Secretary of Transportation to enforce the provisions of this Act."

SEC. 2. This Act shall take effect thirty days after the date of its enactment.

S. 1939—INTRODUCTION OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT AMENDMENT OF 1969

Mr. MAGNUSON. Mr. President, I introduce, by request, for appropriate reference, a bill to amend the Federal Property and Administrative Services Act of 1949, and ask unanimous consent that the bill and a justification be printed at this point in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and justification will be printed in the RECORD.

The bill (S. 1939) to amend the Federal Property and Administrative Services Act of 1949 to provide that the procurement of certain transportation and public utility services shall be in accordance with all applicable Federal and State laws and regulations governing carriers and public utilities, and for other purposes, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 1939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377, as amended; 40 U.S.C., Sec. 481) is amended by adding at the end thereof the following new subsection:

"(e) Any other provision of this Act or any other Act to the contrary notwithstanding, the procurement of transportation and public utility services under the provisions of this Act or any other Act shall be in accordance with all applicable Federal and State laws and regulations governing carriers and public utilities; *Provided,* That the Secretary of Defense may from time to time, and unless the President shall otherwise direct, exempt the Department of Defense from action taken or which may be taken by the Administrator under clauses (1)–(4) of subsection (a) of this section whenever he determines exemption from such action to be in the best interests of national security."

The justification, presented by Mr. MAGNUSON, follows:

FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT AMENDMENT OF 1969

JUSTIFICATION

The purpose of the following proposed Amendment is to require the Government Services Administrator (GSA) in his capacity as procurement officer for the Federal Government, to adhere to applicable State regulatory provisions when procuring transportation or public utility services.

The effect of the proposed Amendment will be to overrule the decision of the United States Supreme Court in *United States* v. *Georgia Public Service Commission,* 371 U.S. 285, 9 L.Ed. 2d 317 (1963). This case concerned GSA authority to arrange the transportation of Federal employee owned household goods from Savannah to Atlanta, Georgia, by Georgia PSC certified carriers, but at rates below the PSC approved tariffs.

A three judge Federal district court unanimously upheld State regulation, but on appeal the Supreme Court, with Justices Goldberg, Harlan and Stewart dissenting, reversed, holding that Congressional policy, as expressed by the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 481, as amended, 41 U.S.C. 251 *et seq.,* permits Federal procurement officers to disregard State economic laws in obtaining cheaper rates. See also *Paul* v. *United States,* 371 U.S. 245, 9 L.Ed. 2d 292 (1963).

The rationale of this decision might be applied to other areas subject to State commission regulation, such as permitting Federal procurement officers to arrange intrastate transportation by carriers holding no State authority. Also, there could be an erosion of Federal regulatory jurisdiction.

Adoption of the Act will avoid these consequences.

S. 1940—INTRODUCTION OF THE EXPORT EXPANSION AND REGULATION ACT

Mr. MUSKIE. Mr. President, on behalf of myself, Mr. PACKWOOD, and other Members, I introduce, for appropriate reference, the Export Expansion and Regulation Act of 1969. This bill is designed to replace the Export Control Act of 1949, which expires on June 30 of this year. Hearings on this bill, as well as the Export Control Act, will begin on April 23, 1969, before the International Finance Subcommittee of the Banking and Currency Committee.

Mr. President, the Export Control Act was passed 20 years ago. I think it would be well for us to examine the circumstances under which it was passed and, without taking too much time, acknowledge some of the changes which have taken place since then.

In 1949, the entire world was struggling to overcome the ravages of the war. The Soviet Union had adopted policies and taken actions which were an obvious and immediate threat to the security of the United States and its allies. This threat, coming at the time and in the manner in which it did, raised tensions between the Western allies and the Soviet Union to a height never equalled before or since. It came at a time when all of Europe was economically and physically decimated. The United States was the only Western country whose industrial and technological capabilities remained intact. It was the only country capable of helping Europe regain its economic independence through technological, industrial and financial help. When Russia presented its threat, it was necessary for the United States to take whatever steps it could to minimize the danger. It should be remembered that Russia was also decimated by the war. Consequently, to deny Russia the benefits of American trade and technology was one effective way of minimizing the Soviet threat, at least for the time being. This fact occasioned the passage of the Export Control Act. That act served to provide positive scrutiny and control over virtually all exports to the Eastern European countries which were not already controlled by even more restrictive measures.

At that time, the act was an effective means of denying the Soviet Union advanced technology and strategic materials which could have military application, and, consequently, it was an effective tool both for national policy and security.

But much has happened since 1949. The Soviet Union has rebuilt its economy so that its technological and industrial level is greater than ever. Thus, it can now produce many products which it formerly might have sought from the United States.

Also, our relations with the Soviet Union and other nations of Eastern Europe have changed. I would never pretend that our problems and differences with these countries are over. However, I do believe that we have moved to the belief that our problems and differences can, and ultimately must, be solved by constant attempts to effect a meeting of the minds. We must make these attempts over the conference table and in the marketplace—wherever and whenever we can meet with our East European counterparts—be they manufacturers, politicians, diplomats, or traders—to discuss our mutual interests and concerns. In order to expand this dialog, it is necessary for us to actively seek ways and means to increase our contacts and dealings with Eastern Europe. By taking advantage of every opportunity to meet, talk and deal, we should be able to accelerate what is going to be a long and laborious process to eventual understanding and accord.

There are other circumstances which have changed since the original passage of the Export Control Act which affect its current effectiveness. As I pointed out earlier, to deny the Soviets access to our goods and technology was at one time an effective way to minimize the threat to us. For at that time, the denied goods and technology were available nowhere else. However, the United States was successful in its endeavor to help Europe and Japan rebuild. We were so successful that the free world economy surpassed its prewar level many years ago. There are now very few U.S. products which cannot be approximated or duplicated by one or more of our allies. Moreover, our allies have not imposed the severe restrictions on themselves that we have upon ourselves in regard to trade with Eastern Europe. Consequently, at this date, a vast majority of products which cannot be obtained by Eastern Europe from this country because of our unilateral export restrictions can be easily obtained from one or more of our allies. In many other instances, goods which could be obtained from this country even under the current restrictions are bought elsewhere merely because of the nuisance and delays caused by excessive redtape made necessary by current U.S. regulations.

Thus, in short, restrictive U.S. trade practices formerly served to deny products to Eastern Europe. In most instances, they now serve only to deny sales to American business.

At one time, it is possible that this country could have said that it did not need the business—there was a severe shortage of American dollars after the war, and no one seriously considered the possibility of a balance-of-payments deficit. Now the situation is different. Every day we struggle to improve our balance-of-payments picture—over both the

short and the long term. The latest figures show that the percentage growth of our exports is decreasing. The ratio of our exports to imports is getting worse. Under these circumstances, it would be foolhardy to refuse to consider allowing American business a more competitive access to an existing market—an access which would in no way affect the national security.

These are a few of the compelling reasons to seriously consider bringing the U.S. trade practices in regard to Eastern Europe into line with the other countries of the free world.

Last summer, at my request, Senator MONDALE conducted extensive hearings on the subject of East-West trade. The material he accumulated is unique and comprehensive. It has been an invaluable aid in helping single out specific proposals which warrant further consideration by Congress. Many of these proposals are contained in the bill we are introducing. In the hearings which begin tomorrow, we will continue to explore means by which we can continue to afford maximum protection to the national security while, at the same time, allowing American commerce maximum opportunity to prosper without the burden of artificial barriers.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 1940) to provide for continuation of authority for the expansion and regulation of exports, and for other purposes, introduced by Mr. MUSKIE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Banking and Currency.

Mr. MONDALE. Mr. President, today Senator MUSKIE and Senator PACKWOOD have introduced amendments to the Export Control Act in the form of new legislation, the Export Expansion and Regulation Act of 1969. I participated in the development, the drafting and the discussions of the bill. I am pleased to associate myself as a cosponsor with this effort to bring U.S. controls over East-West trade into line with present trade realities.

The amendments to the present Export Control Act reflect the concerns and purposes developed last year in the Senate on East-West trade. In May 1968, I introduced an East-West trade resolution on behalf of myself and Senators Clark, HARTKE, INOUYE, JAVITS, EDWARD KENNEDY, Robert Kennedy, MCGOVERN, Morton, MOSS, PELL, PERCY, and STEPHEN YOUNG. The resolution states:

> Whereas current export credit and other restrictions on United States trade in peaceful goods with Eastern Europe impede the response of the United States to changes within the Communist world; and
>
> Whereas the changes in Eastern Europe are vital to the maintenance of United States objectives in building a peaceful, democratic world; and
>
> Whereas an increase in United States exports to Eastern Europe will assist in meeting the United States balance-of-payments problems; and
>
> Whereas public misconceptions plague efforts to expand East-West trade: Therefore be it
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is the sense of the Congress that the Export Control Act regulations and the Export-Import Bank financing restrictions should be examined and modified to promote the best interests of the United States by permitting an increase in trade in peaceful goods between the United States and the nations of Eastern Europe.

This bill is introduced as a result of findings in hearings on the resolution last summer before the International Finance Subcommittee of the Senate Banking and Currency Committee. The witnesses substantially agreed that the military and economic strength of Eastern European countries is not affected by U.S. trade restrictions which are more severe than the restrictions imposed by Western Europe and Japan. Both economic and political advantages could be gained for American business and diplomacy if U.S. restrictions on East-West trade are reduced to the level of those imposed by Western Europe and Japan.

Witnesses warned of the consequences should the United States continue to apply its restrictions upon East-West trade extraterritorially to foreign subsidiaries of American firms and to foreign purchasers of American exports.

These amendments, which I worked on, to the Export Control Act are intended to reduce the complexities, delays, and uncertainties in the administration of export controls, which now hamper American business enterprises in competing for trade both in Western and Eastern Europe, without sacrificing the objective of controlling the export of strategic goods. We believe that these amendments will be conducive to an appropriate expansion of U.S. trade and an improvement in relationships between the United States and other nations, while at the same time providing adequate safeguards against the sale to other nations of goods of military significance.

The cold war may have diminished on other fronts, but the United States still battles vigorously in the trade arena, waging our own brand of economic warfare. Ideally, trade should be neutral, regulated only by the marketplace, and until World War II, the U.S. Government restricted exports only in time of war or special emergency. When the war against the Axis powers ended, trade restrictions continued—but the enemy changed: It became any nation under the control of a Communist government. American lines are drawn in the Export Control Act of 1949:

> It is the policy of the United States to use its economic resources and advantages in trade with Communist-dominated nations to further the national security and foreign policy objectives of the United States.

The apprehensions about East-West trade center on our participation in the advancement of a rival economic system. The argument is that as long as the United States maintains a "leadtime" in economic and technologic progress, the nations of Eastern Europe cannot outproduce or threaten the United States.

The Soviet Union's achievements in space and the growing volume of trade between Western and Eastern Europe belie the theory that Eastern European countries cannot achieve economic success without us. In fact, economic warfare may result in exactly the opposite of the intended effect. By withholding trade, we encourage a nation to develop its own resources. Rigid export restrictions result in a denial forcing the creation of new industrial capacity to produce the item denied.

The Russian space technology and missile guidance systems may be the world's most sophisticated, yet American high technology industries are told that the United States should restrict exports of these commodities in order to maintain a technological lead over the Russians of 2 to 5 years. Too much information is available through other sources in Western Europe and Japan or published in technical journals for "straightarm" techniques to be effective. American creativity has kept our technological lead intact in most fields; products on the market reflect technology that is 3 to 5 years old. If Communist importers copy such technology from items bought on the world market, they only succeed in locking themselves into out-dated systems.

On the other hand, Western trade can have a profound effect on the nature of life in Russia and in Eastern Europe. For example, the implications of a contract between the Italian Fiat Co. and the Russians for an automobile manufacturing plant in Russia are many: they will need repairs, gasoline, highways, and insurance, all factors in social change. The Russian auto plan projects expenditures of $800 million for the new Fiat plant, $400 million for tires, gas, and steel, and $1.4 billion per year for highways and gasoline stations. By 1975, their investment in transportation will equal ours in the 1920's.

Such Western trade with Communist nations is not a form of aid. All imports must be paid for, and the money for the imports can come only through exports developed by investment in the production of items for export. No nation can gain through imports the economic advancement it is not capable of providing for itself; trade quickens the economic growth of both trading partners.

A companion to the broad economic warfare approach to trade is the concept of trade as a political weapon. Our Government tends to bestow trade upon nations we consider our friends and withdraw it from others as punishment for unfriendly political acts. Czechoslovakia is a good case in point. Although Czechoslovakia is one of three Communist members of the General Agreement on Tariffs and Trade—GATT—we withdrew most-favored-nation status—a normal status for all of our other trading partners in GATT—from Czechoslovakia in 1951.

Our entire system of export controls reflects political relationships. We refuse to trade at all with some Communist nations—Mainland China, North Korea, North Vietnam, and Cuba; within Eastern Europe, Poland and Rumania are treated more liberally than Czechoslovakia, Hungary, and Bulgaria, and all of these trade with us under better conditions than does East Germany.

To undo restrictive trade practices, we must dismantle complicated administra-

tive export controls. No specific Government authority is necessary for American businesses to participate in international trade. However, individual transactions are subject to a variety of trade controls.

The constitutional basis for this control is the Commerce clause, providing that "Congress shall have power to regulate commerce with foreign nations." Congress has delegated this power to the President, particularly under the Export Control Act which gives the President nearly unlimited power to prohibit or curtail exports, and the President, in turn, has delegated discretion over export control to administrative officials, primarily in the Office of Export Control of the Department of Commerce. These administrators now control the movement of more than $30 billion worth of exports per year to all countries of the world.

The Export Control Act of 1949, as extended and amended most recently in 1965, restricts exports of materials which are in short supply in the United States, and restricts exports of materials which have potential military and economic significance and may adversely affect, if exported, the national security of the United States. The short supply controls at the present time, have little effect. On the other hand, an elaborate mechanism restricts exports of possible military and economic significance.

The first step for an exporter is to determine whether his product may be shipped under a general license or whether it requires an individually validated license. A validated license application, accompanied by an "order" from the importer for the item, may take 6 to 8 weeks to be processed through the Office of Export Control. The processing may include review by an interdepartmental committee consisting of representatives from the Departments of Commerce, State, Defense, Treasury, and sometimes from the Departments of Agriculture, Interior, the Atomic Energy Commission, the National Aeronautics and Space Administration, and the Federal Aviation Agency. The exporter's problems increase if it is his American subsidiary in Western Europe, for example, that wishes to obtain a license.

American businessmen complain that licensing delays and redtape lose sales in Eastern Europe and often prevent American businesses from trying to develop the market. If goods equivalent to American products are available elsewhere, other countries will buy from the alternate sources to avoid the complicated paperwork and restrictions and interference imposed by the American Government, which also result in long delays in delivery to customers who can find faster and less complicated arrangements by dealing with other western countries.

Most businessmen engaged in East-West trade will complain in private about the complicated applications and the long delays associated with export licenses. A few companies described the problems they have encountered in the public hearings before the Subcommittee on International Finance of the Senate Banking and Currency Committee last summer.

The Minnesota Mining & Manufacturing Co., the developer of magnetic tape, now finds itself competing with qualified manufacturers of video and computer tape: two firms from the United Kingdom, two from France, one in Belgium, a German firm, and four Japanese companies. Foreign buyers are switching from wire to magnetic tape for almost all communications purposes, but American sellers are not sharing this market as fully as they should because magnetic tape is on the U.S. export control list and subject to licensing delays.

For example, Minnesota Mining received the following in a letter from a Swiss firm to which they had made a bid for the sale of video tape:

> We have come to the conclusion it would be too long to supply you with all the information you require in order to get approval of the Department of Commerce in Washington and much to our regret we will for the time being have to use other products.

Another letter to Minnesota Mining reads:

> Your statement regarding the long delivery time due to the procurement of the export license surprises us greatly. For comparison we might quote we recently purchased these magnetic tapes via the suppliers of the computers, for example, the British ICT, and we have gotten the merchandise always promptly, in many cases even within one week.

One of the largest of the country's electronics firms, Hewlett-Packard in Palo Alto, Calif., must obtain export licenses for 97 percent of its product line. Hewlett-Packard received an order for a computer designed for medical application from a charity hospital in East Germany. The company knew the recipient, knew the doctor in charge of research, and knew the purpose of the ordered computer: patient monitoring. But the hospital would order the computer only if Hewlett-Packard could guarantee an export license, and it takes weeks to process the application through the Office of Export Control because East Germany is subject to very stringent U.S. export controls.

I ask unanimous consent that two letters from Mr. David Packard, then president of Hewlett-Packard Co., be included in the RECORD at this point in my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HEWLETT-PACKARD CO.,
Palo Alto, Calif., June 21, 1968.

Hon. WALTER F. MONDALE,
U.S. Senate,
Committee on Banking and Currency,
Washington, D.C.

DEAR SENATOR MONDALE: Thank you for your letter of May 27th, and your invitation to comment on the East-West Trade Resolution (S.J. Res. 169) you have recently introduced. Before commenting, however, I wish to commend your succinct and well-phrased introductory statement. It is extremely encouraging to me, as a businessman, to see that a key member of the U.S. government has such an excellent grasp of the major difficulties faced by U.S. businessmen interested in East-West trade.

The Hewlett-Packard Company is a major designer and manufacturer of highly sophisticated instrumentation used in electronics, medicine and analytical chemistry. Hewlett-Packard has sold its products outside the United States for many years, and now has wholly owned or controlled sales companies in nineteen of the more highly developed countries of the free world, and factories in West Germany, the United Kingdom and Japan.

During 1967 the company received almost $250,000,000 in orders for finished goods. Of this almost $60,000,000 was from outside the United States, with approximately 75% representing U.S. exports. In addition, some $5,000,000 in parts and components were supplied from the U.S. to our three international factories. Hewlett-Packard expects its international sales to more than double within the next five years.

To date, only a small amount of our products have been sold to Eastern Europe—less than 1% of our total international sales volume in 1967. This is not too surprising, however, since up to recently we have done very little to stimulate interest in Eastern Europe. We believe that the restrictions imposed by the COCOM and unilateral U.S. controls, made the sale of virtually any of our products in Eastern Europe difficult and time consuming. Any efforts we might have expended to stimulate sales would yield small returns, when compared to the return we might expect from the same effort elsewhere.

Late last year, however, we decided we could no longer afford to ignore the East European market, which as you point out, has been growing at a remarkable rate. We were, and still are, hopeful that some day tensions would ease sufficiently to allow a considerable increase in U.S. trade with Eastern Europe. We were convinced that we should now undertake a more active sales program against that day, or else we would find it virtually impossible to break into a market which had gone to our West European competitors largely by default.

As a result, the Hewlett-Packard Company is presently engaged in a long range program to increase its sales of non-strategic products in Eastern Europe. Several sales engineers employed by Hewlett-Packard S.A., our Geneva based wholly owned European marketing subsidiary, have been assigned the task of traveling in the territory and providing on-the-spot assistance to East European purchasers and end users. This year we have participated in the Leipzig and Budapest Fairs. We will also take part in the Posnan and Brno Exhibitions, as well as other smaller shows. We anticipate this new effort will cause our East European sales to more than double in 1968, with an even further substantial increase the following year.

Despite these large percentage increases, we do not expect our 1969 East European sales volume to exceed more than two or three percent of our anticipated 1969 West European volume. This relatively low figure is due in part to the lower degree of sophistication, and hence smaller overall size of the East European market. It is also due to the fact that we are new and inexperienced in dealing with Eastern Europe.

We do not believe credit will be an immediate problem, since the dollar value of a typical transaction is quite small in comparison, for example, to an expensive automated machine tool, or to an entire factory.

We feel by far the most important factor limiting our sales to Eastern Europe is the high level of unilaterally imposed U.S. export controls. Controls of this type, not imposed on our West European and Japanese competitors, drastically lower our effectiveness, despite the fact that many times our products have better inherent performance capabilities, are frequently of better quality, and often lower in price.

It is our firm belief that if Hewlett-Packard Company is to be successful in Eastern Europe, steps will have to be taken to reduce the effect of the unilateral U.S. controls to more nearly that of the COCOM controls. To maintain a high level of unilateral controls merely serves to deny business to U.S. firms, for the East Europeans can and do purchase similar products from West European and

Japanese manufacturers, who can sell their products freely.

Needless to say, we are opposed to the sales of strategic goods and materials which might be in the nature of aiding the enemy, but at the same time we feel the long term interest of peace will be best served by increased communication and understanding between the various countries of the world. We believe a larger volume of East-West trade can and will contribute to a better understanding without in any sense providing substantial aid which would strengthen our enemies, or potential enemies. In balance we believe increased East-West trade would be a very constructive program.

Sincerely,

DAVID PACKARD.

HEWLETT-PACKARD CO.,
Palo Alto, Calif., August 28, 1968.

Hon. WALTER F. MONDALE,
U.S. Senate,
Committee on Banking and Currency,
Washington, D.C.

DEAR SENATOR MONDALE: In my letter to you of June 21, 1968, commenting on the East-West Trade Resolution (S.J. Res. 169), I stressed that we felt the high level of unilateral U.S. Export Controls was the most important factor limiting our sales to Eastern Europe. At the time, I was not able to offer any statistical evidence to support this claim. However, we have recently completed a major study of our world-wide business during the six-month period November 1, 1967 to April 30, 1968. If we apply the various current levels of international (COCOM) and unilateral U.S. Export Controls to the mix of products sold during this time, dramatic evidence can be obtained as to the effect such controls have on our business.

The results of this study are shown on the attached chart. In each of the three cases internationally imposed COCOM controls affect 44% of our sales. These controls would also, presumably, affect the same portion of sales of foreign competitors with similar product mixes located in the other COCOM participating countries. However, as a U.S. firm, we must also contend with the unilaterally imposed U.S. export controls. These controls, which are not duplicated by the other COCOM countries, affect 6% of our sales to friendly Western countries and a huge 53% when we deal with the USSR and the other East European countries, excluding Poland and Romania. In fact, in this latter category, we are able to sell only $3 out of every $100—mainly medical equipment such as electrocardiographs—without restriction under General License.

In contrast, West European and Japanese competitors with similar product mixes can sell $56 out of every $100 to Eastern Europe without restriction. Now, this wouldn't be so bad if little or no competition existed in Western Europe and Japan. But this is not the case. In every instance we have investigated we have found similar items to be available from non-U.S. sources. In this light, the high level of unilateral U.S. controls makes our marketing task much more difficult. We must contend with the time and added expense required to make formal license application, the long delays encountered in obtaining decisions, and the fact that our East European customers and our East European sales force is never quite sure whether a substantial portion of our product line can be sold or not. Since most of the material over which the United States exercises unilateral export controls is readily available elsewhere, it seems to us that the high level of these controls merely serves to deny business to U.S. firms. The controls, in effect, serve to push East European purchasers into the hands of our West European and Japanese competitors who are only too willing to sell their products.

Sincerely,

DAVID PACKARD.

Mr. MONDALE. Mr. President, another example involves an electronics firm on the east coast which received a request for television equipment intended for the Czechoslovak television system. The order represented a Czech decision to favor the United States-West German television system over the French-Russian approach, but the license application took over 2 months for processing. Fortunately, the buyer was in a position where it was possible to wait.

The present Office of Export Control Licensing procedure is based on a "case method" which relies upon past decisions by the Office to set the guidelines for present licensing policies. The process is inherently conservative because it discounts the rapid pace of growth in high technology industries. The concept of economic warfare embodied in the present act's language requiring licenses for items of "potential economic significance" and the actual operation of the licensing system combine to limit the foreign trade possibilities of the most dynamic segments of American industry.

Most businessmen believe that the spectacular economic growth of the United States has been and will continue to be dependent upon the unfettered development of high technology. When American companies are denied markets, whether in Western Europe or in Eastern Europe, by restrictions on the exportation of sophisticated items, then the export controls act only to inhibit the growth of these industries.

The longer the United States refrains from participating in these markets, the more entrenched become our growing Western competitors.

Total East-West trade in 1967 with the West was over $15 billion which means the market is growing at the rate of 24 percent. In 1966 the United States had 4 percent of this market; in 1967 the U.S. share of the market decreased to between 2.5 and 3 percent of total East-West trade.

As long as other Western countries trade with Eastern Europe—as they are to an increasing extent—the objective of denying Communist nations the advantages of advanced technology are circumvented, at the expense, only, of the United States and its businesses.

SENATE JOINT RESOLUTION 96—INTRODUCTION OF A JOINT RESOLUTION AUTHORIZING THE POSTHUMOUS PROMOTION OF THE LATE GENERAL OF THE ARMY DWIGHT DAVID EISENHOWER TO THE GRADE OF GENERAL OF THE ARMIES

Mr. DIRKSEN. Mr. President, I introduce a joint resolution for appropriate reference, and I should like to read it into the RECORD:

S.J. RES. 96

Joint resolution authorizing the posthumous promotion of the late General of the Army Dwight David Eisenhower to the grade of General of the Armies

Whereas, the late General of the Army Dwight David Eisenhower served as Supreme Commander of the Allied Expeditionary Forces during World War II; and

Whereas, the said General Dwight David Eisenhower was Commander-in-Chief of the Armed Forces of the United States for eight years while serving as the thirty-fourth President of the United States; and

Whereas, the said General Dwight David Eisenhower served his country for many years with great honor and high distinction as both a military and civilian leader: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, in recognition of the late General of the Army Dwight David Eisenhower's outstanding service to his country and his high devotion to duty, the President is authorized to issue, in the name of the said General Eisenhower, a commission in the grade of General of the Armies.

(b) The commissioned grade authorized by subsection (a) of this section shall, after issuance by the President, be appropriately reflected on all records of the Department of the Army relating to the late General of the Army Dwight David Eisenhower.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 96) authorizing the posthumous promotion of the late General of the Army Dwight David Eisenhower to the grade of General of the Armies, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on Armed Services.

SENATE JOINT RESOLUTION 98—INTRODUCTION OF A JOINT RESOLUTION AUTHORIZING EMERGENCY CREDIT FOR FLOOD VICTIMS

Mr. MONDALE. Mr. President, at the quest of Senator GEORGE MCGOVERN, who is recuperating from an illness, I am introducing a joint resolution to authorize the Commodity Credit Corporation to advance $25 million to the emergency credit revolving fund in the Department of Agriculture for loans to farmers who are victims of the floods in the upper Missouri, the upper Mississippi, Idaho, and other areas this spring.

The joint resolution is identical to a similar resolution passed by Congress a year ago to give assistance to flood victims.

The Farmers Home Administration recently obtained the release of $41 million in loan funds, but I am advised that these funds, plus collections into the FHA's revolving loan account will be necessary to meet already outstanding loan commitments.

The amount of the authorization in the joint resolution has been set without detailed information on needs. The floods are right now cresting in some areas and the full extent of damage to farmers and the amount of their credit needs has not been accurately determined. The Agriculture Committees of the Senate and the House should be able, during hearings, to make a determination whether or not the $25 million specified in the joint resolution is adequate to meet needs and to amend the amount, if necessary, when the resolution is reported to the floor.

I saw the extent of this year's flood damage from the air and on the ground last Friday when I examined devastated areas in Minnesota. It is clear that loan

funds will be needed if many farm operators are to stay in business. Farmers in the upper Missouri and upper Mississippi basins have had unusually heavy snows to contend with during the winter. Many of them have exhausted their resources digging out of the snow, buying emergency feed to carry livestock, and paying other abnormal wintertime expenses. The additional costs of removing debris, plowing under silt deposits, leveling fields and repairing other damages will make it impossible for them to continue operations unless emergency loan funds are made available very quickly.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed at this point in the RECORD.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 98), to authorize the temporary funding of the emergency credit revolving fund, introduced by Mr. MONDALE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S.J. RES. 98

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commodity Credit Corporation is hereby authorized and directed to make additional advances to the emergency credit revolving fund (7 U.S.C. 1966) in a total amount not to exceed $25,000,000. Such advances together with interest at a rate which will compensate Commodity Credit Corporation for its cost of money during the period in which the advance was outstanding shall be reimbursed out of appropriations to the fund hereafter made.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

Mr. SPARKMAN. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Wyoming (Mr. HANSEN) be added as a cosponsor of the bill which I introduced recently (S. 1832), to provide for the more efficient development and improved management of national forest commercial timberlands, to establish a high-timber-yield fund, and for other purposes.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from North Dakota (Mr. YOUNG), I ask unanimous consent that, at its next printing, the name of the Senator from Kansas (Mr. PEARSON) be added as a cosponsor of the bill (S. 1790) to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program.

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

Mr. GOLDWATER. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from California (Mr. MURPHY) be added as a cosponsor of the bill (S. 1706) to strengthen the antiobscenity laws in order to protect minors against the distribution or sale of obscene materials through the mails or interstate commerce, to establish the Division of Obscenity Control in the Department of Justice, and for other purposes.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from North Dakota (Mr. YOUNG), I ask unanimous consent that, at its next printing, the name of the Senator from Oregon (Mr. HATFIELD) be added as a cosponsor of the bill (S. 1181) to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer.

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

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Michigan (Mr. GRIFFIN) be added as a cosponsor of the bill (S. 1782) to amend section 7(b) of the Small Business Act to provide for new interest rates on the Administration's share of disaster loans.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Michigan (Mr. HART), I ask unanimous consent that, at its next printing, the name of the Senator from Pennsylvania (Mr. SCOTT) be added as a cosponsor of the bill (S. 835), to amend the act of September 5, 1962 (76 Stat. 435), providing for the establishment of the Frederick Douglass home as a part of the park system in the National Capital.

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

Mr. GOLDWATER. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from California (Mr. MURPHY) be added as a cosponsor of the joint resolution (S.J. Res. 85), to provide for the designation of the period from August 26, 1969, through September 1, 1969, as "National Archery Week."

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

SENATE RESOLUTION 181—RESOLUTION REGARDING THE CENTENNIAL ANNIVERSARY OF THE YOUNG WOMEN'S MUTUAL IMPROVEMENT ASSOCIATION OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Mr. BENNETT submitted a resolution (S. Res. 181) regarding the centennial anniversary of the Young Women's Mutual Improvement Association of the Church of Jesus Christ of Latter-day Saints, which was referred to the Committee on the Judiciary.

(See the above resolution printed in full when submitted by Mr. BENNETT, which appears under a separate heading.)

SENATE RESOLUTION 181—RESOLUTION REGARDING THE CENTENNIAL ANNIVERSARY OF THE YOUNG WOMEN'S MUTUAL IMPROVEMENT ASSOCIATION OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Mr. BENNETT. Mr. President, I submit, for appropriate reference, a Senate resolution regarding the centennial anniversary of the Young Women's Mutual Improvement Association of the Church of Jesus Christ of Latter-day Saints.

Organized in November 1869, the YWMIA is celebrating its first 100 years in church organizations throughout the world. The climax of the centennial will occur in late June when the annual MIA world conference is held in Salt Lake City.

This is a unique organization which has made an immeasurable contribution to the spiritual, social, and cultural welfare of thousands of young women. I am proud to introduce the resolution which calls simply upon the Senate to take note of this milestone in Mormon Church history, and to commend the organization for its fine work. I hope its next 100 years are as successful as its last 100.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 181) which was referred to the Committee on the Judiciary, is as follows:

S. RES. 181

Whereas the Organization for young women of the Church of Jesus Christ of Latter-day Saints formally known as the Young Women's Mutual Improvement Association (YWMIA) was organized November 28, 1869 and this year marks its centennial anniversary to be commemorated by church congregations throughout the world; and

Whereas the YWMIA enriched and improved the lives of hundreds of thousands of young women during the past century through organized programs of dance, drama, music, speech, sport, camping, home-making, and spiritual counsel; and

Whereas the YWMIA has made an invaluable contribution in preparing young women to make meaningful contributions to their families, their communities and their church; and

Whereas the highlight of the YWMIA Centennial will be the Annual MIA World Conference June 27, 28 and 29 at Salt Lake City, Utah; be it

Resolved, That the United States Senate pays tribute to this fine organization and commends it for the contributions it makes to the youth of its sponsoring organization and to the Nation itself, by helping to develop wholesome, well adjusted talented young women with high personal ideals and devotion to God and country.

APPOINTMENT OF ADDITIONAL DISTRICT JUDGES—AMENDMENT

AMENDMENT NO. 12

Mr. BAKER submitted an amendment, intended to be proposed by him, to the bill (S. 952) to provide for the appointment of additional district judges, and for other purposes, which was referred to the Committee on the Judiciary and ordered to be printed.

ESTABLISHMENT OF THE GREAT PRAIRIE LAKES NATIONAL RECREATION AREA—AMENDMENT

AMENDMENT NO. 13

Mr. BURDICK submitted an amendment, intended to be proposed by him, to the bill (S. 248) to establish the Great Prarie Lakes National Recreation Area in the States of South Dakota, North Dakota, and Nebraska, and for other purposes, which was referred to the Committee on Interior and Insular Affairs and ordered to be printed.

NOTICE OF HEARINGS ON THE FAIR CREDIT REPORTING ACT

Mr. PROXMIRE. Mr. President, I wish to announce that the Subcommittee on Financial Institutions of the Committee on Banking and Currency will hold hearings on S. 823, a bill to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information.

The hearings will be held on Monday, Tuesday, and Wednesday, May 19, 20, and 21, 1969, and will begin at 10 a.m. in room 5302, New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Kenneth A. McLean, room 5300, New Senate Office Building, Washington, D.C., 20510; Telephone 225–7391.

NOTICE OF HEARINGS ON ELECTORAL REFORM

Mr. BAYH. Mr. President, the Senate Subcommittee on Constitutional Amendments will conclude its hearings on electoral reform with 3 days of hearings. These hearings will be held on April 30, May 1 and 2. The hearing on April 30, will be in room 324, Senate Office Building, while the hearings on May 1 and 2 will be held in G–308, auditorium of the New Senate Office Building. The hearings will begin at 10 a.m. each day. Persons having questions regarding the hearings are invited to contact the subcommittee staff in room 419 of the Senate Office Building, extension 3018.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. SCOTT. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Louis C. Bechtle, of Pennsylvania, to be U.S. attorney for the eastern district of Pennsylvania for the term of 4 years, vice Drew J. T. O'Keefe, resigning.

Bill Carnes Murray, of Georgia, to U.S. marshal for the northern district of Georgia for the term of 4 years, vice Elmer J. Hardegree.

George J. Reed, of Oregon, to be a member of the Board of Parole for the term expiring September 30, 1974.

F. L. Peter Stone, of Delaware, to be U.S. attorney for the district of Delaware for the term of 4 years, vice Alexander Greenfeld.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Tuesday, April 29, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

THE GRADE OF GENERAL FOR THE ASSISTANT COMMANDANT OF THE MARINE CORPS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 119, H.R. 3832.

The PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 3832) to amend title 10, United States Code, to provide the grade of general for the Assistant Commandant of the Marine Corps when the total active strength of the Marine Corps exceeds 200,000.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–130), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

This bill is designed to establish the grade of general for the Assistant Commandant of the Marine Corps, at the discretion of the President, with the advice and consent of the Senate, when the personnel strength of the corps exceeds 200,000. The bill also provides that when the active duty strength drops below this figure after an officer has been appointed to the Office of Assistant Commandant and to the grade of general, he will retain the grade so long as he retains the office. However, his successor will not be eligible for the grade of general until the strength again exceeds 200,000.

JUSTIFICATION

At the present time, the Marine Corps is authorized one officer in the grade of general—its Commandant. Marine Corps officers designated for appropriate higher commands or performance of duty of great importance and responsibility are limited by law to the grade of lieutenant general, unless they are assigned as Chief of Staff to the President or Chairman of the Joint Chiefs of Staff. This legal limitation was enacted in 1947 and since that time there have been many changes in the Marine Corps which have impacted on the office of the Commandant and his principal assistant.

The size of the Marine Corps in 1947 was 93,000—today its size is 314,000. In 1947 the number of marines serving overseas was 19,000, but today there are 101,000 marines serving overseas, including 82,000 in Vietnam. In 1947 the Commandant was not authorized to sit as a member of the Joint Chiefs of Staff. Today the Commandant sits with the Joint Chiefs of Staff whenever matters directly concerning the Marine Corps are under consideration. The magnitude of these changes alone has enlarged the scope and complexity of the responsibilities of the Commandant, and this, in turn, has greatly expanded the responsibilities of his principal assistant.

The Assistant Commandant represents the Marine Corps at meetings of the Joint Chiefs of Staff whenever the Commandant is unavailable. The Vice Chiefs of Staff of the other services, whose positions are almost identical to that of the Assistant Commandant, hold the rank of general, or its equivalent, while the Assistant Commandant holds the rank of lieutenant general.

It is the opinion of the Committee on Armed Services that the Assistant Commandant should enjoy a status comparable to his counterparts. At the present time the Commandant of the Marine Corps is the only four-star general officer in the Corps.

In addition, the substantial growth in the Marine Corps has had a significant effect upon the responsibilities exercised by the Assistant Commandant, who must give close supervision to the ever-increasing number of personnel, weapons systems, programs, and operations with which the Marine Corps is involved.

A comparison of the ratio of four-star general and flag officers to total strength in the Army, Navy, and Air Force, reveals that the Marine Corps is substantially below the other services. The strength and ratio comparisons as of January 31, 1969, are shown below:

STRENGTH AND RATIO COMPARISONS

	On board strength as of Jan. 31, 1969			
	U.S. Marine Corps	U.S. Army	U.S. Navy	U.S. Air Force
Officer	24,927	170,720	85,800	136,576
Enlisted	289,168	1,304,840	655,334	736,135
Total	314,095	1,475,560	741,134	872,711
4-star officers	1	17	8	13
Ratios:				
4-star to active generals	1:75	1:29	1:38	1:33
4-star to total strength	1:314,000	1:86,800	1:92,600	1:67,100

FISCAL DATA

According to the testimony, the pay and allowances increases from the grade of lieutenant general to the four-star grade will be $4,800 per annum.

THE FIRST 90 DAYS

Mr. MANSFIELD. Mr. President, in response to a request from the Associated Press, last week, to give our impression of the first 90 days of the Nixon administration, the distinguished assistant majority leader, the senior Senator from Massachusetts (Mr. KENNEDY), and I issued a statement. We ask unanimous consent that this statement, with reference to the first 90 days of the Nixon administration, as seen from our point of view, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE FIRST 90 DAYS

The first 90 days of the administration of President Nixon are over. So, too, is the calm which has characterized them. If a signal of the end is needed it is to be found in the tragedy of the intelligence-reconnaissance plane off North Korea. From now on, crises both at home and abroad are likely to crowd in upon the nation.

These initial months have enabled the President to prepare for what lies ahead and he has used the time well. His highly successful trip abroad, for example, brought him into friendly contact with heads-of-state with whom he will be dealing in the years ahead. Relations with France have been placed on a better plane and at the same time diplomatic contact with Cambodia is now being reestablished. At home, the President has proceeded at a deliberate pace to fill out the hierarchy of his administration with men of his own choosing and to work out changes in the budget of the previous Administration. All in all, the first 90 days of President Nixon have been marked by care, caution, and competence.

The evolution of the new administration now moves from the opening phase to the follow-through. During the months ahead will come proposals, policies and programs which clearly carry the President's imprimatur. They will be needed to deal with the problem of Viet Nam as well as the intensifying issues of inequitable and heavy taxation and inflation. These problems along with a host of other difficulties await the President's initiatives.

What also remains to be seen is whether the President can gain control over the far-flung activities of the military and civilian wings of the government. From administration to administration, the Executive Branch has grown into an administrative enormity. Unless President Nixon is able to devise means for grasping control of the continuing machinery of government for which, in any event, he has the responsibility, the tragedy off North Korea will be but the beginning of his difficulties.

THE NORTH KOREAN AIR ATTACK

Mr. SCOTT. Mr. President, I applaud President Nixon's wisdom and firmness in dealing with the outrageous but typical action of North Korea in attacking one of our unarmed reconnaissance aircraft over international waters. Our people are capable of a mighty rage and indignation at wanton killing, and there has been a proper outpouring of these reactions in recent days. The response of our Government, however, must at the same time be that of a powerful nation whose very strength in the community of nations lies in the self-imposed restraint in dealing with smaller countries, however demented and belligerent they are. We will show that we will not be deterred from our policies and our mission by ugly deeds, but we will not be drawn into war by a small, criminal state intent on destruction of all for their own ends; either.

Mr. President, there are two national security needs which must be kept uppermost in mind when considering response to the North Korean attack and the tragic loss of 31 men, and President Nixon kept these needs very much in mind.

One is the continuing need for the very kind of intelligence that such aircraft as the EC–121 can gather. Intelligence is the closest thing to casualty insurance against war; the more coverage we have the less likely we will need it in global conflict. It is intelligence which permits us to meet the aggression of a North Korea before they reignite the Korean war—a threat which is renewed from time to time by that irresponsible government. It is intelligence which helps America to secure the lid before it blows off, all over the rim of the boiling pots in Asia and elsewhere. If we are to continue gathering this intelligence, we must protect those who gather it, and in that context, the movement of the naval task force to the sea off Korea is eminently justified.

The other need which the President kept in mind is that of meeting North Korea's test of our will and the nature of our response. We have shown that we have the will to continue actions which we feel our national security and peace in the world demand. Such a demonstration of will is most especially required when dealing with a government such as North Korea, which has virtually no respect for decent relations between governments, but resorts to brutality with a morbid fascination unmatched in the world.

I submit that this crisis has been handled very well by a new administration. Our Government has been tested and found strong, but not headstrong; intelligent, but not tangled in intellectual indecision. I am saddened by the tragic attack, but heartened by the response of President Nixon to see that it is not repeated.

PRESIDENT NIXON'S HANDLING OF THE KOREAN AIR ATTACK INCIDENT

Mr. STEVENS. Mr. President, I am proud to join my colleagues in commending President Nixon for his statesmanlike handling of the recent crisis with Korea.

The destruction of an unarmed aircraft by the North Koreans is a striking example of irrational conduct. The United States, under President Nixon's leadership, has responded to their action in a totally rational manner. This is the mark of a great power, and the President's decision to act with restraint is the mark of a great President.

As the North Koreans so ably proved, it takes little thought or sensitivity to murder. We could have responded in kind. We cannot help but feel a helpless rage at such occurrences; that is a natural thing. But, as the leader of our Nation, President Nixon's example to other nations has been an excellent one.

In the discussion and debate that followed the loss of the aircraft, I have heard the North Koreans termed a "fourth-rate power." The stature of a nation may not lie in its military power, but rather in its ability to conduct itself and its affairs in a civilized and rational manner. In this incident, the North Korean Government has clearly cast itself in the role of a fourth-rate power.

Quite sensibly, President Nixon has instructed our defense people to continue surveillance of North Korean activities—in the free international zone of air travel—but with armed escort. As a former pilot of unarmed aircraft, I know what that means. It means simply that the pilots and crews of these flights will have a "fighting chance"—no American ever asked for more than that as he carried out his Commander in Chief's instructions. I, for one, hope that this meaningful change in policy will not go unnoticed in North Korea.

REPUBLIC OF SOUTH AFRICA SUGAR QUOTA SHOULD BE ABOLISHED

Mr. YOUNG of Ohio. Mr. President, among the nations of the world, the Republic of South Africa has the tragic distinction of being the only country whose legal and social structure is frankly and aggressively based on racial discrimination. The black majority of that nation has been systematically brutalized by the vicious policies of apartheid. The oppression of black citizens of South Africa by the white minority is a stain on the conscience of the free world.

Frankly, we in the United States have much to atone for and to correct in the treatment of our 20 million fellow Americans who are black. However, we have made great strides toward eliminating discrimination in our legal structure and in assuring all Americans the rights guaranteed them in the Constitution of the United States. We are also making a determined effort to eradicate economic discrimination and to provide full and equal opportunity for the development of the potential of every American regardless of race.

Mr. President, the winds of freedom are blowing throughout the world in a manner and to an extent almost beyond belief. Across the China Sea, on the African Continent, and everywhere the toiling masses and the underprivileged are striving to achieve economic and political freedom—just as in generations gone by we achieved political and religious freedom.

The time is gone when imperialists may oppress colonial peoples and natives they have sought over the years to keep in ignorance and in bondage. Human beings everywhere have served notice they may no longer be exploited or enslaved.

We Americans must not stand idle while the peoples of Asia and Africa emerge into nationhood. Our great spiritual and political heritage has inspired these peoples. At the same time they are very much aware that we have maintained cordial and economically lucrative relations with South Africa, the most racist nation in the world. The racial policies of that nation are anathema to the conscience of the world. They have been condemned in the United Nations and by nearly every government on earth. Still, these abominable policies have grown steadily more extreme and more authoritarian.

It is high time that we begin a reassessment of our policy toward the Republic of South Africa. Frankly, I do not believe that a business-as-usual attitude is appropriate between the United States, the greatest democracy, and South Africa, the only avowedly racist government in the world.

Therefore, I was indeed proud to be a cosponsor of S. 1858, introduced by the distinguished senior Senator from Massachusetts (Mr. KENNEDY) to eliminate

the sugar quota presently allocated to the Republic of South Africa. While this quota represents only slightly more than 1 percent of all sugar quotas reserved for foreign countries, it will provide South Africa with more than $5 million in subsidies above the world market prices for sugar in 1969 alone. During the past 7 years sugar producers of South Africa have benefited by more than $19 million in surplus profits generated by our sugar subsidy. Proponents of the quota for South Africa will argue that in earlier years South African sugar producers earned $3.6 million less when the American sugar price was lower than the world market price. However, this temporary loss was more than made up in subsequent years. Wealthy sugar producers in South Africa now look forward to increasingly large windfall profits from the sale of their sugar, sown and harvested by oppressed black laborers with little more status than that of serfs. It is ironic that the Sugar Act includes stringent provisions to protect American workers in the cane and beet fields, while it permits growers overseas to exploit workers who toil under intolerable conditions.

Mr. President, for more than half a century I have made my home in Cleveland, Ohio. In 1967 citizens of Cleveland elected a black man, Carl B. Stokes, as their mayor. He has been an outstanding mayor of that great city. His leadership qualities have been recognized by mayors throughout the Nation who have been following his lead in helping to solve the problems of their communities. Carl Stokes is now a candidate for relection. I believe he will be reelected by an overwhelming majority and I shall do everything that I can to assist him. I find it unconscionable to consider that the American citizens are presently unwittingly supporters of the South African economy and thus of an apartheid system in which a Carl Stokes or any other black man is unable to rise above the status of fourth-class citizen and is sentenced from birth to economic serfdom. I resent the fact, and I am sure millions of my fellow Americans also do, that whenever I purchase sugar I am indirectly enriching some South African racist farmer and the economy of his nation.

Although abolishing the South African sugar quota is only a minor step toward correcting our relationship with South Africa, it at least embraces the sound principle that nothing in our official governmental actions will lend positive economic support to this South African regime. It would be a significant moral gesture not only from the United States to the world community and especially to black Africans and the other colored peoples of the world, but also to our own citizens seeking justice, racial equality and complete civil liberties here at home.

Furthermore as an economic by-product, through such action the present South African sugar quota could be allotted to the new sugar-producing nations of Africa, countries whose economic development is far less advanced than South Africa.

The South African sugar quota should be eliminated as soon as possible. There is no reason whatever for delay.

THE HEADSTART PROGRAM MUST BE CONTINUED AND EXPANDED

Mr. YOUNG of Ohio. Mr. President, it is difficult to believe that funds for the Headstart program for this coming summer may be cut 35 percent. The Headstart program is such a meritorious program and is so needed that these funds should be increased by at least 50 percent and not reduced. The reason given by administration officials for the proposed cut is that there is allegedly a shortage in funds for such programs.

Very definitely, I do not go along with that sort of reasoning. Cutting the funds for worthwhile programs for youngsters is not only a manifestation of hypocrisy but it is entirely inconsistent with the needs of our Nation.

We in the Senate are being importuned to provide authorizations and appropriations of billions of dollars to land men on the moon, to support our involvement in a civil war in Vietnam and to construct an ABM system, allegedly to gird our ICBM sites against a missile attack from Communist China or the Soviet Union. This preposterous boondoggle, opposed by almost every reputable scientist in the Nation, including the science advisers to Presidents Eisenhower, Kennedy, and Johnson, will cost $9 billion to begin with and may eventually cost as much as $100 billion.

It includes purchasing 250 acres of land in the environs of the District of Columbia, the only metropolitan area slated for an ABM system. Washington, D.C., has been termed the "National Command Authority" by some slick public relations man in the Pentagon. Of course, the District of Columbia is not represented by two Senators as was every city previously picked for the Sentinel, now termed "Safeguard, missile sites." So it is proposed that 250 acres of high-priced real estate close to the District of Columbia will be set aside for the Safeguard ABM site. Yet, the slum areas of the District of Columbia and the thousands of poor, ill-housed, jobless, and uneducated District of Columbia residents who live in them are to continue to be neglected.

We must concern ourselves with our own critical problems. We must provide that the have nots in Washington and in every part of our Nation share more of the wealth and plenty of the Nation. We must try to provide work for every worker and a home for every family.

It is difficult to have harmony, racial and otherwise, until all Americans come to the realization that really all of us belong to and are a part of the same race—the human race. We read of crimes in our cities, such as in Washington, and in Cleveland where I live. Many crimes do occur in our inner cities, so-called, and fewer crimes occur in our suburban areas. Unless we give top priority to the needs of our inner cities, while it may seem that those living in suburban areas are presently safe from violence that occurs from time to time in urban centers, then it is safe to assert that this is probably for the present time only. We know that poverty, inadequate housing, lack of opportunity to acquire job training, unemployment, a poor education coupled with poor housing, poor or no recreational facilities, malnutrition, and other factors combined contribute to violence in our Nation. Where and to what extent this violence may extend no one is able to foresee unless we in the Congress give top priority now to legislate to continue and expand needed programs such as Headstart, to eliminate slums, provide decent housing and end malnutrition and abject poverty.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1929—INTRODUCTION OF A BILL TO PROVIDE FEDERAL PENALTIES FOR CAMPUS REVOLUTIONARIES

Mr. BYRD of West Virginia. Mr. President, the events of the past weekend at Cornell University in Ithaca, N.Y., have given even more sinister dimensions to the wave of revolution and anarchy which is engulfing high schools and the campuses of colleges and universities throughout the land.

The disruptive events at our educational institutions during recent months have been a cause for utmost concern by millions of law-abiding American citizens.

The country has been treated to the nauseous spectacle of campus rebels, from both student and faculty ranks, forcing weak-kneed, spineless administrations to kow-tow to outrageous demands. Our institutions of higher learning are being characterized as places where youngsters go to learn how to riot instead of for an education.

At many of our schools burning and breaking of property and occupation of buildings by students has become the rule rather than the exception. And just recently, student demonstrators bodily ejected a member of the Harvard faculty from his office.

Extreme as these events have been, however, I don't think that just a few weeks ago anyone would have predicted the incredible sight which was witnessed at Cornell University last weekend.

What point have we reached in the history of our civilization when a band of student rebels can arm itself with rifles, hatchets, and shotguns, and then extort concessions from a university administration?

Mr. President, I believe that extraordinary events demand an appropriate response, and for that reason I am today introducing what I believe to be a strong and far-reaching measure providing for

a Federal response to subversion of our educational institutions.

My bill, which is modeled after the Civil Rights Act of 1968, prohibits the disruption of the administration or operation of any federally assisted educational institution.

The bill provides a fine of up to $1,000 and/or imprisonment up to 1 year for any person who, with the intent to prevent, obstruct, or interfere with the orderly administration or operation of such an institution, willfully, first, appropriates, occupies, or destroys any real or personal property which is property of such institution, is situated upon the premises of such institution, or is situated within any structure of such institution; or, second, denies or abridges by force, threat of force, or any act of disruption the right of any person to participate in or enjoy the benefits of any class, facility, program, or activity conducted or provided by such institution or authorized by appropriate administrative authority of such institution to be conducted upon the premises of such institution.

The offenses which I have described constitute a misdemeanor unless they result in bodily injury to any other person. The offenses become a felony in cases of bodily injury and, as such, carry a penalty of up to $10,000 and/or 10 years' imprisonment. If a death should result from such actions, the bill provides a penalty of from 10 years to life in prison.

There are some persons, no doubt, who will say that this is an oppressive measure. To the bleeding hearts I say only that firm action is certainly called for in America today to counterbalance the mollycoddling, permissive attitude championed by confused individuals who are seeking to destroy our heritage and our entire system of values.

What this bill proposes, certainly seems reasonable enough, for it does not limit the right of students to present legitimate grievances and requests to the administrators of our educational institutions. The bill only becomes a factor when individuals decide to sidestep the normal channels of civilized, democratic communication in favor of disruptive, intimidating action which infringes upon the right of educators to educate and serious students to learn. And that, after all, is what our schools are all about.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1929) to amend title 18, United States Code, to prohibit the disruption of the administration or operations of federally assisted educational institutions, and for other purposes, introduced by Mr. BYRD of West Virginia, was received, read twice by its title, and referred to the Committee on the Judiciary.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1911—INTRODUCTION OF A BILL TO PROVIDE THAT TIME FOR VOTING IN PRESIDENTIAL ELECTIONS BE EXPANDED TO 24 HOURS

Mr. GOLDWATER. Mr. President, I introduce a bill and I ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1911) to expand the time for voting in presidential elections to a 24-hour period and to provide that such period shall be uniform throughout the United States, introduced by Mr. GOLDWATER, was received, read twice by its title, and referred to the Committee on Rules and Administration.

Mr. GOLDWATER. Mr. President, in connection with the current discussions throughout the Nation and activities in the Congress relating to the subject of making reforms in the manner of choosing a President and Vice President, I believe it is appropriate for attention to be given to all means whereby our election machinery can be altered and improved so as to encourage and facilitate the maximum participation by our citizens in the selection of such officers. In fact, I believe we would be overlooking one of the most important aspects of the entire area of electoral reform if we did not combine efforts to modernize the system for electing a President with efforts to insure that the greatest numbers of citizens will be able to vote in such elections.

As one who has been involved as a candidate in one of these campaigns, I am especially appreciative of the importance to the American democratic system of obtaining the greatest possible expression of the national will.

For these reasons, I have already submitted a proposed constitutional amendment that would remove the serious limitations on the right vote in presidential elections which result from excessive residence and physical presence requirements. The measure which I offered, Senate Joint Resolution 59, could enable as many as 11 million additional citizens to cast votes to select a President by loosening residence requirements, insofar as practical, and expanding opportunities for absentee voting. This amendment alone could result in an increase in 11 percent in the numbers of voters participating in the election of a President.

Today I offer a second measure designed to broaden the effective voice of our citizens in the selection of the two highest officers in this country. I am introducing today a bill to provide that the time for voting in presidential elections be expanded to a full 24-hour period and that this period be uniform throughout the United States. This means that the polls will open and close across the United States at the same moment. In view of the likelihood that some alternative to the present electoral college will be approved, whether it be the district plan, proportionate system, or direct election method, I have drafted my bill so as to conform with any one of these proposals that might be adopted.

Mr. President, in introducing this bill, I am carrying out an intention expressed when I testified before the Subcommittee on Constitutional Amendments last month concerning reform of the electoral college system.

I am confident that enactment of this proposal would make it considerably easier for millions more of our citizens to vote who now find themselves unable to go to the polls because of the limited period for voting. These citizens may number over 10 million. For example, one recent survey claims that 3 million citizens of voting age were barred from casting ballots because they were unable to leave their work. Several million other citizens were sick or disabled on the day of the election. It is my belief that several million of these citizens and some in other categories would find it possible to cast ballots if the voting period were extended to 24 hours and persons had a choice of convenient hours for voting on portions of 2 calendar days rather than on only 1.

The period I have chosen, from 6 p.m. to 6 p.m., central standard time, is designed to permit voters to use the polls at the end of normal working hours on the first day, through the evening and night of that day, prior to going to work on the second day, and up to midafternoon on the second day. Such a range of choices should enable many millions of citizens to find a time when it will be easy for them to go to the polls, but who are now prevented from exercising their franchise by unavoidable demands on their time or temporary illnesses.

As an additional benefit, my bill could eliminate many of the criticisms arising because of the reporting of significant percentages of the results from some States before the polls close in all other States. With voting spread over a 24-hour period covering portions of 2 calendar days, the possible influence of vote projections should be considerably reduced since people in all areas of the country will be able to vote at a convenient hour right up to the end of the election and the election will not end in one area before it does in any of the other regions.

Mr. President, I hope that serious consideration will be given to this measure by the 91st Congress. The enactment of my proposal would be one more step in assuring that the role of our people in determining their future will be strengthened and encouraged. I believe that this is the only bill on this subject that would conform to any system used for the selection of a President, whether it be the present electoral college method or some other system. Consequently, I would hope that Members of all persuasions may find it possible to support my proposal as a worthy approach to increasing participation by the public in the election processes. If the bill I offer today would be coupled with the constitutional amendment, I proposed to remove excessive residence requirements and expand absentee voting, the impact of both measures com-

bined could bring about an increase of 20 million or more in the number of citizens who vote in presidential elections.

DEDICATION OF BUST OF FORMER SENATOR LISTER HILL

Mr. SPARKMAN. Mr. President, on Sunday, March 30, in Birmingham, Ala., the University of Alabama Medical Center dedicated a bust of former Senator Lister Hill. The bronze bust, the work of sculptor Gwalberto Rocchi, is in the Lawrence Reynolds Library. When the medical center library is completed, the bust will be reinstalled there.

It is not necessary for me to remind the Members of this body of the great achievements in medicine of Senator Lister Hill. I know that all of my colleagues will join me in hailing this new recognition of a distinguished Alabamian.

I ask unanimous consent to have printed in the RECORD an article entitled "Life-Sized Bust of Senator Hill is Dedicated," written by Dennis Washburn, and published in the Birmingham News for March 31, 1969.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LIFE-SIZE BUST OF SENATOR HILL IS DEDICATED

(By Dennis Washburn)

A 14-year-old youth, Lister Hubbard Hill, stripped the veil from a life-sized bronze bust of his grandfather, Sen. Lister Hill, in ceremonies at Smolian House Sunday afternoon.

And about 75 family friends and officials of the University of Alabama Medical Center applauded the metallic likeness of Alabama's retired U.S. Senator created by famed Italian artist Gwalberto Rocchi.

As Sen. Hill stood beside the bust and addressed the group, observers gazed in fascination from one of the other—from the bust to the Senator, and then back again, and again.

But the Senator made little reference to the piece of art in his remarks to the group.

He reminisced briefly on changes in the world of medicine in recent years, and changes in governmental participation in medicine.

"I can remember when the government's share in medical expenditures was $81 million a year," he said, "And for the past several years this has grown to more than $1½ billion per year."

Observers could hardly help remembering that Hill, himself, was responsible for much of the increased interest of the federal government in medicine.

His personal efforts in medical legislation such as the Hill-Burton Hospital Construction Act has resulted in the construction or remodeling of more than 9,000 hospitals as well as direct federal aid to struggling medical schools, organization of a massive research program in the medical sciences, and the building of centers for treatment of mental illness and retardation.

Sen. Hill spoke about the University of Alabama Medical Center complex in Birmingham. "I remember the first time I visited the Medical Center. It was only one square block then. Now, it occupies more than 15 blocks, and this is only the beginning," he predicted.

"Those who are sick and those who suffer cannot wait for attention," said the Senator. "Men's lives hang in the balance."

He cited the need for a better medical educational program, more doctors, more dentists, more nurses, and the acquisition of more medical knowledge.

"We are here today to dedicate ourselves to a greater, more magnificent Medical Center in Birmingham," said Hill.

And as the spectators started applauding he stepped forward again and quieted them with upraised hand.

"Does that applause mean that you've all enlisted in the cause?" he quipped.

The handclapping volume swelled then.

Dr. Joseph F. Volker, executive vice president of the University of Alabama in Birmingham, introduced Sen. Hill after the unveiling.

Pointing to the bronze image of the senator, Dr. Volker said:

"This bust is here because of the desire of the many friends of the Senator to have his much beloved features reproduced in bronze by a distinguished artist."

Dr. Volker said the bust will remain, for the time being, in the Lawrence Reynolds Library. "Then it will be removed to the Medical Center Library when that is completed," he said.

The bronze bust was commissioned on behalf of the Medical Center as a permanent art contribution in honor of Sen. Hill.

The unveiling was one of the final events of the 1969 Birmingham Festival of Arts.

SENATE JOINT RESOLUTION 99—INTRODUCTION OF A JOINT RESOLUTION TO PROCLAIM HELEN KELLER MEMORIAL WEEK

Mr. JAVITS. Mr. President, on behalf of myself, the Senator from West Virginia (Mr. RANDOLPH), and the Senators from Alabama (Mr. SPARKMAN and Mr. ALLEN), Miss Keller's native State, I am today introducing, for appropriate reference, a joint resolution to authorize the President of the United States to issue a proclamation designating the first week in June of this year and every year thereafter as "Helen Keller Memorial Week." This proposal has the support of the American Foundation for the Blind.

As you know, June 1 of this year marks the first anniversary of Helen Keller's death. I am sure that many of my colleagues attended the funeral services here at the Washington National Cathedral, where her ashes are interred, and heard Senator Lister Hill, the distinguished former chairman of the Senate Committee on Labor and Public Welfare, deliver the eulogy for his longtime friend.

The story of Helen Keller's conquest of the staggering double handicap of blindness and deafness is well known. The tireless lifelong devotion of this unique individual to improve the lot of the blind, the deaf, the handicapped, and the economically underprivileged marks her as one of those rare beings with whom the human race is periodically blessed who has the understanding, compassion, foresight, and ability to make people right wrongs and repair neglect. An American, Helen Keller was a true citizen of the world, her enlightened influence resulted in schools for the handicapped and new concepts of human dignity and worth for the handicapped and underprivileged in place of custodial institutions and cruel neglect.

I am very pleased that Helen Keller lived to see the outstanding progress made as a result of congressional action in the development of more effective education and rehabilitation programs for children and adults with all types of physical and mental handicaps. I am glad that she saw the beginning of more effective ways to help the economically deprived break out of the poverty cycle. All of these were matters of great concern to her, and she started her pioneering effort to interest people in social problems well before this concern became established public policy.

A national observance each year in memory of Helen Keller will give the American people for generations to come an opportunity to rededicate themselves to the goals and ideals to which she devoted her long and fruitful life. It is fitting that such a national observance in memory of a unique American be launched with a Presidential proclamation.

The Senator from West Virginia (Mr. RANDOLPH) and I commend this joint resolution to our colleagues and urge their support.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 99) to authorize the President to issue annually a proclamation designating the first week in June of each year as "Helen Keller Memorial Week," introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 1926—INTRODUCTION OF A BILL TO AMEND THE TUCKER ACT

Mr. JAVITS. Mr. President, during the first session of the 90th Congress, I introduced and the Senate passed my bill to amend the Tucker Act to increase from $10,000 to $50,000 the jurisdictional limitation of the Federal district courts in certain contract cases against the Federal Government. This bill was supported by the Department of Justice and the Administrative Office of the U.S. Courts.

At that time I said that—

> The primary purpose of this bill is to allow former Government employees to join suits for reinstatement with suits for back pay. The former must be brought in the district courts, but the latter must now be brought in the Court of Claims if the amount in question exceeds $10,000.
>
> The Justice Department has estimated that if the jurisdictional limit were raised to $50,000 as contemplated by this bill, more than 99 percent of the backpay claims could be heard in district court—freeing the Court of Claims for more important work and considerably reducing the cost of litigation for claimants outside the Washington area. In addition almost one third of all the other contract cases against the Government could be heard in district court.

Since that time, it has come to my attention on numerous occasions that this bill would in addition confer substantial benefits upon our Nation's small businessmen.

The Senate Select Committee on Small Business, of which I am ranking minority member, the Small Business Administration, the Department of Defense, the Government Supply Agency, and others are all making a concerted effort to insure that our small businessmen receive their share of Government procurement. This greater involvement in Government procurement has had the predictable

effect of involving these small businessmen in contract claims with the Federal Government.

Under the present jurisdictional limits, all of these claims in excess of $10,000 must be heard before the Court of Claims here in Washington, D.C. This, of course, places an extreme hardship on a small businessman with a claim over $10,000 by requiring him to either retain Washington legal counsel or bear the additional expense of having his local counsel travel to Washington, often consuming several days in the process. In addition, witnesses, exhibits, records, documents, and other physical evidence of both the claimant and the Government are often required to be brought to Washington frequently at substantial additional cost to both the Government and the claimant.

The jurisdictional limits of the Tucker Act have never been amended since 1887, a time when $10,000 represented a significantly larger sum than it does today. And in view of the expanding operations of the Federal Government resulting in an ever increasing number of contracts throughout this Nation it is imperative that persons contracting with the Government be afforded a reasonable opportunity of having their smaller contract claims adjudicated in their local Federal courts. I, therefore, send to the desk, for appropriate reference, a bill to amend the Tucker Act which is identical to the one offered to the 90th Congress passed by its Senate.

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

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1926) to amend the Tucker Act to increase from $10,000 to $50,000 the limitation on the jurisdiction of the U.S. district courts in suits against the United States for breach of contract or for compensation, introduced by Mr. JAVITS, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 1926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2) of subsection (a) of section 1346 of title 28, United States Code, is amended to read as follows:

"(2) Any other civil action or claim against the United States, not exceeding $50,000 in amount, founded either upon the Constitution, or any Act of Congress, or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort."

FUND FOR EDUCATION IN WORLD ORDER

Mr. JAVITS. Mr. President, on March 5, 1969, Senators FULBRIGHT, MCGOVERN, and I addressed the Fund for Education in World Order's National Convocation on the Challenge of Building Peace. As it was reported widely in the press at that time, the meeting was invaded by a group of demonstrators disguised as waiters, who disrupted the proceedings, waving Vietcong flags and marching around the room carrying pigs' heads on trays.

I had been informed that such a disruption was imminent, but I determined to go on in any event, because I think this Nation must not allow disruptive forces to suppress the very right of free speech and discussion which they, erroneously purport to exert.

Nothing could be farther from the American tradition than this kind of demonstration. The Constitution protects the right of free speech and assembly, but has never protected a disruption designed to destroy someone else's right to peaceably assemble and speak.

I do not question the right of demonstrators to hold their own meeting and discuss whatever they wish. Nor do I question their right to peaceably and nondisruptively demonstrate outside someone else's meeting, or to heckle reasonably. But the invasion of a private meeting for the purpose of undermining a free exchange of views among those who have devoted considerable time and effort in planning a meeting is something which I deplore and which has no place in the American political tradition.

Mr. President, I have here the verbatim transcript of these proceedings, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

FUND FOR EDUCATION IN WORLD ORDER

(National Convocation on the Challenge of Building Peace, New York Hilton, New York, N.Y., March 5, 1969)

Master of Ceremonies: Chet Huntley.

Greetings: Randolph P. Compton, Jack P. Jefferies, Stewart Rawlings Mott, and Matthew B. Rosenhaus.

U.S. Senators speak out: J. WILLIAM FULBRIGHT, JACOB K. JAVITS, and GEORGE MCGOVERN.

Mr. MOTT (in progress). Today we have with us some of the most important workers in the voluntary organizations, in the academic community and those from Washington. I'd like to introduce those at the head table who will not be introduced later in the program, and I'd like to ask them to stand as I read their names and continue standing until I give you the signal for applause.

First, on your left, is Miss Josephine Spencer, who is Secretary of the Fund for Education in World Order.

Next to her is Earl Osborn, who is President of the Institute for International Order and a member of the Board of Trustees of The Fund.

Next is Sen. Joseph Clark, former senator from Pennsylvania. Sen. Clark is now President of the United World Federalists.

Next is Mr. Randolph Compton, who is Chairman of the Board of Trustees of The Fund for Education in World Order.

Next is Mrs. Gardner Cox from Boston, a long-time friend of the peace movement.

Sen. ALAN CRANSTON of California.

Moving to my left, a man who is unknown to many of us in New York and who has represented himself very well both in the program last night as well as today's panel session, Sen. Robert Packwood from Oregon.

The next is—he needs no introduction. Paul O'Dwyer.

Mrs. Maurice Pate, a member of the Board of Trustees of The Fund for Education in World Order.

Congressman CLARK MACGREGOR, Republican of Minnesota.

Sen. Ernest Gruening, former senator from Alaska.

Mr. Seth Milliken, another long-time friend of the peace movement and of The Fund.

Mr. Malcolm Andresen, a Trustee of The Fund and co-chairman of our Finance Committee.

Mrs. Betty Lall, a nationally-known expert on arms control.

The Hon. Jack Gilligan, former congressman from Ohio.

And Michael Washburn, the Executive Director of The Fund for Education in World Order.

A round of applause for them all. (Applause.)

Today we have come together to ask ourselves the question and ask of our experts in the academic community and in government: What can we do to promote the cause of peace? I think that each of you, among the circles that you move in and the work that you undertake every day, you have that same gnawing question asked by people who have willing spirits and are looking for a role. I think today, in this major convocation, we have an opportunity to come together for educational purposes, to talk about the issues and to speak our mind.

We are very thankful to those of you who have helped to make that convocation possible, to each of you who became sponsors of the convocation and sent in a check to help underwrite the cost of it. We're thankful to all of the speakers who have given you a day of their time to come and participate fully in this day's work. And we're thankful especially to the foundations and to the corporate sponsors who have been willing to step out and to put the name of their corporation or of themselves on the line on behalf of peace. And particularly I'm thinking of men like Robert Stewart of the National Can Corporation and Joseph McDonald of Servomation, and many other of you businessmen who have come together for this purpose. (Applause.)

And next I'd like to introduce my co-chairman and a prominent businessman himself, President of the J. B. Williams Company, Matthew Rosenhaus. (Applause.)

Mr. ROSENHAUS. Thank you, Mr. Mott.

Honored Guests, Ladies and Gentlemen: I hope that today will mark the beginning of a significant effort toward peace in the world. They say that great oaks from little acorns grow, and we are just learning to crawl. We have a very simple, naive faith. We believe that the people of the United States, the people of the world, want peace. They've waited thousands of years for it, and we think that the time is coming up now when they're going to get it. (Applause.)

More than that, we are convinced that the brain power is now living here and throughout the world that can build a structure for peace, and we mean to stir up that brain power and put it to work.

We need your help. We need everybody's help in this effort. Peace is everybody's business, and we hope that all of you, when you depart today, will remember to tell your friends, tell your acquaintances. Let's all get together in this and let's help build the peace that we all want.

It is now my happy privilege to introduce the President of our Fund, Jack Jefferies, on my right. (Applause.)

And also the Chairman of our Fund, whom you were introduced to a moment ago, who is a grand guy and really started this whole thing, Randy Compton, who is going to make a presentation. (Applause.)

Mr. COMPTON. Friends, Honored Guests and those here on the dais who are all, with the world, interested in one subject: how to develop a better world order:

I have believed that education, especially that of young people, must be a key element in any effort to build a just and lasting peace. Some months ago The Fund started a program to provide support for research, training, in problems of peace, and today I am delighted to announce that two of the first fellows to result from this program, the first grants, are being given in honor of the two co-chairmen of this Convocation, Mr. Stewart Mott and Mr. Matty Rosenhaus, whose contribution to The Fund's effort to build public support for peace, education, has already been immense, as we see from the response here today.

I'd like to ask Jack Jefferies to present the fellowship program.

Mr. JEFFERIES. The Matthew B. Rosenhaus Fellowship in World Order Studies is being presented this year to a young woman from the Columbia School of International Affairs, Miss Geneese Gottschalk. Geneese is studying arms control and peace-keeping at Columbia, and after leaving Columbia she plans to work at the United Nations in these same areas. (Applause.)

The Stewart R. Mott Fellowship in World Order Studies is being awarded to an outstanding Ph. D. candidate associated with the Michigan Center for the Study of Conflict Resolution, Andrew Seville. Andy will complete a fascinating dissertation on policy-making attitudes and perceptions of State Department officials as they relate to our foreign policies on arms control, Vietnam, the United Nations and our problems of peace. We believe that Andy will go on to make many important contributions to our peace. (Applause.)

Thank you.

Mr. ROSENHAUS. And now, a gentleman who needs no introduction, except I would like to say two things about him. No. 1, in an industry where few last and survive for two or three years, he's made a great record. This gentleman is about to begin his fourteenth year. Also, they didn't get enough from him five nights a week so they extended him to six nights a week. Your friend and mine, Chet Huntley.

(Applause.)

Mr. HUNTLEY. Thank you, Mr. Rosenhaus.

Mr. Mott, distinguished Guests and Ladies and Gentlemen:

This Convocation, this dedication to an effort in behalf of peace, does not occur by accident. It does not take place in limbo. It is the product of something—of hope, or work, of financial investment and the conviction by a great number of men and women that world peace is a valid and attainable objective.

I suggest there is present in this country and perhaps in the world a new dedication to peace, a new determination to achieve it. For example, how to realize peace was very much an issue in our recent political year, and the pledges which were made in behalf of it were certainly not frivolous. The national desire for peace and the frustrations accruing from its absence had tremendous impact on the political decisions and political events of last year. Recently we read the excellent report of a committee working under the auspices of the American Association for the United Nations. The central thrust of that report was, again, a call for a greater constituency in behalf of peace and a convincing argument in behalf of the premise that it can be had.

Recently, again, I believe some of the distinguished senators and congressmen present here today were petitioned in Washington by the leaders of a new women's organization boasting 50,000 members, founded in Beverly Hills, California, dedicated to work in behalf of peace and demanding that a federal department for peace be created and that it be given Cabinet status. (Applause.)

I would point out that although the volume of American and worldwide student unrest is frequently so high that it's difficult for us uninitiated to comprehend all that's being said, yet it is clear that the call for peace runs strongly through all the talk, all the literature, all the chants, all the music and all the turmoil of our young. (Applause.) This determination of millions of the world's young to achieve and maintain peace is indeed one of our greatest hopes and our finest assets. (Applause.)

Peace has had no greater champion anywhere than the men and women of our own and foreign scientific communities. Peace and education are virtually synonymous. It was Senator Fulbright who said in a 1966 speech in Stockholm, "Education is a slow-moving but powerful force. Far from being a means of gaining national advantage in the traditional game of power politics, international education should try to change the nature of the game, to civilize and humanize it in the nuclear age." (Applause.)

Another encouraging development of these post-war years has been the quickened interest in peace and the investment in its pursuit by American businessmen and industrialists, and our artists, and indeed most of the artists of the world, have been splendid ambassadors for peace. And there are many others, groups and individuals, and we need them all.

The quest for peace is never the exclusive project of one group, one profession or one people. It would be most difficult, I believe, to determine who makes or who can make the finest contribution to it. The will to international peace can and does come from the most humble sources and from the most unstudied, unpremeditated acts. It can germinate from a smile or the clasp of a hand, and it can come from those who have no great names nor reputations. We also know it can be nourished by kings and presidents and by ministers and lawmakers. But I have seen peace advanced by an American handing a ballpoint pen to a young Russian. I have seen and heard it generated from the trumpet of Louis Armstrong. Our scientists, who converse with Soviet and other foreign scientists, have a tremendous capacity for the promotion of peace. Students and youth are tremendous forces for peace, and we might well consider ways and means to export more of our own, for modest periods of time, and to import all we can. (Applause.) The Fulbright Scholarship plan has been a tremendous peace instrument.

Yes, I think there is a quickened interest and a renewed determination in behalf of peace. We all recall, I am sure, those buoyant and bright days of 1944 and early 1945 when the organization of peace fascinated us. Even in small American towns and American communities you could find citizen organizations working on peace formulas, writing charters, constitutions, preambles and bylaws. But then peace slipped by us. It was not to be—not yet. And many of us, I think, grew cynical. Indeed, the temptation was there to regard peace as an idle dream and a delusion.

But hopefully that spate of cynicism is coming to an end. Perhaps more of us are coming to comprehend at last that there is actually no alternative to peace except despair—(applause)—no alternative except despair and ultimate ruin, and that is not consistent with the nature of man. Peace is not one of several choices. It is the only choice. But it is one that mankind has to make. So it is mandatory, my friends, that we believe in it, that we work for it and that we invest in it.

Now, it is my happy privilege to introduce the distinguished Senator from Arkansas, J. William Fulbright, Chairman of the Foreign Relations Committee.

(A standing ovation.)

Senator FULBRIGHT. Mr. Mott, Mr. Huntley, and ladies and gentlemen—

(A demonstration disrupted the proceedings.)

Mr. MOTT. Ladies and gentlemen, we were expecting something of a demonstration today. We would have been disappointed if we hadn't had it. (Applause) In fact, I was prepared to yield one or two minutes of my time on the program to any responsible spokesman who would want to come up here.

I think they've had their say and I think we are pleased now to come back to Sen. Fulbright.

(Applause.)

Senator FULBRIGHT. You never come to New York that you don't get interesting meetings. I suppose that's one reason we just can't get along without New York, because it adds spice and interest to our lives.

It's a great honor to be invited to such a large meeting. Last summer, when I was running for reelection, I don't recall that I ever saw so many people together in one place. But there are a number of those here today who were very helpful in that endeavor last summer, and that's one reason why I'm here.

It is a great honor to participate in any kind of meeting in which the objective of peace and particularly education for peace is the principal theme. Having been an old professor, of course, this has been my own approach. I felt, ever since I entered public life, even before the Congress, that this was the one hope—that is, it's long-term, but it is the hope.

It's true today that, I think, nearly everyone is for peace. The trouble has been in the past that they're always anxious for something else a little more. And this has been true particularly of those who have the responsibility of government. There is something very strange that happens to all of us, I suppose, who are designated by their fellow citizens as their representative to protect the national security. I think this is a strange psychological phenomenon. I've never quite understood it. I don't today, when I see the transformation that takes place in people who are given great responsibility in public office.

One of the purposes of the committee on which I have the honor of being chairman is to educate just such people. That has been its objective for a number of years. The hearings which we have to a great extent are educational hearings. The ones we will have in the coming year will be educational hearings. And I can't say how glad I am, how pleased I am, that the distinguished senior Senator of New York is now a junior member of that committee and will add a great deal. (Applause.) I know that Sen. Javits brings to that committee a long experience and will add a great deal to these educational hearings.

There are many different aspects of this problem. You will have the ABM discussed, and Sen. Javits, I'm sure, will refer to it. We are having hearings tomorrow in my committee—in a subcommittee of my committee, tomorrow on this subject. The Symington subcommittee is talking about a different aspect of this same struggle for peace, going into the impact of our presence abroad in so many countries upon our foreign policy. There are many different aspects of it.

The one thing which my committee is thinking now of—(disturbance).

Mr. MOTT. If there is a spokesman for the group which is making the current demonstration who would like to come to the podium and make a one-minute statement, we welcome your coming to this podium for that purpose. Otherwise—if there is one person who would like to speak for the group—Excuse me, sir.

We have a gentleman here who would like to make a brief statement—we will keep it to one minute—to demonstrate we believe in the freedom of speech and free expression, and after the presentation we would like to

proceed without interruption with our program.

Go ahead.

A SPEAKER. The question that we're asking is how long liberal America is going to deceive itself with these kinds of peace convocations and meetings. The power structure of this country, which is represented by people sitting at this table, either positively or negatively, is not going to allow peace as long as it puts money into their pockets. Why isn't General Motors out there? Why isn't Lockheed out there? The reason that they're not out there is that they are suppressing and murdering people all over the world and you good people are standing by and allowing it to happen.

To talk about peace is nonsense. What we have to talk about is that we have and we have had since the Second World War a liberal country. Johnson was put in by the largest plurality ever and we all turned three or four years later and said that the militarists have taken over. Of course they've taken over. You people let them.

A VOICE. Who are you? Who do you represent?

SAME SPEAKER. I represent no one but myself. It's not important, my name. We're into too much of my name is this, my name is that. The problem is that the people here do not represent anybody. You are individuals who represent yourself, and until you begin to talk as such, it doesn't mean anything.

The media stands up here and makes a statement about peace. He did not say anything that deals with the problems that exist in the world today and the problems that exist in this country—all we're here to tell you—we're here—what we're trying to say is that until good people like all of you stand up and say this country—this country is riding roughshod, economically suppressing people in South America, in Asia and in Africa—until we stop the power leaders of this country from doing that, we will not have peace. And there are people and they are my brothers and they are here and we're going to pull it down around your heads. (Applause.)

Mr. MOTT. Personally I welcome the intervention, and I think there are many in this room who agree with the last speaker. (Applause.)

Now, I shall ask the security guards to make it possible for us to proceed without further interruption because we have a tight schedule. We'd like to get on with our program. I'm sorry that we cannot permit individual statements which would otherwise eliminate our program for the day.

I'd like to welcome Sen. Fulbright back to the speaker's table. (Applause.)

I'd like to call for order, please, and I'd like to ask the security guard to remove from the room any of those who would like to continue disrupting the meeting.

I'd like to ask the assistance of the security guard to bring order to the room.

Ladies and gentlemen, if I may have your attention, please. Because of our tight time schedule, I'm going to ask Sen. Fulbright to return to the podium and to continue speaking. I hope you will all give him your full attention, regardless of whatever interruption you may have. (A standing ovation.)

Senator FULBRIGHT. Well, there is nothing I could possibly say that would be nearly as eloquent about the difficulties of achieving peace as you've seen here today. (Applause.) Those things which are of significance in working for peace are very controversial, as the young man who just spoke mentioned, and as the people always do, because it does affect many old traditions and many interests which have intrigued and fascinated the human race since the beginning of time. After all we have had, the customary way of settling disputes or the customary way of carrying on national activities has been through the use of force. To make a change in this is going to be extremely difficult.

I would only end, because it's not a very good time to try to be too specific, to say that the Committee on Foreign Relations is going to undertake some hearings I think of a rather unusual approach, which will not be related to a specific measure.

I don't know whether you can hear me or not. (Applause.)

But I've become extremely interested, and other members of the committee, too, are trying to have hearings which may be considered educational in the broadest sense as to why great countries like our own, in spite of our desire for peace, have always seemed to engage in a succession of wars. This involves a study of the psychological aspects of national behavior and it will, if done properly, undoubtedly arouse a great many questions in many people's minds, because there will be some activities which are traditional, which will have to be examined. We like to think of ourselves, just for one example, as being a peace-loving nation, and we all profess it, as has already been professed.

Well, I must say I've been heckled in my campaigns, but not quite as persistently as they do in New York.

But in any case, Sen. Javits is going to speak and Sen. McGovern. Perhaps they won't arouse quite the same interest as I do.

But we will have committee meetings in the very near future which I hope will be interesting to you and I hope that it will be a means by which we can bring matters of interest to you from people who have given very deep thought to these difficult problems.

Thank you very much for your very cordial reception.

(Applause.)

Mr. HUNTLEY. Well, one day a little wisdom will settle upon our young friends and then they may indeed have something truly remarkable to say.

Now, it is my privilege to introduce the senior Senator from the State of New York, the Hon. Jacob Javits.

(Standing ovation.)

Senator JAVITS. Thank you very much, Chet Huntley.

My colleagues in the Senate, my colleagues in the House and my former colleagues in the Senate who are here, whom I am delighted to welcome with you all, Mr. Mott, Mr. Rosenhaus, Mr. Jefferies, ladies and gentlemen:

I'd like first to say that I think Bill Fulbright, my chairman, is one of the greatest sports as well as one of the greatest men this nation has ever seen. (Applause.)

Now, I shall finish my speech, I might just as well tell my heckling friends, and I shall not even draw a long breath or stop in the course of it. So they can carry on as much as they like.

Now, it's the kind of an occasion, I might say, ladies and gentlemen, in which a speaker is minded to say, "I'll put this in the record and tell you what I really have on my mind," and that's what I intend to do in the five minutes that I shall take.

You are hearing something which we all experience in public life and something which needs very urgently to be commented on in the struggle for peace, the reason for this luncheon. For, I do not believe that the cause of peace will be advanced by those who would use violence to suppress even its opponents, let alone its friends. (Applause.) And with all due respect to those who may be uttering loud cries—and as I said a minute ago, I've had too much experience with it to stop speaking—I might tell them that it's just as much violence to try to destroy a meeting by a protest of this character—and by such unbelievably bad taste—as it would be to storm in here and upset the tables or to throw a stink bomb.

Now, what is the answer? Now, what are the rights of protesters to participate in this meeting? I think that Mr. Mott was unduly generous in allowing time to the speaker for the protesters. This is not a meeting out in the street where you are campaigning, like I have, and where you occasionally do that, or answer any questions that come along. This is a meeting to present very distinguished men, Sen. McGovern, Sen. Fulbright, to deal with an extremely serious subject upon which people want to be educated.

The rights of protesters are to be given a frame of reference, an opportunity to persuade the people—but not to ride on the back of this organization holding this luncheon. Can the protesters attract this kind of a luncheon audience themselves in the opportunity to persuade those who they think need to be persuaded? But I will not let them, and I don't think you ought to let them—it is your attention, your applause, your interest which is the test—I will not let them coerce me and I hope you will not let them coerce you. (Applause) It's just as much coercion to be compelled to come here and see and hear something that you didn't want to see and hear and didn't buy the privilege of seeing and hearing and didn't invite seeing and hearing as it is to hit you over the head and tie you to a chair and make you listen.

Now, I've said what I had on my mind and I shall take the other two minutes to deal with the basic subject which I was going to present to you today. But I'm deeply exorcised because this is my town. This is not the kind of a reception that New York gives to Sen. Fulbright and to Sen. McGovern and to other very distinguished senators of the United States, and if no one else is going to tell them that, I feel it my duty and my privilege to tell them that myself. (Applause.)

Now, the essence of our situation—and I shall deal with quite a different subject from that of Sen. Fulbright and probably from that of Sen. McGovern—is that there is an extremely great opportunity to make a real breakthrough for peace right now, and that opportunity relies upon the fact that the Senate will undoubtedly ratify, in my judgment—apparently it's the President's judgment—the non-proliferation treaty. (Applause) Given that opening, an enormous mixed question of politics and security will be presented to the United States, and that question will be incorporated in whether or not the nation proceeds with further procurement or deployment at this time of an antiballistic missile system.

Now, many of us believe, in the Senate—Sen. Fulbright has been very much a leader of this kind of thinking—that the security of the United States does not require that we proceed in this way. We believe that the opportunity presented by the provision in the non-proliferation treaty—Article 6 of that treaty, which calls for good-faith negotiations on the limitation of armament and on disarmament will afford us an ideal opening to try to negotiate, especially with the other super power, a real arms limitation. Probably such a negotiation would be really the basically first one in terms of the real nuclear hardware in the world, a real limitation upon the onward rush of nuclear preparation which so many of us believe can get to the point sheerly by virtue of automaticity where we won't be making the decisions any more but they'll be made blindly and without any human intervention by some computer.

And we believe that this decision cannot be a military decision alone because if it is, it will mean the procurement and deployment of the ABM, now a thin system, ultimately the works. But we believe that this must be admixed with the political judgment that this is the time when, if we stop—and we can stop, in our judgment, without necessarily putting any time tag on it, without

jeopardizing the security of the United States—that if we stop, there is a real chance to get somewhere on nuclear arms limitation.

Therefore, I have only one message for you. One of the big problems of all liberal groups is that they are magnificently idealistic, but they're so long-term that nobody could care less. Here is an immediate opening on ABM deployment in which the peace movement in this country can really get started in a very tangible way with a very practical result and with a real likelihood of success. And so I beg of you, look into this question carefully, read as much about it as you possibly can, listen to our hearings—they'll be open and public, as Sen. Fulbright has said—and get behind the twin proposition that history will have presented us when we ratify the non-proliferation treaty. History will have presented us with an unparalleled opportunity to begin to reverse the onward rush of the nuclear arms race. The greatest blow for peace which we can strike, the greatest new plateau upon which we can stand, is that the two super powers—now really receptive and ready—have the support, the urging of public opinion to bring about the true beginning of an effort to attain a rule of law instead of the rule of force in this world. And that is by the negotiation, the successful negotiation of an arms limitation agreement beginning with the very practical, immediate step of a limitation on or the elimination of the antiballistic missile.

Thank you very much.

(Applause.)

Mr. HUNTLEY. The next speaker is a young man who enriched our political dialogue last year, Chairman of the Select Committee on Nutrition and Human Needs, Sen. George McGovern of South Dakota.

(Standing ovation.)

Senator MCGOVERN. Thank you very much, Mr. Huntley and my colleagues in the Senate, ladies and gentlemen:

I would like to begin by saying that I come here as a member of the United States Senate who, for 5 or 6 years, has carried a heavy heart and a deeply troubled mind about the course our country has been following in Southeast Asia and also about the areas of neglect here in our own society. But I must say that nothing that has happened in the beginning of our attempt at a dialogue here this afternoon has done anything but deepen the troubled character of both my heart and mind, because I am convinced that we diminish the chances for peace in the world and we degrade our own society when we do not pay each other the honor of a respectful hearing. (Applause.)

Some 200 years ago Edmond Burke, the great parliamentarian of the British people, made an observation about his age: "I am aware," he said, "that our age is not what we all wish, but I am sure that the only means of checking its further degeneracy is to concur heartily with whatever is best in our time." And it's in that spirit that I am pleased to be associated with the organizations and with the people and with each of you who are represented here today who are trying, each in his own way, to identify himself with what we believe to be the best in the traditions of our country and in the hopes for the future.

Six years ago the late President Kennedy spoke to the students at American University in what I believe to have been his greatest speech, his most imaginative speech, and in that speech he described his own vision of a world at peace. It was not, he said, a world of the pax Americana enforced by American military superiority. Neither was it a balance of terror maintained by the super powers. Rather, he said, it is a world made safe for diversity in which there is the opportunity for difference of ideology, difference of political philosophy and difference of viewpoint on the issues facing all mankind. And then he said that peace must begin with each one of us, with our attitudes towards each other, with our attitudes towards the Soviet Union and with our attitudes towards our own place in the world as a great power. The President concluded his remarks that day with the announcement that he was stopping the testing of nuclear weapons in the atmosphere, no matter what any other power did, and that we would not resume if other powers did not engage in the testing of weapons. He went on to add that the risk inherent in disarmament and in reductions of the arms race would pale by comparison with continuing on the course we were then following.

Now, I think that perhaps without thinking through all the implications of it, most of us accepted the wisdom of the late President Kennedy's words just as we accepted the earlier warning of President Eisenhower that there is no longer any reasonable alternative to peace. The question then is: Why does the arms race continue? When the President spoke, our military budget stood at 53 billions of dollars. In fiscal 1970, which is immediately ahead of us, if we add in the anticipated supplemental requests, we will be dealing with a military budget of somewhere around 90 billions of dollars; and added to that are the substantial continuing costs of past wars, which bring to nearly 72% of our total federal budget the amount going to war purposes. This is seen in contrast with some 11% that we allocate for the whole range of society-building programs in the field of education, health and community development.

Now, I hope this afternoon we can be clear on one central fact. We cannot meet the challenge of a turbulent developing world with military power (applause) and we cannot resolve the ferment and the protest in our own society by force of arms. (Applause) There are problems all around this world of enormous significance to every mortal on this planet that cannot be reached with a B–52, and there are problems here in our own homeland that cannot be met by any show of power or force. And that is why we should bring an end to the war in Viet Nam and make certain that never again do we stumble into a cruel and futile effort of that kind. (Applause)

It may very well be that the only lasting value that will come from this tragic experience in Southeast Asia is the lesson that it has to teach us, that we need to look more critically at our preoccupation with military power and begin laying the foundations for more enlightened political judgments. And that, I take it, is the central purpose of this conference.

Beyond this, our recent divisive and turbulent experiences here in our own land should lead us to reexamine the domestic priorities, the domestic agenda that is before us. Today our military capability is vastly greater than it was six years ago when, as a first-term member of the Senate, I suggested a 10% reduction across the board in our military spending. So I would like to suggest here today, with a new sense of urgency, that we inaugurate in the fiscal 1970 military budget an across-the-board cut of at least 10% in military spending. (Applause) That reduction could be administered by the Secretary of Defense in the manner he deems most responsible, but there are areas of specific urgency that I would like to suggest that be high on the list of eligible cuts in the field of surplus spending.

One of those is the ABM system (applause) which we do not need, which will add nothing to our security, from all indications, and may in fact aggravate the dangers to this country by introducing another round into the arms race. There are other items in the military budget that time does not permit to tick off here today, but to suggest that there is within that enormous, swollen budget ample room for a modest 10% cut.

Now, it may be argued that defense matters are too crucial to the nation's security to seriously consider reductions of that kind. But that argument overlooks the larger dimensions of national security. If we are so preoccupied with armament spending that we permit the largest and most sophisticated cities in this country to decay at the center while millions of Americans are ill fed, ill housed and ill schooled, I do not regard that as sound national security policy. (Applause.)

Where is the wisdom in devoting so much of our own resources or talent to military defense that we undermine the foundations of the very society we are trying to defend? (Applause.) The size of the military appropriation is so enormous that, to a considerable degree, when we pass judgment on that budget we are determining much of our priorities and much of our domestic agenda.

In 1969 we are approaching, if our hopes for the end of this tragic war are realized, a period in which our capacity to convert to peacetime purposes will be sorely tested. That is the reason for the Economic Conversion Act that was introduced in the Senate yesterday by myself and by my co-sponsor senators now totaling some 35 members of the Senate, which is designed to give us a greater capability of converting from an excessive military spending to peacetime purposes.

I conclude with this question: Will we permit our country and our posture in the world to fall increasingly under the sway of military considerations or will we have the wit and the wisdom to realize that we could very easily lose the American dream if we continue to pursue the illusion of security through armaments? Before we make that choice, let us recall the words of Virgil: Easy is the descent to hell. Night and day the gates stand open. But to reclimb the slope and escape to the outer air, this indeed is a task.

That is the common task that ought to bind us all as mortals. It's a task well worthy of the best effort of each one of us.

(Standing ovation.)

Mr. MOTT. Sen. McGovern, Sens. Javits and Fulbright, Chet Huntley, we are profoundly grateful to you for having come to New York today to talk to one of the most significant parts of the peace constituency which you need to support your actions in Congress.

We are especially lucky today to have with us five brand newly-elected Senators who will be in Congress for the next six years and who will be able to represent in large part our point of view. We are thankful to Sen. Packwood and Sen. Cranston deeply for participating in today's program.

Earlier today I was asked about the program we had last night. We had a small meeting of the speakers, the sponsors, and someone said, "Where are the young people?" Well, I'm very pleased to say that other than those young people from whom you have heard so vociferously, we do have in the audience today nearly 1,000 young people from universities all over the country who are members of the constituent organizations participating in the Fund for Education and World Order who have come to join us. (Applause.)

I'm pleased also to be able to announce that thanks to the dinner gathering last night and some of the commitments made by individuals here in this audience, that the Fund for Education in World Order has identified an aggregate support for its program for the next year the sum of $400,000, and that's just the beginning.

I'd like to point out to you that many of the organizations have put literature on the tables just outside the ballroom and you are invited to pick up the pamphlets that are there for distribution.

I'd like to call to your attention also that two weeks and a day from today, on March 20th and 21st, there will be a very important

meeting on U.S.-China relations, which you are urged to attend. There is a brochure describing that on the outside table.

The National Education Television Network has covered today's program most adequately, and there will be a highlight summary of the features of the program today played tomorrow night at 9:00 o'clock in New York. There will be a program on Newsfronts tonight, and I understand that the entire program will be repeated on Sunday. You will have to check your schedule to find the times for that. I believe it's going to be screened on the nationwide network of NET.

I think the solutions to peace are quite simple. I am puzzled sometimes by the very complicated arguments put forth by many of the peace organizations who often war with each other as to the methodology. To me it seems very simple to make a plan of action to spend $5 billion not for the ABM but to produce textile machinery and other badly needed health services and supplies that can be shipped to the red menace in Russia or China that we so fear. It strikes me that we need to create a climate where conscientious objection is dignified and respected and made easy. (Applause.) It seems so simple to me that with a phased buildup of troops in Viet Nam, that we could have with equal ease a phased withdrawal of troops from Viet Nam. (Applause.)

We are not here today to pass resolutions. This is not a delegate body. However, because of Sen. Fulbright's hearings in the Foreign Relations Committee which begin tomorrow and because we understand that President Nixon is likely to bring the ABM issue to a head starting early next week and call for construction, continued construction on the ABM sites, it has been suggested that we at least give a voice vote approval to a resolution. You're not being asked to represent your organizations, only to give your opinion as individuals. The resolution reads as follows:

In the absence of a consensus of public opinion on the ABM system, we urge President Nixon to defer indefinitely any further construction on ABM sites and to permit ample additional hearings on the subject in both the Senate and the House.

Do I hear an affirmative vote? (Applause.)

I'd like to point out that our panel starts promptly at 2:30 this afternoon. You are requested to vacate the ballroom so that the tables in here can be set up for the afternoon session.

And once again, I urge you to read the literature describing the Fund for Education in World Order, to support the organization, and I thank you all for coming. (Applause.)

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

BONNEVILLE UNIT OF THE CENTRAL UTAH PROJECT AFFECTED BY BUDGET CUTS

Mr. MOSS. Mr. President, because Utah escaped with a relatively small cut in reclamation construction funds in the budget revisions which President Nixon sent to Congress, the people of our State should not be complacent. The fact that the Nixon administration proposed such deep cuts in reclamation construction—a total of $38 million in 17 Western States—does not bode well for the future of our most important water project, the Bonneville unit of the central Utah project.

The Johnson administration had asked for $8 million for fiscal 1970 for Bonneville, and the Nixon administration did not cut this back for the simple reason that these funds were all obligated, and could not be cut.

But our neighboring States were not so lucky with their reclamation projects—Nevada, Colorado, and Wyoming all took stiff reductions.

We Utahans had hoped to increase our $8 million for Bonneville to at least $15 million. But with our neighboring States taking such cuts under the Nixon budget in their projects, Utah's chances of getting more money for Bonneville have gone aglimmering, I am afraid.

And this is tragic, because at the rate we are proceeding, it will take a hundred years to complete the central Utah project—and we cannot afford to wait that long. The heartland of Utah must have more water if we are to continue our progress.

I take vigorous issue with President Nixon in some of his decisions as to where Federal funds should be cut. He gambles with the future of the West when he cuts reclamation. It is rash and reckless to cut so deeply in funds for projects which we in Utah must have to survive.

There are many other places the President could cut the Federal budget with less harm to our people. Let us cut some of the frills before we cut basic programs like reclamation.

I suggest we abolish the Subversive Activities Control Board, for instance. This board has 14 people on its staff, and its five board members each get $36,000 a year. Yet for years they had absolutely no cases before them. Only recently, the Justice Department has given them a few cases to try to justify their existence. Yet the budget request for the Board for fiscal 1970 is for $365,000.

Let us cut the $200,000 we spend each year to advertise American cigarettes overseas. Since 1956 we have spent about $3 million to promote U.S. cigarettes and tobacco overseas. About a million of this has been spent since the Surgeon General made his damaging report on tobacco and health. Yet even since we have known beyond any doubt that smoking was injurious to our health, we have continued to spend taxpayers' dollars to promote more smoking.

Or, if you want to get at the root of the tobacco question, why do we continue to pay price support money to farmers who raise tobacco? The net price support cost of the tobacco crop in the fiscal year 1968 was $1.8 million. I, personally, would feel a lot better if we were spending money to help find alternate crops for tobacco farmers so they could make a living without having to grow a crop which is harmful to many people.

Or, finally, if you want to get into the area of real savings, why do we not admit now that the Safeguard antiballistic missile will not give this country any additional measure of real security, and cannot be justified? We could then save at least $2 billion in 1970 and some $7 billion in all.

The cuts proposed in reclamation construction by the Nixon administration are a bitter pill for the West to swallow, when there are such glaring examples of more justifiable budget cuts which could be made.

When we cut reclamation funds, we strike at the hopes and aspirations of the people of Utah and all of the West. We cannot afford to have these programs gutted, and I will certainly do what I can to see that Congress votes to override these unreasonable reclamation slashes.

WHY SHOULD WE BUILD A NEW MANNED BOMBER?

Mr. PROXMIRE. Mr. President, in former Secretary of Defense Clark M. Clifford's "posture" statement on the 1970 defense budget, which was prepared by him and the Defense Department on January 15, 1969, the figures given for United States and Soviet intercontinental bombers were as follows:

United States	646
U.S.S.R.	150

These figures, found on page 42, give the strength of each nation as of the first of September 1968. These are the heavy bombers which could fly two-way intercontinental missions. In a footnote it is pointed out that the Soviets also have a force of medium bombers and tankers capable of striking Eurasian targets.

NO EVIDENCE OF SOVIET DEPLOYMENT OF NEW BOMBER

On the following page, the then Secretary said:

> The estimate of the Soviet manned bomber force is essentially the same as presented last year. There is still no evidence that the Soviets intend to deploy a new heavy bomber in the early 1970's. (p.43)

On page 46 of Secretary Clifford's posture statement he also said:

> Their BISON and BEAR long range bombers are distinctly inferior to our B–52's and we have long since eliminated from our forces the B–47's which were clearly superior to their BADGER medium bombers.

SECRETARY LAIRD SHIFTS PROGRAM

It seemed clear that we had an overwhelming superiority over the Russians both in quantity and quality of our manned bombers.

But when Secretary Laird came before the Senate Armed Services Committee on March 19, 1969, he said in his "new" posture statement that the Pentagon had decided to cut off the FB–111 program at four squadrons and concentrate our efforts on the development of a new strategic bomber, AMSA.

AMSA stands for advanced manned strategic aircraft.

Secretary Laird further testified that the fiscal 1970 budget of the outgoing administration provided $77.2 million to continue the competitive design phase—engineering drawings, wind tunnel testing, and mockups—for the AMSA and

to advance the development of the long leadtime avionics and propulsion system.

Then, in what I thought was a highly significant and, at that time, little notice sentence, Secretary Laird said:

We now propose to increase that amount by $23 million to shorten the competitive design phase and *permit the start of a full scale engineering development in fiscal year 1970.* (Italics added.)

NEW MANNED BOMBER TO BE BUILT

I took this to mean that the Air Force was now going ahead with the AMSA. It appeared to me that by adding $23 million, they were on their way. If they reached the so-called contract definition stage with the added $23 million, they would then build at least one prototype at a cost certainly in the neighborhood of $1.5 to $2 billion. I was also told that the Air Force planned to build 240 planes. It was said the estimated cost was $50 million per plane. The added $23 million, according to the Secretary, "could advance the initial operation capability—IOC—of this aircraft by one year from 1978 to 1977." In other words, $23 million now would mean delivery of the fleet in 1977.

On April 7, I wrote a letter to the Secretary asking pointedly if they now intended to build this new manned bomber. While I have not yet received a reply—and I make no point about that, since I asked a series of detailed questions which will take some time to answer—the Secretary of the Air Force, Robert C. Seamans, Jr., and the Air Force Chief of Staff, Gen. John P. McConnell, have called for the development of a new manned bomber, in testimony behind closed doors of the Senate Armed Services Committee, according to published reports.

DECISION STRAINS CREDULITY AND CREDIBILITY

Mr. President, this decision, in my judgment, strains the credulity of Congress and the credibility of the military. By an appropriation this year of $23 million, we essentially back into a new manned bomber program which will cost at least $12 billion, and which will not be delivered until 1977.

In addition, the history of both costs and delivery dates for major weapons sytsems is such that they routinely are delivered 2 to 3 years late and at costs which greatly exceed estimates. In my judgment, then, we are talking about a fleet of 240 planes which will be delivered a decade from now at a cost of at least $24 billion.

OBSOLETE BEFORE IT FLIES

But the fundamental question is why we should be building a manned bomber in an age of sophisticated missile systems. Most people think the weapon will be obsolete before it ever flies.

In 1962, 7 years ago, the President and the then Secretary of Defense resisted an expensive addition of manned bombers. Secretary Laird said the AMSA would be operational in 1977, or 8 years from now, or 15 years after the highest officials of our Government questioned the fundamental need for an additional generation of manned bombers.

EFFECT ON THE ARMS RACE

There are other important questions which this action raises as well. What effect will this decision have on the arms race?

Will not the Russians feel compelled to increase either the number of their bombers or the defensive system needed to cope with AMSA or to improve their offensive weapons, or all three? And will this not in turn lead the Military Establishment in this country to argue that because the Russians have increased their proportionate effort, we must also increase the expenditures of our resources for additional weapons to meet their new threat?

BACK DOOR TO DEVELOPMENT OF THE SST?

There is one further point I should like to make. There are some who believe that the program is going forward in order to develop a supersonic transport (SST) essentially under military aegis in order to meet the overwhelming objections to the continuation of the SST program at a time when priorities for virtually every other domestic program rate higher on any rational scale.

INTEND TO OPPOSE FUNDS

Mr. President, unless new overwhelming evidence is produced, I intend to fight the development of the AMSA. I believe that this request is an example of the operation of the military-industrial complex at its worst.

PLANE UNNEEDED

From all the independent evidence we have, the plane is unneeded. The reports I quoted from Secretary Clifford's statement concerning the national intelligence estimates of the Russians plans and capabilities with respect to manned bombers certainly give no reason to go ahead with the development of AMSA.

To build a new, highly expensive, multibillion dollar manned bomber in these circumstances is both a waste of our resources and an example of misplaced priorities.

CAN ENFEEBLE OUR DEFENSE

I give way to no man in my concern for the safety and security of the United States of America. But if we build AMSA, not only will the cost be immense, but also, by devoting funds to obsolete weapons, we enfeeble our military strength and make this Nation less secure rather than more secure.

I have circulated a letter to a number of my colleagues urging them to join me in opposing the development of AMSA. I believe that both Congress and the Country should be warned against this folly.

I ask unanimous consent to have a copy of the letter. I sent to Secretary Laird on April 7 printed in the RECORD.

There being no objection, the copy of the letter ordered to be printed in the RECORD, as follows:

APRIL 7, 1969.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
The Pentagon, Washington, D.C.

MY DEAR MR. SECRETARY: In your "posture" statement to the Senate Armed Services Committee on March 19, 1969, you addressed yourself in part to the subject of a new supersonic manned bomber—the AMSA (Advanced Manned Strategic Aircraft—pp. 29–30).

You pointed out that the original fiscal year 1970 budget submitted by the previous administration:

". . . provided $77.2 million to continue the competitive design phase (engineering drawings, wind tunnel testing, and mockups) initiated with fiscal year 1969 funds and to advance the development of the long lead time avionics and propulsion system."

Then, in what appears to be a highly significant although little noticed sentence, you continued:

"We now propose to increase that amount by $23 million to shorten the competitive design phase and *permit the start of a full scale engineering development in fiscal year 1970.*" (Emphasis added.)

You then concluded,

"With the new design proposals in hand, we should be able to resolve, once and for all, the long-standing controversy over the configuration of AMSA. While no decision on production and development need be made now, the accelerated R. and D. effort could advance the Initial Operational Capability (IOC) of this aircraft by one year, from 1978 to 1977."

In your statement you also said that:

"We have decided to cut off the FB 111 program at four squadrons and concentrate our efforts on the development of a new strategic bomber, AMSA."

So much for the facts.

The statements raise highly important questions of far reaching significance. I am told by what I consider to be most reliable sources that they have some, if not all, of the following implications.

(1) The addition of $23 million to the budget will take the project into the "contract definition" stage.

(2) Your statement that this will "permit the start of a full scale engineering development in fiscal year 1970," means that one or more prototypes will be built.

In other words, by the addition of a mere $23 million now, the new bomber ultimately costing billions will be built. I am told that the Air Force estimates that the contract definition stage will be arrived at by about November 1969.

(3) The effect of reaching the contract definition stage essentially commits us not only to the prototypes (which puts costs over the billion dollar level) but, in the absence of overwhelmingly negative results, essentially commits us to a full scale program.

In other words, this is "a" or "the" critical decision. This certainly would seem to be borne out by the decision to cut off the existing FB 111 program at four squadrons and to eliminate funds for it altogether in FY 1970.

(4) I am told that the program calls for 240 planes at an estimated cost of $50 million each. As the C–5 cargo plane will cost at least $40 million a plane and the original estimates for the SST were from $30 to $40 million a plane, this figure would seem to be on the low side. As you know, costs would be higher because a supersonic, high- and low-level bomber not only must carry the same sophisticated instrumentation as a supersonic civilian plane but also must carry the highly complex weapon system instrumentation as well.

Estimates therefore are as high as $80 million per plane.

(5) This means that by the addition of a very small amount—$23 million—this year, we are essentially committed to at least a $12 billion program. It could go much higher.

I need not point out that this is double the cost of the whole ABM program about which there is such controversy.

(6) This also raises the fundamental question of why, in an age of sophisticated mis-

siles, should we be moving to a new, major, highly expensive, multi-billion dollar manned bomber weapon system?

In 1962, seven years ago, the President and the then Secretary of Defense resisted an expensive addition of manned bombers. The AMSA would not be operational until 1977, eight years from now or 15 years after the highest officials of our government questioned the fundamental need for an additional generation of manned bombers.

Will not the AMSA be obsolete by the time the fleet of bombers is delivered?

(7) Even more far-reaching is the question of what effect this decision will have on the arms race? Will not the Russians feel compelled to increase either the number of their bombers or the defensive system needed to cope with AMSA or to improve their offensive weapons, or all three? And will this not in turn lead the military establishment in this country to argue that because the Russians have increased their proportionate effort we must also increase the expenditures of our resources for additional weapons to meet their new threat?

At this time, public estimates are that the Soviets have 155 strategic bombers to our 680, and have recently de-emphasized their program. Should we not take advantage of this development rather than run the risk of stimulating a manned bomber race?

(8) There are some who believe that the program is going forward in order to develop a supersonic transport essentially under military aegis in order to meet the overwhelming objections to the continuation of the SST program at a time when priorities for virtually every other domestic program rate higher on any rational scale.

In view of all of this, I want to ask for answers to the following specific questions.

First. Do you intend to reach the "contract definition" stage for AMSA by approximately November 1969 or, in any case, in the coming fiscal year?

Second. Does not the addition of the $23 million to start "a full scale engineering development" mean that contracts to build the plane will be let?

Third. What is the minimum estimate of the cost per plane at this time, including research, development, technology, and engineering, and the provision for spare parts?

Fourth. Do not present plans call for a fleet of 240 planes and a program which would be operational by 1977? What is the estimated ultimate cost of the program?

Fifth. Why in an age of highly sophisticated missiles, do we need a more advanced manned bomber than the B–52 or the FB 111? And do we need one which will not be operational until at least 1977. And in view of the fact that almost every recent major weapon system has been delivered two to three years late, are we not really talking about a new manned bomber becoming operational a decade from now? Is this plane really necessary?

Sixth. Given the present state of world affairs, what are the implications for a further intensification of the arms race if this program is launched?

It may be that there are rational and reasoned answers to these questions. But from the information I have, there is every possibility that without critical examination we will back into a multi-billion dollar, unneeded program, which will be obsolete before it is finished, and which could heat up the arms race.

Before we commit ourselves to a $12 billion manned bomber program by spending $23 million, the Country and the Congress should know what it is doing.

Because of your definitive statement that funds for the FB 111 program will be eliminated in fiscal year, 1970, I have every reason to believe that we are essentially committing ourselves to this far reaching AMSA program.

If this is true, the public should know it and be fully aware of its consequences. I would welcome answers to the questions I have asked and a definitive statement about the consequences of the added funds for a full scale engineering development.

With best personal wishes.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

DISRUPTION AT CORNELL UNIVERSITY

Mr. JAVITS. Mr. President, yesterday, the faculty of Cornell University voted 726 to 281 to reject an agreement recently signed by the university administration and a group of gun-carrying students who had occupied the student center for 36 hours. What American was not appalled by the picture on the front pages of our newspapers, probably throughout the country, although I have not seen them all, of these students carrying rifles and bandoliers of ammunition, marching out of Willard Straight Hall?

Yesterday's vote was not an easy one for the faculty, which is as liberal as the students in most universities. I know Cornell University very well, and I think it is true there also.

Under such circumstances, the faculty deserves to know whether it has support in refusing to be coerced—literally at the point of a gun—into granting concessions which the faculty considered unreasonable.

I support the faculty position, and I hope very much that most students, white or black, at Cornell support the faculty position as well. I support it because I think it is in the best interest of the objectives of broader student participation in the university's affairs and of the black students themselves. It is my duty to make known this support because I have stood in this Chamber, in the Chamber of the other body, and before other public forums not only throughout this country but throughout the world and fought hard for civil rights, the right of 18-year-olds to vote, Federal aid to higher education, and student recognition.

The issue which prompted student occupation of Willard Straight Hall was the disciplining, by judicial procedures within the university, of five students who were involved in incidents last winter. Dean of the faculty, Robert D. Miller, had agreed on behalf of the administration—to avoid the danger of armed confrontation between students and police, which was appallingly real—to recommend to the faculty that these measures be abandoned in exchange for ending the occupation. The faculty rejected the compromise with this statement:

> Without in any way judging the merit of the judicial decisions recently taken with respect to the black students, we believe that to reverse the decision under coercion and threat of violence would endanger the future of the university and we refuse to do it.

Mr. President, these are brave men.

Four years ago Cornell, under the gifted leadership of James Perkins, a very old friend of mine, began a program to recruit black students from the ghetto. They are entitled to no special thanks for having done so; they should have. But they did it and they were one of the first universities to do it.

Last fall Cornell announced plans for an Afro-American curriculum, putting it ahead of many universities in this respect. Whatever the deficiencies of these plans, whatever the honest grievances of the black students, dictating conditions under a threat of armed violence is absolutely unacceptable. Peaceful protest such as employed by the late Dr. Martin Luther King often involved physical occupation of a building or public facility, in testing State laws or local laws, many of which were unconstitutional. But never, never were rifles, shotguns, or bandoliers of ammunition part of that protest.

Much has been accomplished in the last decade through peaceful demonstration, but these events at Cornell are not of that character. These particular students have acted in such a way as not to protest an injustice, but to coerce capitulation. If "agreements" obtained under these conditions are tolerated in this university, the tactic could be employed in universities throughout the land, eventually bringing down our entire system of higher education.

I have fought here and elsewhere for years against military dictatorships. The specter of young people armed with rifles and bandoliers of ammunition making law in the mouth of a gun, is a frightening reminder of that kind of tyranny.

In refusing to accept such an ultimatum the faculty acted as it had to act to maintain the integrity of the university. The protestors, by arming themselves and threatening with arms, went beyond the brink. They cannot be allowed to prejudice and harass the whole legitimate student protest movement by such recklessness.

A cross was burned in front of the dormitory housing coeds, largely black young women. When those guilty of that grievous offense are caught, I shall speak as strongly against any amnesty for them. That act of terrorism is just as damnable and reprehensible as the actions we are condemning here today.

A related fact worthy of note in this connection is the easy availablity of guns to students. It is my understanding that for some weeks there were rumors on the Ithaca campus that firearms were being stockpiled, but since it is not against the law there for anyone to purchase and own a rifle or shotgun without registration, moral persuasion was the only weapon the administration had to prevent the stockpiling. Obviously, a stronger law in New York and nationally—as many of us have been advocating for years—would have delayed purchase, enabled authorities to keep track of purchases, and perhaps have averted this most unfortunate incident.

The Governor of the State of New York, in a fortuitously well-timed action—has just signed a measure calling upon colleges and universities in the State to file plans for dealing with stu-

dent disorder as a qualification for receiving State aid.

This, incidentally, I think, is a most intelligent and constructive action to take because it leaves the primary responsibility of deciding how to handle the matter in the hands of the college authorities.

Colleges and universities have adequate power to deal with the situation, provided we hold up their hands. That is what law and policy should do, rather than pit the Government of the United States against the individual student through student loans.

The Cornell incident is a clear and naked situation in which the faculty has stood up and on which I consider it an honor to support them.

I hope very much that this unfortunate experience will prove three things: First, that the universities and colleges have the necessary means and the authority in their own hands, through discipline, to act to deal with this situation most effectively.

Second, that we can encourage them to exercise that authority as being in the highest interests of higher education in the United States.

Third, that the friends of student recognition and the supporters of reforms which are being sought, have a special obligation to stand up in exactly this kind of situation. Their credentials are good, so they have the best chance to communicate with the students and to see that the movement is not corrupted, despoiled, or destroyed by the kind of recklessness shown by these misguided and very ill-advised young people at Cornell University. It is for these reasons that I have spoken today, Mr. President.

I ask unanimous consent to have printed in the RECORD the articles published in the New York Times, referring to these incidents and also to the signing by the Governor of New York of the bill to which I have referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CORNELL FACULTY VOTES DOWN PACT ENDING TAKEOVER—DRAFT RESOLUTION CONDEMNS OCCUPATION OF HALL AND THE CARRYING OF GUNS—CAPITULATION ASSAILED—WHITE STUDENTS DENOUNCE AS APPEASEMENT ACCORD ON SEIZURE BY NEGROES

(By Homer Bigart)

ITHACA, N.Y., April 21—The campus of Cornell University was under a "situation of emergency" this evening as the faculty met to decide whether the administration should honor a seven-point agreement under which gun-carrying Negro students ended a 36-hour occupation of the student center yesterday.

A test vote, taken after two hours of debate, showed the faculty rejecting the agreement, 726 to 281. The vote was taken on a draft resolution condemning the forcible occupation of Willard Straight Hall "and above all the carrying of guns as a part of the action."

A crowd of white students carrying placards denouncing the agreement as "capitulation" and "appeasement" greeted 800 faculty members as they filed somberly into Bailey Hall to deliberate ratification of the agreement between members of the militant Afro-American Society and the dean of the faculty, Robert D. Miller.

THREATEN TO RESIGN

Dean Miller promised to recommend nullification by the faculty of judicial procedures against five students who were involved in incidents last December and January. But he faced what appeared to be a growing faculty revolt. A number of professors of the College of Arts and Sciences went to the meeting threatening to resign if the procedures were nullified.

The faculty, which was in no mood for what it called "capitulation," concluded in its resolution:

"Without in any way judging the merit of the judicial decisions recently taken with respect to the black students, we believe that to reverse the decision under coercion and threat of violence would endanger the future of the university and we refuse to do it."

Earlier, President James A. Perkins announced "emergency action."

No more guns on the campus, he said.

Dr. Perkins called it a "shattering experience" when Negroes, many of them carrying rifles and shotguns, and draped with bandoliers, came out of Willard Straight Hall.

"This incident cannot be repeated," Dr. Perkins said. "I am now declaring that on the campus students and nonstudents will not be allowed to carry a gun.

"Any student who is found carrying a gun outside his own room will be automatically suspended and any nonstudent seen or found carrying a gun will be arrested."

Also Dr. Perkins forbade the seizing of campus buildings.

"Any student who enters the building for the purpose of occupying it for coercive purposes would also be automatically suspended and any nonstudent who enters a building for the same purpose will be liable to arrest."

Without mentioning the Afro-American Society, Dr. Perkins said he would move to disband any organization that tried to occupy a building henceforth.

Later, at noon, he declared a situation of emergency, saying he had assumed full authority and responsibility for the safety and security of the campus and that he would establish an emergency advisory board of three faculty members, three students and three members of the administration.

RELATIONS WITH TOWN CHANGE

Relations between Ithaca and Cornell have seemed patterned on the stormy town vs. gown syndrome. Dr. Perkins has sometimes been critical of the town and county for police intrusions on the campus, generally defending his students. Now, in this crisis of arms, he said he had been in constant contact with Mayor Jack K. Kiely and Tompkins County District Attorney Matthew McHugh.

He said he did not feel the situation critical enough to ask Mayor Kiely to declare a "limited state of emergency," which presumably would give the local and state police free rein on the campus. Dr. Perkins said he had gone this far in hopes that "more drastic action may be avoided."

His strongly worded pronouncements gratified those students and faculty members who opposed what they called "appeasement" of the blacks.

WHITES DEMONSTRATE

Before Dr. Perkins spoke, a dozen white students marched past the podium carrying slogans, "guns off the campus" and "stand up for freedom." They drew applause from perhaps a third of the assembly and a few scattered hisses.

The throng listened politely. For 22 minutes, Dr. Perkins spoke of the need for humanity on the campus, making no direct reference to the tumult of the last three days.

Dr. Perkins said he was speaking at a "time of trial and anguish for our country, for higher education and Cornell University."

"And the question before the house today, and in the immediate days to come, is whether we have the collective wisdom and sensitivity in sufficient measure to deal with what I am certain future historians will doubtless call one of the great testing points in that peculiar institution we call the university."

The problems of the modern university and Cornell in particular was "the pressure of new priorities," and the "pressure of decentralized decisionmaking."

Discussing these priorities as they affected university governance, Dr. Perkins said, "Participation of the community will have to be increased by an order of magnitude." This applied to all levels of the university community but did not mean "instantaneous town meeting," he said.

"What are the chances for success that this great university and the great people in it will be willing to deal with the triple problem of humanizing our studies, humanizing our priorities, and humanizing our governance?" Dr. Perkins asked. He said he did not know the answer, but he was hopeful.

URGES HUMANE APPROACH

He concluded:

"If the process is looked at, studied, examined, and managed by those who take a selfish and parochial point of view, those who do not see in this audience the fact that this is a large and differentiated human community, those who believe that clinging to the past is safer than the explorations of the future, those who believe that their only recourse to the kind of world they wish is through violence, and those who feel that any change is anathema; if this is what we see when those in this room look in the looking glass they are not likely to be the decisive instrument for seeing to it that the world ahead of us is the one in which we wish to live.

"If we approach this complicated task as humane men, all is possible."

Before the convocation, faculty members and students of various groups were busy caucusing. It was a mild, sunny day and the fringes of the campus were golden with forsythia, but an air of tension prevailed.

The department of government faculty held a caucus and came out strongly against guns.

All but four of the department's 20 professors signed a manifesto saying that they would suspend classes and "review our relationship with the university" if the faculty endorsed Dean Miller's action.

They were joined by 11 other professors from Arts and Sciences. Among the signers were Clinton Rossiter and George Kahin, authorities on government administration.

The manifesto chided President Perkins for his statement "belatedly forbidding the carrying of guns," and said that Dean Miller's motion to nullify the judicial procedures of the university posed an "intolerable and, one would have thought, unthinkable situation."

EXCERPTS FROM TALK BY PRESIDENT OF CORNELL UNIVERSITY ON STUDENT DISSENSION

(NOTE.—Following are excerpts from the speech yesterday by James Perkins, president of Cornell University.)

We meet this afternoon at a time of trial and anguish for our country, for higher education and for Cornell University. And the question before the house today and in the immediate days to come is whether we have the collective wisdom and sensitivity in sufficient measures to deal with what I am sure future historians will doubtless call one of the great testing points in that peculiar institution we call the university.

The first thing I wish to say is that we must be mindful of the fact that in the nineteen-sixties American society, indeed society around the world, was engaged in that wrenching process of substituting new priorities for old. And such a circumstance, which does not happen every decade, is one

where free institutions are put to their finest test.

For a university, the problem is particularly most important and severe. It's important because in the Western world there is no other community that has a chance to pick through on a time scale comparable to the problem, to pick through the balance of values and factors needed to come up with wise social policy.

PARALLEL WITH 1850'S

The first question is what in the nineteen-sixties, seventies and eighties will be, and must be, considered humane studies. We are at the point of re-examination of our whole curriculum, somewhat like that of the eighteen-fifties, where some of you may know this country went through another convulsion prior to the Civil War, and the universities were caught in the middle of it, and the convulsion had to do whether or not the universities were going to maintain a narrow notion of curriculum of a classical variety or whether they were going to be useful to society by taking up matters having to do with agriculture and industrial development.

That decision looked like it might not be made in the forties and fifties, and just before the Civil War there had been three years of an absolute decline of the number of students going to institutions of higher education, because they had decided—if I may use the modern term—they had decided they [the institutions] were irrelevant.

This same atmosphere is part of the picture of the nineteen-sixties, and our curriculum is now in the process of being re-examined from stem to stern to make sure that the contents of what we learn and the style in which we teach represents the new priorities rather than the old ones.

EMPHASIS ON HUMANE STUDIES

The emphasis in the next decade is going to be on the humane studies, in order to perfect a much better balance in the content of what we teach with our science and technology. It must also at the same time recognize that humane teaching involves a priority to the learner rather than to the knowledge that the learner must learn.

This brings me to the second big problem that we have quietly and in an unstated way been debating in the last year, and tentatively in the last few weeks and the last few days. The world, in my judgment, has assumed new overriding priorities, and I would like to state them.

The priority that is growing on the public attention, and has not by any means reached its apogee, is a concern for peace.

A second priority that is pushing on stage is the priority of justice, as opposed to affluence. Those who came through depression years have frequently told you and reminded ourselves that it did not seem to us that justice was possible in a world where 20 per cent of the population was unemployed. I'm not sure today that that's possible. But our overriding preoccupation in seeing to it that the country got on its feet blinded us, in my judgment, to some of the consequences of the measures we took to produce full employment and an affluent society.

PREOCCUPATION WITH RICHES

That blindness is being eroded, and the dark glasses are coming off as we face the kind of world and environment that has been produced by a single-minded preoccupation with affluence and full employment. We are at last, and lately, coming to recognize that the function of society is to serve the needs of the people who are members thereof, and that an unjust society has within it the seeds of its own destruction. And no amount of affluence without a just society can even in the long run be affluent.

A third priority: And that is a preoccupation—as I've indicated—with the individual as such. Partly for reasons of hegemony, partly for reasons of stability, partly for reasons of affluence or determination to achieve it—a nicer way to put it is full employment—we have forgotten perhaps that the purpose of the whole human exercise has got to do with the prospects for the greatest conceivable development of each independent and distinct human being and the priority of requiring attention to the individual differences is now overriding the priority of the human being in his collective aspects.

THE RIGHT TO PARTICIPATE

A third point, where the two pressures of new priorities and university adaptation comes together, have to do with the nature of the governance of this big and complicated community.

This involves students and faculty; this involves administration and trustees; this involves all of us, recognizing that no community can be considered legitimate in which we or those of us who ask for the right to participate in its decisions have that right denied.

This does not mean that everything we do has to be run or can be run by instantaneous town meetings operated by a hundred computers spread throughout the campus. It does mean that we are only at the beginning steps of figuring out how those who have a right to be heard shall be heard at the right point where their being heard will be, in fact, effective.

This is going to be one of the most complicated self-examinations in political science and public administration the country has yet known, and that the university has yet known.

What are the chances of success? That this great university and the great people in it will be able to deal with the triple problems of humanizing our studies, humanizing our priorities and humanizing our government. I do not know this afternoon the answer to that question.

I do know, however, that if the process is looked at, studied, examined, and managed by those who take a selfish and parochial point of view, those who do not see in this audience the fact that this is a large and differentiated human community, those who believe that clinging to the past is safer than the explorations of the future, those who believe that their only recourse to the kind of world they wish is through violence, and those who feel that any change is anathema—if this is what we see when those individuals look in the looking glass at themselves, the university is not likely to be the instrument, the decisive instrument, for seeing to it that the world ahead of us is the one in which we wish to live.

A NOTE OF OPTIMISM

However, if while looking at ourselves we see people who at least will try to be sensitive to the agonies of others, who will be patient with the process of resolving individual differences, because they know we have the right to be different; if we see people who are courageous enough to see the pillar that leads to the future, as opposed to wanting to sit on the beaches of the past; if, in short, when we look at ourselves we see the prospect of humane men and women, believing that this is a great university and will be one for decades to come—and that whatever the trials and difficulties, we will be determined that we will act in the large way of which I have come to discover most, if not all, of the people in this room have acted in similar circumstances—I end therefore on a note of optimism tinged with concern.

My optimism stems from the fact that I have never seen a major issue in the some six years I have been at Cornell addressed by those who have done so with sensitivity and human compassion, notwithal in a way that has made looking back on it proud of us, proud of ourselves that we are Cornellians.

If we approach this complicated path as humane men, all is possible, as this afternoon, I firmly believe to be the case.

GOVERNOR SIGNS MEASURE REQUIRING COLLEGES TO MAINTAIN ORDER

(By William E. Farrell)

ALBANY, April 21.—Governor Rockefeller today signed a bill that requires all colleges and universities in the state to adopt rules and regulations for the "maintenance of public order" or run the risk of losing state financial aid.

The bill requires college and university trustees to adopt within 90 days rules of conduct as well as an enforcement program that govern the conduct of students, faculty, staff and visitors.

In a statement, Mr. Rockefeller said that "penalties for violation are to be clearly set forth and must include provisions for ejection of violators from the campus and suspension, expulsion or other appropriate disciplinary action in the case of a student or faculty violator."

CITES CORNELL DISORDERS

"The intolerable situation on the Cornell University campus dramatizes the urgent need for adequate plans for student-university relations and clear rules governing conduct on the campus," Mr. Rockefeller said.

"The absence of such plans and established rules of conduct create an atmosphere in which serious disorders can arise and destroy the orderly functioning of any university."

The Governor said the failure to file such rules and regulations with the state within the 90-day period "would render the college ineligible to receive any state aid or assistance until they were filed."

The bill signed by the Governor was sponsored by Assemblyman Charles D. Henderson, Republican of Steuben County. It was prepared by a special Assembly task force appointed by the Republican speaker, Perry B. Duryea Jr., and was passed by the Legislature last month.

The bill was one of several passed by the Legislature this year aimed at campus disorders. It is considered by some to be the mildest of all the measures passed and is the first to be signed by the Governor.

One source said tonight that it was unlikely that Mr. Rockefeller would now sign the so-called Flynn bill—named for its sponsor, Senator John E. Flynn, a Yonkers Republican. This bill would ban state financial aid to college students convicted of crimes "committed on the premises of any college."

It has been attacked by opponents as being discriminatory because it would affect low-income students who receive state stipends, and not those involved in fracases who pay their own tuition.

The Flynn bill has also drawn the opposition of State Education Commissioner James E. Allen Jr., who said it by-passed college officials, who, he has said, should be responsible for setting rules and regulations governing conduct on campus.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

URBAN MASS TRANSIT PROBLEMS AND A PROPOSED SOLUTION—SENATOR HARRISON A. WILLIAMS, JR., ONCE AGAIN LEADS THE WAY

Mr. MONDALE. Mr. President, in his recent message to Congress, President Nixon announced that he will soon recommend a new program for the development of our Nation's mass transit systems.

Over the years, the junior Senator from New Jersey (Mr. WILLIAMS) has initiated almost all of our Nation's mass transit legislation. Senator WILLIAMS was the author of the now historic Mass Transportation Act of 1964. Recently, he again exhibited his leadership when on February 17, 1969, he introduced the Urban Mass Transportation Act of 1969. This proposed legislation would create over a 4-year period of time a $1.8 billion trust fund in order to finance our Nation's mass transit programs. The need for additional financing of our mass transportation programs becomes obvious when it is realized that the annual national appropriation is now a mere $160 million.

In a speech delivered on March 11, 1969, before the Fourth International Urban Mass Transportation Conference, Senator WILLIAMS explained his proposed legislation in detail and called on commuters, truckers, and highway interests to support its provisions. I sincerely hope that President Nixon will give careful consideration to the Williams bill before making any specific recommendations to the Congress. With the President's support, I am confident that this legislation can create the transit systems necessary to meet the future needs of our Nation.

Mr. President, I ask unanimous consent that the text of Senator WILLIAMS speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

URBAN MASS TRANSIT PROBLEMS AND A PROPOSED SOLUTION

At long last, the spotlight of public attention has been focused on our transportation problems. Everyone residing in the metropolitan area is a living example of the horrible statistics and he knows what the message is—better and more efficient public mass transportation.

Additional money must be spent. Improved facilities must be made available. Improved coordination between Federal and local government is absolutely essential. If this is not done, we all will struggle on in a morass of endless traffic congestion.

The need, as all of you know, is self-evident. In 1910 more than half of our population was urban; today that figure is increased to more than 70%.

The convenience, productivity and income of this urban majority are obviously dependent upon transportation. The life of the city depends on its transit system. Inefficient transportation services increase the costs of local industry and commerce. They rob citizens of their time and comfort.

Transit systems created 50 years ago may have served very well the needs of that distant day—but no amount of patching of the old will be adequate today, not to mention tomorrow. We have only to look at Boston, Los Angeles and New York City.

To prove the point. One all too prevalent example is the New York I.R.T. When it first started, the I.R.T. carried its passengers at 40 MPH. It was both comfortable and speedy. Today, Gilbert Burck of Fortune Magazine has called the I.R.T., "one of civilization's most degrading experiences." It is dirty, unreliable, and uncomfortable. In addition, it is totally unsafe. Thefts and muggings are abundant. There are 400 suicides or fatal "falls" each year. All this helps to keep the subway policemen busy. Did you know that they total more than all but two dozen cities have above ground?

However, not the least of the I.R.T.'s or perhaps any of the old mass transit's worries is its grave fiscal problems. The I.R.T. loses $7-million per year in operating losses and a great deal more than that if depreciation is counted.

Other examples which could be cited would include the New Haven and the Erie Lackawanna, both of which are commuter lines which are bankrupt. In our dynamic society people move. They have, they are, and they will leave the city core for the suburbs. With them move the industrial skilled job opportunities. At the same time, white collar administrative jobs in the central city increase.

To meet the transportation problems caused by this shift, people automatically turn to private automobiles. In city after city, there is no adequate alternative. The results have been both predictable and inevitable. The air is foul with fumes, accidents take more than 150 lives a day. In areas where land is at a premium, it is devoured by streets, garages, and parking lots. Today almost 50% of the land in suburban areas belongs to the cars. 41,000 miles of interstate highway were allotted by Congressional legislation in 1956. Upon its completion in 1972, this highway will occupy more land than the entire state of Rhode Island. And there is already a clamor to extend the program.

These roads and others utilize lands which were once productive in now-needed tax revenues. This, though, is just highways.

The automobile itself is a prime hoarder of space. The average automobile with one person in it utilizes more space than nine times one person riding in a mass transit vehicle.

Mayor Raymond Tucker of St. Louis put the situation this way: "The plain fact of the matter is that we just cannot build enough lanes of highways to move all of our people by private automobile and create enough parking space to store the cars without completely paving over our cities and removing all of the . . . economic, social, and cultural establishments, that people are trying to reach in the first place . . . even if we could do it physically, the costs would bankrupt the combined resources of the cities, state and Federal governments."

The Department of Commerce concurred: "Merely adding highways which will attract more automobiles which will in turn require more highways is no solution to the problem of urban development."

While I can't predict that the urban tortoise will turn into a hare—I can on this lucky day of March tell you better days are on the way (more about that in a minute).

This vast expanse of concrete which continually proliferates has not achieved the intended results. Indeed as far as the life of the city dweller is concerned, our highway system has been a complete and utter failure. There's nothing better than the interstate highway as you wing your way across the country. But when it brings you to the city, you stop.

It's difficult to put a price tag on this intra-city traffic congestion but everybody has been trapped in a snail-like traffic jam and you don't need figures to explain your losses.

To express companies and other industries that use trucks, the lack of an efficient transit system is painfully clear. For example, last Friday morning one of my staff members boarded a general delivery truck in Newark, New Jersey, at ten after eight. Nine and one-half miles and an hour and twenty minutes later he finally reached the other side of the Holland Tunnel in downtown New York. For 45 more minutes he travelled just four or five blocks with the truck driver, who then made his first delivery of the day.

The truck driver cheerfully explained that this was a better day than usual since the threat of snow had eliminated many of the automobiles which would have otherwise been on the road.

McCall's magazine estimates that traffic delays cost its publication approximately $50,000 extra annually. The costs are extra drivers' pay, gas, and equipment. When frustrations build up—and the driver gets "up tight", efficiency drops and accidents occur.

When we relieve the worst traffic congestion with better passenger transit—and we can and we will—one of the first beneficiaries will be the trucking industry. I am not being facetious, therefore, when I extend a friendly hand of invitation to this industry—an invitation to help enact legislation designed to provide an efficient mass transit system.

Obviously more highway money is not the answer. Since 1957, $36-billion has been spent on highways. In fiscal 1967 alone the Federal Government spent $5.35-billion on urban and intercity transportation. Of this amount, only $160-million, a mere 3% went for mass transportation—billions for highways, but tokens for urban mass transit.

An illustration of the absurdities of our priorities is that just last year we committed ourselves to an anti-ballistic missile system, the cost of which will be $10-billion and if this system was expanded to total coverage, Senator Symington estimates it could go to $400-billion. This is a system which I think all will agree is of doubtful value—it may not even work. These billions can and must be put to uses of proven value. Less than half of the initial $10-billion would supply total mass transportation for the cities of Los Angeles, Seattle and Atlanta. This money would bring to our nation a mass transportation system second to none. And one of which we would all be proud.

The fact of the matter is that just not enough Federal money has been made available for mass transit programs. $175-million has been appropriated for fiscal 1970. The minuteness of this appropriation becomes absurd when you realize that $37.00 of Federal money is spent on highways for each $1.00 spent on mass transportation.

Seven major capital grant applications presently pending before the Department of Transportation already amount to more than $206-million or $31-million more than is available. Moreover, these applications do not reflect the true need for mass transit funds. Rather they reflect what officials of seven existing systems feel they can reasonably expect to get out of the limited funds available. To come anywhere near satisfying the mass transit needs it is estimated that $15-billion will be necessary over the next ten years.

To overcome the deficiency of funds needed to build a better and more balanced transportation complex, I have introduced the Urban Mass Transportation Act of 1969. Congressmen Patman and Barrett have introduced the same bill in the House of Representatives. This bill will establish a mass transportation Trust Fund to provide the capital investment necessary to meet the growing transportation needs of our nation's cities.

The Mass Transportation Trust Fund would be financed by a portion of the declining excise tax on automobiles from 1971 through 1974. Over this four-year period an estimated total of $1.8-billion would be available for loans and grants for mass transportation.

Right now I want to declare emphatically that this does not infringe upon or touch one single penny of the highway Trust Fund. It merely takes our existing tax presently paid

into the general Treasury funds and applies it to mass transportation.

Funds from the program would be used for both Urban Transportation *and* Urban Development. The bill would also permit both a loan and grant to a single transit system—a flexibility not possible under the present law. A further provision directly links mass transportation projects to over-all city planning.

This bill would also alleviate the problems resulting from the artificial restriction limiting the amount of funds spent on any one state to 12.5%. While I envy the open spaces and natural beauties of Wyoming, Wyoming's need for urban transportation funds is not equal to that of New York, New Jersey, Pennsylvania, Illinois, or California. To equitably balance the program, the bill provides a discretionary fund of $50 million which can be used in heavily populated states.

I know that the first and loudest objection to this bill will be, "Should automobile owners pay for mass transportation? Their money should go for highways, not buses and trains." The answer to that is simple: "we're all in the same traffic jam together and what we're trying to do is to get out of it together. This is truly a situation where whatever helps one helps the other.

If we are willing to move forward we can replace the present traffic jams with a system which makes travel easier and more pleasant. We can erase the poor image which besets urban mass transit.

Moreover, we already have the tools in the planning stage to revitalize urban mass transit. Indeed, future urban travel can be as imaginative and as exciting as present urban travel is drab and uninviting.

MAYOR LINDSAY PROPOSES "NEW DIRECTIONS FOR THE ADMINISTRATION OF CRIMINAL JUSTICE"

Mr. MATHIAS. Mr. President, many of us recall the contributions which our former colleague, Hon. John V. Lindsay, made to the cause of improving criminal justice while he served as a Member of the other body. Since his election as mayor of New York City in 1965, he has continued and expanded his efforts in this vital area. Some of the most innovative projects in the entire Nation have been carried out in New York City during his administration and under his leadership.

In a recent article, entitled "New Directions for the Administration of Criminal Justice," published in the January issue of Judicature, the Journal of the American Judicature Society, Mayor Lindsay has presented some observations and suggestions which deserve attention from all who are involved in the administration of justice.

For example, the mayor calls on the law schools of America to involve their students in the operations of "the law on the streets" through an imaginative proposal for full-time internships, which would allow students to devote all their attention to the criminal process for several months. Such a program would not only meet the desires of many students for a more relevant course of legal study, but would also focus the attention of law schools on areas in which they could contribute to reforms.

At the same time, Mayor Lindsay points out that the bar itself must play a more direct role in achieving legal reforms. He cites the activities of the Junior Bar Association of Washington, D.C., as a possible model for young lawyers in other cities.

Because of its timeliness and significance, I feel that Mayor Lindsay's article merits wide attention. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW DIRECTIONS FOR THE ADMINISTRATION OF CRIMINAL JUSTICE

(By John V. Lindsay)

As the report of the National Advisory Commission on Civil Disorders made clear, the administration of criminal justice very nearly broke down under severe, unpredictable pressures during the riots in the cities in the summer of 1967. In those extraordinary days, our judicial system dealt primarily in volume; it possessed no demonstrable ability to deal with individuals. The consequences were a grossly inadequate conviction rate, violations of civil rights, and judicial decisiens based on group rather than individual situations.

The disorders gave spectacular but transient publicity to these deficiencies. The continuing tragedy in our cities is that the administration of criminal justice is not working satisfactorily on a daily basis. Under normal circumstances, the system dispenses mass justice and fails to deal properly with the individual. Yet in these same courts, hundreds of thousands of our least fortunate citizens first confront their government and first experience the application of the government's laws to them.

Here is where the American bar can find a cause. For here, despite our democratic system, our careful constitutional system of individual rights, justice in America fails our professed ideals. It fails largely because we have not gone beyond the paper of the law to its application in fact. To a great extent, we have lost contact with the workings of the law. Both law schools and lawyers have lost touch with the law on the streets—enforced by police, prosecuted by district attorneys, adjudicated by judges. Yet here is where our legal system is truly tested—and today, across the country, it frequently fails the test.

To achieve permanent improvements in the administration of justice, I think we must begin with a reconnection of the lawyers and the law schools of our nation with the criminal justice system. We must educate them in the workings of the criminal system. We must stimulate interest and concern for its inequities and inadequacies. We must install a new responsibility throughout the bar and the law schools for the quality of justice in America.

Too many of our nation's leading lawyers have devoted their professional lives to tax and corporate law. They have tried to avoid participation in, or responsibility for, the criminal justice system. Even worse, too many leaders of the bar have felt that the criminal justice system was lowbrow law—to be reserved to less distinguished, less affluent members of the bar.

In a time of complex procedures, statutes and case law, it has been easy to treat the criminal law as a specialized area of practice and rationalize that it be left to its specialists. We tend to focus on its visible parts and on the major theoretical questions. We will debate the conceptual merits of *Mapp* and *Miranda*, but few of us will try to learn how they in fact work on the street.

I think it is time to break some old traditions and adopt some new practices. Instead of starting with Supreme Court decisions and working down to the lower courts, I think our law schools ought to undoctrinate their students into the ultimate effects of the administration of criminal justice. How does a "stop and search" law really affect the people involved—the policeman as well as the suspect? What does a summons look like? How are the poor provided with legal counsel?

All of these questions are topical, relevant, tangible. I think the law schools ought to give their students the opportunity to find the answers, if only for the reason that an intensifying complaint among all college and university students is that their courses are too abstract; that they do not relate directly to the conditions and demands of the real world. Here, I believe, the law schools can take a leadership role in coping with that general resentment.

In my judgment, two efforts must be made: First, we have to get the law schools more deeply involved in the actual workings of the law—on the streets, in the dentention pens; in the courts; in the prisons. Second, we must encourage the schools to recognize the relationship of the law to other disciplines such as medicine—in alcoholism, narcotics, tort cases, or psychiatry—in criminal intent.

LEGAL INTERN PROGRAMS

Recently, two programs announced by New York University under Ford Foundation grants moved in these directions. One provides for twenty "squad car lawyers"—law students who will go on patrol with the New York City police and then follow the first felony arrest they witness through every stage of the criminal process. They will observe every step of the police procedure: booking, interrogation, fingerprinting, transporting, detention; every phase of defense counsel consultation and advice, of prosecution interrogation; and of judicial procedure. At the end of the semester, they will have a full picture of how the law has been applied in practice "from the bottom up" in twenty cases.

The second program will enroll law students in seminars in psychiatry and forensic medicine to follow actual case histories and learn from clinical experience the complicated interaction of these branches of medicine with the law.

These are important programs, but they do not go far enough. The problems of the law on the streets are too complex to be reduced to a two-credit seminar, on a one-afternoon-a-week basis. We must move farther and faster. We must develop changes, not simply in the substance of legal education, but in its structure. We can't expect law students to grasp the problems of police officers or the courts on a two-hour-a-week assignment.

To meet these problems, I propose a drastic change in the structure of legal education. The key would be a seven-month legal intern program, which would extend over one semester and one summer. The program might begin in February and end in September. This would not be a part-time course, but rather, a full-time involvement of the student in a specific aspect of the criminal process. Four days a week, the student would work in the criminal process; on the fifth day, he would participate in a seminar to review and discuss what he encountered. As a full-time endeavor, this program would have to carry with it a full semester's academic credit. The student would be required to take no other course or seminar. For the summer months, he should be paid. The summer period is important to make the program long enough to permit a full and fruitful study of a part of the criminal process and to allow for some practical follow-up on the findings of the program.

It is important that these programs go beyond educating the law students as to the nature of the administration of justice. That in itself would be important. But such a program should also focus on the problem of changing the legal system—it should focus on a specific problem area and develop ways to improve it. In effect, this should be a course in the dynamics of legal reform. These courses would change each year as the

problems change. They will not be static, but responsive. Their goal would be to initiate change and then move on to another problem. The objective, a fine one, I think, is to involve the law schools as institutions in the realistic process of legal change.

In New York City in the past few years a number of critical reforms have been introduced in the administration of criminal justice. Most of them have been initiated by the Vera Institute of Justice, working closely with various city agencies and often using law students. These reforms would have been ideal subjects for a legal intern program. They include the famous Manhattan Bail Project, begun by Vera with New York University law students in the Manhattan Criminal Court seven years ago.

It has now spread to over one hundred cities across the nation and has resulted in the first federal bail reform legislation in the nation's history. It is saving New York City millions of dollars annually in detention costs and it is saving thousands of New York's citizens the indignity and disruption of unnecessary incarceration. The Manhattan Summons Project, which began in one precinct, is now city-wide. This is now saving our city over sixty-four thousand police man hours annually by eliminating unnecessary trips to court for arraignment. The twenty-four-hour arraignment court is providing around-the-clock judicial service to citizens and police alike, permitting us to eliminate the old precinct lock-ups, to ensure prompt arraignment, and to save police and defendant time in court.

Working with the Criminal Justice Coordinating Council, which I established last year, Vera has expanded its activities as with the Manhattan Bowery Project, which operates a fully staffed medical detoxification program for Bowery derelicts. By means of the program, we have moved to end the traditional revolving door of police-court treatment of derelicts which is both inhumane to the individual and inefficient for the scarce resources of the criminal system. We are taking the police and the courts out of the degrading business of "cleaning the streets," and we are instead substituting an exciting program to service and care for these forgotten residents of our city.

The Council and Vera are focusing heavily on the problem of court delays which chews up the scarce time of police, attorneys, judges, defendants, and witnesses alike. It is one of the most agonizing aspects of the administration of criminal justice.

Our first project in this area was the Traffic Court Alert. On a test basis, we had policemen in traffic cases report to their regular posts instead of to the courthouse. They stayed in regular communication with the court on "alert" status. An officer was called in only when the case would be definitely heard and he would clearly be needed.

I am pleased to report today that in our first four months of limited operation we have been able to cut by fifty percent the time policemen previously spent in court. We are now moving to expand this project city-wide and into the criminal courts as part of our continuing campaign to place more policemen on patrol on the streets of our city.

Each of these projects would have been suitable for legal intern programs. Each of these problems in the administration of criminal justice could have benefited from the fuller scrutiny and involvement of law students and law schools. Each is suggestive of the kind of dynamic new course our law schools should be giving in the practical problems of criminal administration and its reform.

One problem with existing internship programs is inadequate supervision and coordination which often results from having professors or attorneys supervise the program on a part-time basis. Instead, I propose the creation of a new position at our law schools to go along with the proposed new legal intern program—the position of clinical professor of law. This would be a new kind of faculty member who would spend his full time supervising the program, conducting seminar, and coordinating the work of the students with the law school on the one hand and the agencies on the other.

It will not be enough to find new ways to involve our law schools in the problems of the criminal system. We must strive as well to find new channels to involve the members of the organized bar in these same efforts. We should aim beyond the establishment of new crime commissions or study groups to research problems and produce reports that inevitably end up on the shelf. We should involve ourselves in the operations of the legal system and in the process of legal change.

This involvement is particularly necessary for young lawyers who may be growing restless with the requirements and rewards of private corporate practice.

JUNIOR BAR ASSOCIATIONS

In Washington, D.C., for example, a Junior Bar Association is a dynamic force for legal reform. It has pioneered the implementation locally of some of the reforms I discussed earlier, such as the Summonses and Bail Projects. It is moving forward on other fronts as well. This is an important vehicle for tapping the energy and idealism of young lawyers, from the time they leave law school until they reach thirty-five. It is a way of stimulating young leadership and creativity that is too easily lost in the larger and older bar association structures.

A Junior Bar Association could act as a new form of legal service agency to provide skills where needed in the legal system. This would complement existing legal aid and community action legal services efforts in each city. It might include the establishment of voluntary panels of young lawyers available twenty-four hours a day to go to police precincts to represent indigent defendants. Or it might mean the establishment of special groups versed in consumer law to help community groups set up various kinds of consumer cooperatives and credit unions.

It is time we also found ways to involve the senior members of the bar more fully in the criminal process. Again, I do not think this can be done adequately merely by setting up new bar association committees. It will require some drastic rethinking of ways to use private attorneys in the administration of justice. Our goals should be to reacquaint the leaders of the bar with the daily workings of the criminal process and to stimulate a renewed concern on their part for improving and updating the system. Sadly, it appears that too many of our foremost attorneys have only a theoretical interest in the criminal process.

I believe the process is far too important—to our cities, to our society and to our profession—to be viewed from afar. The moment of truth for the law is in its enforcement on the street corner by the policeman, and its adjudication in the courtroom.

As recent Supreme Court decisions have made abundantly clear, one cannot divorce the substantive law from our judicial procedures and processes. It does no good to refine the statutory law and set careful penalties if inadequate manpower compels the district attorney to make unwarranted bargains in return for a lesser plea or if the penal institution merely embitters the convict rather than rehabilitates him.

In either case, the law as passed by the legislature, and perhaps endorsed by the organized bar, is most likely defeated in practice—not because of its own defects, but because of the multiple failings of the system. And unless the system begins to work, no law, no matter how sound and reasonable, can be either effective or fair.

The function of the criminal justice system should be made the highest priority of the American bar. It is in the lowest criminal courts that our system of individual rights is tested on a daily basis and it is here that hundreds of thousands of citizens have immediate contact with their government.

I believe that more can be done by more members of the bar in the field of criminal justice. I have been thinking about how their talents and energies might be best employed, and, here, I think, is the kind of involvement that might take place.

Throughout the judicial process, there is a staggering caseload and an extreme shortage of judicial manpower. I think a program might be initiated to allow the appointment of "temporary judges" for a thirty-day period on a voluntary basis. The local bar association would establish a screening committee to recommend to the Mayor distinguished attorneys who have served at the bar for at least ten years for appointment as temporary judges. Upon appointment, they would receive a short orientation course and could then sit for two or three weeks in either trial or arraignment parts.

In some states this might be permissible by court rule; in others it might require new legislation. It will only be meaningful if it receives the support of the leaders of the private bar who will begin to accept this kind of two- or three-week service in Criminal Court as part of their obligation. In any event, I think the concept should be explored.

An ongoing project which is taking place in New York City is a Court Employment Project under the aegis of the Mayor's Crime Council and with the active cooperation of the Vera Institute of Justice. A committee of the Council, chaired by Mr. James Oates, chairman of the Equitable Life Assurance Society, has established a special employment office in the Manhattan Criminal Court, where selected defendants are chosen for participation in the project.

The records of those chosen are reviewed by both the district attorney and the judge and, if they approve, the case is held over for a three-month period. During the three months the defendant is placed in a job or job training program and given careful and intensive counseling by a staff primarily composed of ex-convicts. At the end of the three months, if the employment record is satisfactory and if there have been no further problems with the police, the original case is closed.

This, I believe, is an imaginative attempt to provide individualized treatment for those entangled in the criminal process and to make every effort to introduce stability and order to their lives, rather than further disruption and hostility. It is this kind of alternative to incarceration that is essential if we are to deal adequately with the needs of the large volume of criminal offenders so as to prevent recidivism instead of fostering it.

What has been happening in this country—on the university campuses as well as in the ghettoes—places intense strains upon our police, our courts, our entire body of criminal law. Members of the bar should be the primary defenders of our legal system, to ensure that at all times it is just and equitable, that at all times the individual's rights are paramount.

For many of us, that will demand the adoption of rigorous new responsibilities and the sacrifice of established comforts. We may have to spend less time in the conference rooms and more time in the courthouses.

It must be done, however, because our unyielding allegiance must be to the law. We must be mindful that the law is not concerned with the position, the race or the wealth of those it touches. The law exists, not for the administration of equity, but for the administration of justice.

PACIFIC AIRLINE ROUTES

Mr. HART. Mr. President, President Nixon's decision on the Trans-Pacific Airline case has now been made public. President Johnson's decision added point-to-point competition between American carriers on Pacific routes. President Nixon's decision to a large extent takes it away. For this reason I believe President Nixon's decision unwise.

Early in the political campaign President Nixon spoke approvingly of cutting back on Government regulation. The alternative to regulation, of course, is competition. In this case, the President has used his office to protect existing routes from a substantial rise in competition—to protect the "ins" from the "outs."

His decision means that regulation has been increased, not lessened. It demonstrates again that Government regulation may be often used to protect those already in power from new entry. It explains why the regulated who loudly protest the evils of Government regulation are happy to receive its benefits.

It is my understanding that the law limits the President's role to a review of the foreign policy aspects of the Civil Aeronautics Board route awards: with that in mind let us review this case.

After lengthy hearings begun 3 years ago a CAB examiner made findings of fact on adequacy of service, traffic, and projection of future demand, and the customary route recommendations. The Board, charged by law with overall responsibility for the policy under the Federal Aviation Act, disagreed with some of the examiner's conclusions and recommendations. The changes made by the Board were well within the scope of its authority and such changes in hearing examiners' findings are made routinely by regulatory bodies. President Johnson, discharging his responsibility under the law, approved, with one exception, the Board's recommendation. The exception involved a route to Japan. The Japanese Government is strongly opposed to certification of additional carriers. One must presume the President was responding to this attitude, clearly a foreign policy consideration.

Now President Nixon has eliminated additional carriers from Pacific routes. There will be significantly less direct point-to-point competition on any Pacific route between U.S. carriers than under President Johnson's decision.

I suggest that the real threat to the public interest lies in the resolution of the case in a way which for practical purposes tends to eliminate point-to-point competition and which delays the certification of new service by remanding the case to the CAB and setting the stage for lengthy litigation.

Given the existing structure of the international carrier industry and its method of fixing ticket prices, the addition of fresh point-to-point competitors to Pacific routes is the only way to create pressures which might lower prices and improve service.

These routes are highly important to the United States and to the countries of Asia. Traffic on them is growing at an annual rate of 20 percent, even in the face of high fares which presently prevail. As many air carriers operating on the North Atlantic routes have discovered, the demand for air transportation is highly elastic. As price decreases the demand increases sharply. Should ticket prices drop substantially the growth of traffic on these routes should be dramatic. The rewards to all the nations of the Pacific in the form of more trade, better international understanding and greater opportunity for face-to-face contact between peoples would increase.

Under the existing system, rates are fixed by committees of the International Air Transport Association. The association, called IATA, is a membership association of the world's major commercial air carriers. The membership, for rate purposes, is divided into traffic conferences on a regional basis. Traffic Conference No. 3 covers Asia, Australia, New Zealand, and the Pacific Islands. The conferences meet privately and discuss the rates they will charge. Each member has veto power.

On routes with few competitors and limited seat capacity the economic pressures needed to force lower rates are missing. Carriers are content to carry fewer passengers at monopoly profit. However, as the seat capacity on a route increases so does the economic pressure to fill the seats. That pressure translates itself into lower fares. The experience on the North Atlantic routes provides an excellent example. Fares, particularly those of the promotional package variety, have dropped steadily.

Mr. President, I confess to having a strong distaste for this method of setting fares. It is not subject to the antitrust laws and it is not subject to CAB regulation. Perhaps this system should be changed but changes would require legislation and my concern is more immediate. I should like to see more carriers and more capacity on each of the Pacific routes. Further delay benefits only those carriers presently serving the routes. Partial elimination of point-to-point competition further benefits the existing carriers by removing pressures for lower fares.

The real losers are the American people. Additional competition on the Pacific routes is essential and if legislation is required to get it we should begin to think about appropriate steps.

I ask unanimous consent that the editorial entitled "The Pacific Air Fight," published in the Scripps-Howard newspapers be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PACIFIC AIR FIGHT

Although he did approve some increased competition among U.S. airlines, President Nixon has scuttled a large share of the commercial airline expansion President Johnson had approved for the Pacific area.

His decision brought no joy to Denver's World-wide aviation ambitions—which has been sent soaring by Johnson's decision to include Denver's Stapleton International Airport as a jumping-off place toward the Far Pacific by non-stop flights to Hawaii. The reversal of route grants also cut off Denver ties in the intricate airways network leading to the Far East and the antipodes via southern routes.

Nixon told the Civil Aeronautics Board he disapproved Johnson's rulings in six instances, based upon consideration of foreign relations and national security. It previously had been announced at the White House that these were the "only" considerations on which he would revise the Johnson decisions.

But White House aides told reporters some of the proposals were turned down because they were "lacking in economic viability." They said the estimates of increased Pacific traffic on which the Johnson decisions had been based were out of date and overly optimistic.

Since he did not spell them out, the international and security factors which influenced the President's decisions hardly can be debated. Six foreign carriers now compete against Pan Am, TWA and United in the Pacific.

But the airlines themselves, along with the CAB, seemed to be wholly convinced of the economic possibilities in the Pacific.

When he made his recommendations a year ago, the CAB examiner who heard the case had said:

"From every point of view—defense, economic, trade, tourism—the interests of the United States are being drawn inexorably toward the countries of the Pacific Basin."

This case, in substance, had been under way more than 10 years. The CAB reopened official proceedings in 1965. The record covers 9,400 pages; oral arguments alone went on 68 days. The examiner's recommendations of last April were revised by the CAB, revised again by President Johnson and now re-revised by President Nixon.

As evidence of their hopes for business in the Pacific, the competing U.S. airlines have spent millions and millions of dollars seeking rights to the routes. In 1967 alone, they spent some $4 million just on lawyer fees.

With bigger and faster planes, they were hoping to cut fares and flying times and thus enormously increase the tourist popularity of Hawaii, Japan and even New Zealand and Australia.

Security and foreign relations aside—whatever they may mean in this instance—competition generally is the public's greatest benefactor, in air travel or any other field. In this respect, Nixon's decisions cannot be regarded as other than disappointing.

But if the Pacific business of the future is as lucrative as the airlines obviously believe, this fight will go on and on (as it should) until the U.S. carriers get a fatter proportion of the Pacific business and American travelers and shippers get better service.

AMBASSADOR DAVID K. E. BRUCE

Mr. SPONG. Mr. President, for the better part of this decade, Mr. David K. E. Bruce has been our Ambassador to the Court of St. James in London and now has retired. He not only served in London for 8 years—longer than any other American—but he was our Ambassador to both France and Germany and the only American to hold these top three diplomatic posts.

Ambassador Bruce's long and varied career of public service also included membership in the legislature of both Virginia and his native Maryland.

Few diplomats have served their country with more diligence than Ambassador Bruce. Virginians have taken pride in his accomplishments and hope that in retirement he will spend much time at his residence, Staunton Hill, near Brookneal, in Charlotte County, Va.

Attendance at an Embassy briefing in London, presided over by Ambassador Bruce, gave one an opportunity to ap-

preciate the depth of experience and knowledge that enabled Mr. Bruce to cover with clarity the entire range of Anglo-American relations.

We salute this distinguished American and wish him well in the future.

THE RIGHT APPROACH

Mr. HANSEN. Mr. President, the thoughts of a great number of Americans has centered on the downing of the U.S. Navy plane by the North Koreans. I want to take just a moment to comment on President Nixon's response to this serious matter.

I interpret the President's statement—that he has ordered the flights continued, with protection—to mean that our men will seek to shoot down any aircraft which attack.

Mr. Nixon also emphasized that renewal of the flights, which were discontinued when our plane was downed, is not indication that this is the final action we can take or will take in this matter.

The need to continue the flights is obvious. I believe the President made that clear. We still have 56,000 American troops in South Korea. The North Koreans have made threats against these men, and the border incidents have increased appreciably.

For the protection of our troops, we must continue to know, on a daily basis, what the North Koreans are doing. The best way to determine this apparently is through continued use of the reconnaissance planes.

Our aircraft have flown 190 such missions this year already, and there have been no warnings from North Korea against these missions. Our plane was 90 miles from their shore when attacked and at no time during this flight was it closer than 40 miles.

The attack on our unarmed aircraft was unprovoked and certainly unexpected.

I believe the President has taken the right approach.

SENATOR HARRIS CALLS FOR EQUITY IN RESULTS IN AMERICA

Mr. MONDALE. Mr. President, the senior Senator from Oklahoma (Mr. HARRIS) spoke recently before the National Press Club about the challenge to our society's unequal distribution of economic and political power.

He spoke of managing the economic system to improve the quality of American life. He spoke of basic rights for citizens. And he spoke of access to the decisionmaking processes for all Americans.

I am pleased that our Democratic Party Chairman touched on a number of questions with which I have been especially concerned—enforcement of antidiscrimination regulations; adherence to school desegregation guidelines; reform of our tax structure; real movement toward peace in Vietnam; the effect of anti-ballistic-missile deployment; of our hopes for peace abroad and progress at home; reform of the Democratic Party.

I took special interest, however, in Senator HARRIS' call for "a system of economic and social accounting which measures not just the sterile statistics of gross national product and corporate and individual income, but reinjects ethical concerns and human values into our economic management system and measures the quality of American life."

Mr. President, the senior Senator from Oklahoma (Mr. HARRIS) and 21 other Senators are sponsors of my proposed Full Opportunity Act, S. 5, which would establish a Council of Social Advisers and take a long step toward the kind of measurement Senator HARRIS speaks of in his address. I look forward to early hearings on the bill.

I ask unanimous consent that the complete text of Senator HARRIS' remarks before the National Press Club be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR FRED R. HARRIS, NATIONAL PRESS CLUB, APRIL 17, 1969

All over America today, as never before in the history of our country, people are challenging our society's unequal distribution of economic and political power.

America's greatest need today is the need to achieve equity for all our citizens—not only equity in opportunity but equity in results.

Equity requires that America put first things first, establishing a system of economic and social accounting which measures not just the sterile statistics on GNP and corporate and individual income, but reinjects ethical concerns and human values into our economic management system and measures the quality of American life—a system which allows us to get our priorities straight so that it may not be said of us: "They could hear the lightest rumble of a distant drum but not the cries of a hungry child."

Equity means making real certain basic rights of every American. In addition to the traditional right to live and lodge and eat where one wants, equity means the *right* to a minimum standard of income for those who cannot help themselves, and the *right* to equal opportunity and a decent job at a liveable wage for every person willing and able to work; the *right* to a decent home in pleasant, wholesome surroundings; the *right* to a decent education, which prepares for living as well as for earning; the *right* to good health and enough to eat; and the *right* to be treated fairly—as a taxpayer and as a consumer of public and private services.

Equity means also that all Americans must have real access to the decision-making processes which affect their own lives.

There is a fundamental sense of unease in our society—a feeling of powerlessness on the part of many of our citizens in the face of huge and impersonal institutions—a sense of inequity, of inability to obtain response or recognition from our schools, our churches, our governmental bodies and our political parties.

There is a nagging sense of worry in our society—a concern that we are drifting listlessly into the stormy face of new and growing problems which beset our radically changing lives and world. For, as the President of the Massachusetts Institute of Technology recently said:

"We are beginning to discover that the right of free citizens to move freely without hindrance can be made meaningless by the breakdown of mass transportation, and the right of free assembly can be negated by impassable city traffic, or, for that matter, by uncontrolled crime in the city street. We are beginning to suspect that free speech and free press might become irrelevant if we were slowly strangled by the air we breathe or slowly poisoned by our drinking water. We are beginning to see that equal rights and equal job opportunity, when finally obtained by citizens long denied them, can be made meaningless by intolerable housing conditions or by ineffective education systems. We are beginning to realize that if exploding populations create a world of starving humans almost standing on each other's shoulders, *all* concepts of freedom can become irrelevant, and American prosperity could be infuriating and incendiary to billions deprived of either hope or future."

Now, President Richard Nixon has been in office for eighty-seven days. Yet, we will not carp and criticize. But we still await with more than casual interest his first substantial moves to really lead this nation.

For, as Teddy Roosevelt said, the Presidency *is* a "bully pulpit," and the test of leadership is not how accurately the leader gauges the mood of the people, but how skillfully he can appeal to those sparks of idealism which, though often smothered beneath layers of apathy and inertia, flicker still, waiting to be brought to flame.

The test of leadership is not only how successfully the leader is able to diminish the sounds of political acrimony, but also how acutely he detects the quiet voice of moral outrage, of social justice, of human compassion.

But, as the President cannot evade his responsibility to lead, neither can the Democratic Party refuse to take its stand on the great moral issues of our time.

Toward making equity real in our society, America has made proud and measurable progress in recent years—frequently with strong bipartisan support in the Congress. From the advances we have already made, we will now either advance further or retreat; we cannot stay where we are. We shall watch to see in what direction President Nixon will now attempt to lead us—or *whether* he will lead.

But, so long as the Democratic Party remains a vital influence on the national scene, there shall be no retreat.

The Democratic Party must move—and we are moving—to get our own house in order so that we may be prepared to do our duty.

We will allow no retreat on the issue of race and human equality.

We are concerned about the lack of clarity with which this Administration acts and moves on this, the most fundamental matter of equity in America—on social and economic equality for black people, for American Indians, for Spanish speaking Americans and other minority groups. There must be no retreat from the elementary and basic gains we have made in recent years, and we must not permit administrative neglect or half-hearted enforcement to slow the march forward.

We are disturbed by the reported advice of the newly appointed general counsel in the Department of Health, Education and Welfare concerning relaxed desegregation guidelines, advice which seems at variance with the statements of Secretary Finch. We are concerned about the actions of the Department of Defense in awarding contracts without requirement of full civil rights compliance. We puzzle over how these actions and the circumstances of Clifford Alexander's resignation as Chairman of the Equal Employment Opportunity Commission can coexist with Administration assurances of continued progress toward full equality.

President Nixon, we feel, must soon end this confusion; he must soon clearly choose between right and wrong on the moral issue of race. He cannot satisfy both sides, for only one of them is right.

We must allow no retreat on the issue of poverty. There must be no retreat from the

determined march we have begun against inferior education and training, the lack of decent jobs, the bad housing, and the poor health and malnutrition which prevent millions of Americans from having a real chance to attain equity in their lives.

We are disturbed by the announced plans to cut back on summer Head Start funds, to turn youngsters out of closed-down Job Corps centers, to retrench on financing of health research and health delivery, and the refusal to pay the pitifully small price to do away with hunger.

These positions of the Nixon Administration seem dreadfully inconsistent with its announced intention to offer new approaches on the terrible urban and other domestic problems which daily grow more difficult.

A nation which can increase its real production by some $40 billion a year, which is the richest and most medically knowledgeable, most agriculturally productive country in the world, cannot escape the moral burden of continued poverty, when, as the 1968 Democratic Platform makes so clear, "For the first time in the history of the world, it is within the power of a nation to eradicate . . . the age-old curse of poverty."

President Nixon, we feel, must soon strike out on some clear course; he must soon clearly choose between right and wrong on the moral issue of poverty and hunger. He cannot satisfy both sides, for only one of them is right.

We shall not dwell upon President Nixon's campaign pledge to end the surcharge tax, for we know that election often makes wiser men of former candidates. But there must be no retreat from the resolute march toward fairness and equity in our tax system. Throughout America, taxpayers are increasingly outraged by a system which is regressive in its overburdening of those of lower and middle income, while allowing many of the rich to escape their fair share of Government costs.

We are concerned about this Administration's delay in presentation of its promised tax reform position, disturbed by those things which are reported to be left out of these recommendations to be announced.

President Nixon must soon break this silence. He must soon clearly choose between right and wrong on the moral issue of equity and fairness. He cannot satisfy both sides, for only one of them is right.

There must be no retreat from the long march toward peace. We shall not dwell upon President Nixon's campaign announcement of an undisclosed plan to end the war in Viet Nam. But we shall declare our concern that private peace talks, underway before his election, have only now begun again. We must declare our firm, continuing desire for a systematic de-Americanization of that war, for real progress toward South Vietnamese assumption of greater military responsibility and institution of real and lasting political, social and economic reform.

We are disturbed by the rhetoric of Secretary Laird, who spoke of "military victory" upon his visit to Viet Nam and by his confusing and disappointing public statements against withdrawal of any American troops from that area during 1969.

We are deeply worried by the growing militarization in America and by the continued delay in sitting down with the Soviet Union to discuss a lessening of arms race tensions. Deeper than the technical questions of whether an ABM system will work are questions concerning the triggering of further escalations in the race for armaments advantage and the sobering question of the direction America will go, the priorities it will establish for itself in the next decade.

President Nixon's decision to scrap the Sentinel Missile System and then to advocate a somewhat curtailed Safeguard system, backed up by varying arguments, seemed to be more political than military in its apparent attempt to do a little for each side of the argument.

President Nixon must soon make the hard decisions on the moral questions of war and peace. He cannot satisfy both sides, for only one of them is right.

We do not expect or insist that President Nixon meet and solve these issues within one hundred days or any other arbitrary period. We do insist that he address himself and his administration to these issues. For they must be met. And the people of America must soon be called to the task—in clear tones, in firm voice.

We shall not make partisan capital of these solemn causes. But we shall ask this Administration to lead, and we shall offer our own solutions.

The late Robert F. Kennedy was fond of quoting Tennyson's Ulysses:

"One equal temper of heroes' hearts
Made weak by time and fate, but strong in will
To strive, to seek, to find, and not to yield."

The Democratic Party will continue to be entitled to lead the United States of America to the degree it continues to strive, to seek and not to yield—to the degree it speaks to the changed problems of our day, to the moral issues of our time, in terms which are meaningful and relevant to our lives and to the lives of our children.

For a time, we Americans may be tempted to rest on our record, to count the comforting beads of past progress, to recite the American litany of success, to turn our face away from the winds of change. But those winds blow more fiercely than ever in 1969. And the sounds we hear are not a call to retreat, but the trumpeting summons to advance toward individual dignity and self-determination, for equity, for an end to war and for the first steps toward that world peace which can yet be ours.

Those sounds will not be stilled by a call for silence.

Because the Democratic Party does hear those sounds and because we *will* and *must* respond to them, I believe that we shall be returned to leadership and—more importantly—to responsibility.

WATER AND INTEREST RATES

Mr. CURTIS. Mr. President, the Commercial Appeal, of Memphis, Tenn., published a very interesting editorial on April 1, 1969, entitled, "Water and Interest Rates." It refers to the excellent proposal made by the senior Senator from South Dakota (Mr. MUNDT).

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Memphis (Tenn.) Commercial Appeal, Apr. 1, 1969]

WATER AND INTEREST RATES

When interest rates began to soar about a year ago, concern was sounded about the effects this would have on the nation's water and land conservation programs.

The concern stemmed from the fact that approval of projects such as stream flood control depends upon a formula which compares the economic benefits to be derived with the costs involved. Higher interest rates obviously would have to be included in the cost side of that formula. As a result, a project that could have been justified two years ago might now be disqualified simply because interest rates had risen.

Senator Karl Mundt (R-S.D.) is asking Congress to correct this situation. He points out that unless corrective action is taken soon, there will be under-development of the nation's water resources in the years ahead which could lead to a shortage of water in the future due to lack of sufficient reservoirs.

What Senator Mundt proposes is that in the future water conservation planners crank into the cost-benefit formula definite economic values for benefits which in the past have been considered intangible.

He points to the Gillham Reservoir project in Arkansas as one example of how this could be done.

In reviewing the justification for that reservoir, it was noted that the cost side of the equation included $328,000 for recreation. Yet, the breakdown of benefits showed no gains for recreation.

Similarly, in the Biloxi Harbor, Miss., project, no economic benefits were toted up for the increase in barge hauling of coal there due to the development.

In the long run, lower interest rates would simplify the problems facing water resources planners, but until such rates show a decline consideration of the economic value of such projects should indeed be revised as Senator Mundt suggests.

NEGLECT OF ARTS BY NIXON ADMINISTRATION

Mr. PELL. Mr. President, I realize that President Nixon is faced with many tremendous and awesome problems. However, it is also important that the quality of American life, as well as its protection, should be of great concern to us. Indeed, I believe that an emphasis on the arts and humanities during the next few years should be maintained.

During the last campaign, there were many appeals made by those interested in the arts to support Mr. Nixon. Nationally, some artists and actors and many patrons of the arts supported the Republican nominee. In my own State of Rhode Island—a very distinguished group of citizens—alined themselves as "People in the Arts for Nixon."

Interestingly enough correspondence has since come to me out of this same group decrying the lack of support for the arts, evidenced by the Nixon administration. But the reason for taking the floor at this time is to say that I believe it is a disgrace that the position of Chairman of the National Endowment for the Arts is being left vacant.

The former excellent Chairman, Roger Stevens, had received a great deal of bipartisan political support for reappointment and, far more important, was tremendously respected and approved of in artistic circles. However, he was not reappointed, the reason being given, that he had once raised funds for the Democratic Party. That was in early March. My understanding is that the White House is now searching for a person suitably acceptable to the world of arts but who presumably has also a high Republican profile. Perhaps such a combination is hard to find.

While recognizing that President Nixon is fully occupied with the problems of the day, I do wish that the White House would hurry up in pressing this search or that it would at least be delegated to some individual so that a decision made which might in part fulfill the expectations of so many people who are members of "People in the Arts for Nixon."

EXPRESSION OF SOVIET ABM INTENTIONS

Mr. FANNIN. Mr. President, in the days leading up to the vote on the anti-ballistic-missile system, I think that it is wise for us to hear from all sources.

Much has been made, by opponents to the ABM, of the apparent intention of Soviet forces. They say that if we do not deploy our defensive system, then that will give the Soviet leaders no reason to develop a weapon to use against us. I admit that this kind of argument is too sophisticated for me to grasp. For the life of me I cannot see how our defensive capability can be considered provacative, while their defensive capability is not.

However, casting that argument aside for the moment, let us look at what the Soviets themselves say about their intentions. Early this month a copy of the book "Fifty Years of the Armed Forces of the U.S.S.R.", by Marshal M. V. Zakharov, arrived in the Library of Congress. This Russian officer was Chief of the General Staff of the Soviet Armed Forces. In the book he recalls that in 1958 the Russian equivalent of our ABM began taking shape. The Russian initials designating their defense system are PVO. This defense group became equal with Army, Navy, or Air Force.

Marshal Zakharov writes that in 1958 the PVO began taking on new dimensions. He says:

> The creation of ballistic missiles and space vehicles required a modern air defense system, to respond not only against the aircraft threat but also—and first of all—to provide anti-missile and anti-space (specifically in Russian, anti-cosmic) defense.

Thus it is clear that as long as 15 years ago the Russian high command decided that an ABM was needed and apparently work has proceeded full steam ahead since then.

The question I put then to the ABM critics is—If ABM is so costly, or meaningless, or valueless as claimed, then why have the Russians pushed so hard and fast in these past years to reach a point where they are already deploying their ABM and more? Why is it all right for the Russians to have a defense against nuclear ballistic missiles and not all right for the United States to claim the same defense?

Mr. President, I am indebted to the newsletter of the American Security Council for this information, and I ask unanimous consent that the entire text of the newsletter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SOVIET ABM MONOPOLY

While the United States conducts a great national debate over whether or not to begin construction of an anti-ballistic missile defense, it is important to note that the genesis of a Soviet ABM system occurred 15 years ago.

In fact, with its own ABM well advanced, the Soviet Union today is apparently testing the far more sophisticated problems of defending against space weapons.

This would give Russia great additional lead time, even if the United States plan for a Safeguard system around some of our Minuteman silos is approved immediately.

Since 1954, when the Kremlin's top military and political planners decided to create a new branch of military service equal in status to the Army, Navy and Air Force, the Soviet Union has been moving ahead in the development of nuclear age defenses.

That new service was named P-V-O Strany for the Russian word *protivovozdushnaya oborona* meaning "anti-air defense".

Initially, P-V-O consisted of little more than anti-aircraft defense units and their equipment, anti-aircraft artillery, jet fighters and radar. Its first commander was World War II hero of the defense of Leningrad, Marshal L. A. Govorov.

Early this month a copy of a new book—*Fifty Years of the Armed Forces of the U.S.S.R.*—arrived in the United States for registration at the U.S. Library of Congress. Published last year, it was written by Marshal M. V. Zakharov Chief of the General Staff of the Soviet Armed Forces. In it, he recalls that in 1958 P-V-O began taking on new dimensions.

"The creation of ballistic missiles and space vehicles required a modern air defense system, to respond not only against the aircraft threat but also—*and first of all*—to provide anti-missile and anti-space (specifically, in Russian, anti-cosmic) defense.

THE SOVIET ABM SYSTEM

Soviet scientists, engineers, designers and industrialists were mobilized to provide a new subdivision called P-R-O (protivoraketnaya oborona or ABM, literally anti-rocket defense) while the original responsibilities of P-V-O were turned over to a new subdivision, P-S-O (protivo-samoletnaya oborona or anti-aircraft defense).

P-R-O missiles were first deployed in 1963 and have since been steadily increased in number and improved. P-R-O first relied on a so-called "point defense" not unlike (but far less sophisticated than) the *Safeguard* system requested by the Nixon administration for protection of a few selected sites where our Minuteman retaliatory intercontinental ballistic missiles are installed.

As the Russians viewed "point" defense, P-R-O was set up around their ICBM strategic weapons centers, key miiltary command centers and the most vital industrial complexes. This system was soon enlarged to provide regional defense rather than just point defense.

Lately, the Soviet Union has begun installation of a line defense ranging down the Baltic Coast and named for one of the anchors in the line—the city of Tallinn, capital of Estonia.

P-V-O has set up regional command centers throughout the Soviet Union and the border areas of its satellites where both P-R-O and P-S-O units are stationed. However, the only known regional deployment of P-R-O missiles in heavy concentration is around the metropolitan complex of Moscow. Recent news accounts indicate there are some 67 P-R-O missile sites around the Russian capital.

THE P-V-O MISSION

P-V-O has established six command centers in the Eastern European satellites—one each in Bulgaria, Czechoslovakia, East Germany, Hungary, Poland and Rumania. These are primarily early-warning stations. (Incidentally, Soviet military journals often cite the existence of such bases in the satellites as the reason for stationing Russian or Warsaw Pact troops on satellite territory.) In addition, there are fourteen command centers in the Soviet Union.

P-V-O operations with the satellite countries are completely integrated under a Warsaw Pact three-star Russian general who operates from the headquarters of the Russian national P-V-O command. Thus, P-V-O, like all other military operations in the Soviet bloc, is totally integrated under Russian control. So much for Communist satellite independence.

Marshal Zakharov writes:

"The troops of P-V-O . . . consist of surface to air missile units, fighter aviation, radiotechnical troops, and missile carrying aircraft. Surface to air missile troops are the new branch (P-R-O) of P-V-O troops . . . equipped with combat missile complexes of differing purpose and capability.

"The characteristic element of these missiles is the fact that they are guided in flight which permits directing the missile to the target area and homing it on the target for its complete destruction. The aiming of missiles is accomplished by means of complex automatic computerized guidance systems. The target is destroyed as a rule by the first launched missile. The modern surface to air missile complexes are capable of destruction of all existing types of planes and missiles the enemy possesses at this time . . .

"The surface to air missile troops are constantly undergoing developmental improvements. New families and generations of missiles are created with improved and perfected combat qualities and alert capabilities. The range of operations, speed of launching, and all other operational characteristics of P-R-O missiles are constantly being improved."

Thus, with pride and assurance to the Russian people does the Soviet Chief of Staff claim ABM progress over the past ten years in the Soviet Union. It may be discarded by critics of ABM as mere braggadocio but the fact remains they have ABM forces in being and we do not. No U.S. commander can assure the American people that they have a defense against nuclear war because the U.S. has not allowed its military to provide such defenses.

The Soviet Union officially describes P-R-O's mission as the "interception and destruction of enemy missiles or rockets in space, preferably at distant approaches to their objectives and far from national territory."

The commander-in-chief of P-V-O is Marshal P. F. Batitsky who took over in 1966. His responsibility for P-R-O and the conventional P-S-O anti-aircraft defenses has been expanded to include the establishment of an entirely new field mentioned earlier by Marshal Zakharov as anti-space/cosmic defense.

This subdivision of P-V-O is labeled P-K-O (protivosmicheskaya oborona, Russian for defense against space-orbiting combat missiles or intelligence [spy] satellites).

Such space defense may have three objectives—first, to be able to neutralize or destroy U.S. reconnaissance satellites which presently are our prime source of information about Soviet missile and space developments and/or second, to develop a means of neutralizing or destroying our intercontinental ballistic missiles shortly after they are launched. The third objective is one stated repeatedly by the Soviet Union's top officials—to gain control of Space. Our intelligence gathering agencies have come across numerous references in Soviet speeches and official documents in support of such an objective.

RECENT SOVIET TEST

Evidence of a Soviet test of anti-space defense was provided by a report, just released, from the U.S. Air Defense Command's "Satellite Situation Report." That document discloses that between October 19 and the first of November, three space vehicles were launched by the Soviet Union from their Cape Kennedy—known as the Tyuratam Space Center. Cosmos satellite 248 was sent into orbit on a trajectory that would carry it to an angle of 62.2 degrees over the equator. On practically the same course, Cosmos 249 and 252 were sent after it. About 300 miles above earth, the three satellites were in close proximity. Suddenly, 249 and 252 exploded into lots of little pieces, according to

the U.S. Report. Cosmos 248, unharmed, continued on its way.

The explosion of the two satellites was non-nuclear, according to press reports.

The educated speculation of many of our military and space experts is that Cosmos 248 may have been a new military space vehicle designed to neutralize or destroy "enemy" satellites.

Neutralizing a satellite makes its camera inoperable so that it is "blinded". It has long been the view of specialists in space research that our best early-warning of a Soviet first-strike decision would be our reconnaissance satellites. The Russians have said they would try to develop a means of putting such an intelligence gathering space vehicle out of commission.

It now appears that the Russians may be doing just that.

The full impact of the Soviet Union's emphasis on an ABM system was demonstrated for the world to see on April 14, 1969 when Warsaw Pact forces conducted their first Spring maneuvers.

Marshal Batitsky, who holds the post of Air Defense Commander for the Warsaw Pact as well as that of Chief of P-V-O, was placed in charge of the maneuvers which were described as an effort to improve "anti-aircraft" defenses, but reportedly involved much more than a defense against conventional weapons or vehicles.

It is clear that P-V-O, structured to include P-R-O, P-S-O and P-K-O, enjoys a high priority in Soviet military planning.

One may fairly assert, as some U.S. critics of an ABM system have, that just because the Soviet Union has devoted so much attention to a Russian ABM there is no reason why America must follow suit. But those same critics owe it to themselves and to the American people to ask, as well, why the Soviet leadership considered it to be desirable or necessary to develop such an elaborate defense. If the ABM is so "costly", "useless" or "meaningless" as critics of the American plan are wont to charge, then why have the Russians pushed so hard, so fast in the past decade to reach the point where today they are rapidly building their own ABM and more?

Until that question is answered convincingly, supporters of the ABM defense concept in the United States have a right to keep asking: why should the Russian people have a monopoly on defense against nuclear war?

STUDENT ASSISTANCE ACT OF 1969

Mr. MONDALE. Mr. President, on April 14 I introduced S. 1788, the Student Assistance Act of 1969. The bill, if enacted, would do much toward expanding the higher education opportunity structure in this country. It would also be one of the most efficient ways to help millions break out of the cycle of poverty.

Since the bill has been introduced, a number of persons have asked questions about the bill. I ask unanimous consent that a questionnaire be printed in the RECORD.

There being no objection, the questionnaire was ordered to be printed in the RECORD, as follows:

QUESTIONS AND ANSWERS ABOUT THE STUDENT ASSISTANCE ACT OF 1969

1. How many students will be affected by the bill when fully implemented?

The bill provides grants to students under the provisions of Student Opportunity Grants and the Federal Fellowship Program. Loans will be provided through the Higher Education Loan Bank. Three to four million students might eventually borrow money from the bank to pay a part of their college expenses. At least 1,500,000 students would receive aid under the two grant programs, if they were fully funded.

2. Is the Student Opportunity Grant program similar to any present federally supported student aid programs?

Yes, it is. It is very similar to the G.I. Bill, a program that is familiar to many Americans. Both pay money directly to the student and let him attend the educational institution of his choice. Both make this aid available to students attending postsecondary vocational schools as well as colleges and universities. Both permit aid to half-time and three-quarter time students in addition to full-time students.

3. How do Student Opportunity Grants differ from the G.I. Bill?

There are two primary differences. First, Student Opportunity Grants will be based on need with the size of the grant ranging from $200–$1500, depending on the students' financial need. The G.I. Bill pays a flat sum to eligible veterans who qualify as a result of service in the military. To full-time students this G.I. Bill grant amounts to $130 per month. Second, universities attended by students receiving Student Opportunity Grants will receive a cost-of-education allowance for each student receiving a grant. The G.I. Bill does not pay a cost-of-education allowance to the educational institution.

4. How does the Student Opportunity Grant program compare with the present Educational Opportunity Grant program?

There are several differences:

(a) The E.O.G. program requires colleges to match funds they receive through this program on a 50–50 basis while the S.O.G. program requires none.

(b) The E.O.G. assistance goes only to the most needy students, with some institutions imposing a very low family income restriction. The S.O.G. program will aid these needy students. But it will also reach students from middle income families, particularly those with several children, more than one of whom is attending college.

(c) The S.O.G. program will pay a cost of education allowance to the school attended by those who receive grants; the E.O.G. program does not pay such costs.

(d) The S.O.G. award will go directly to the student who will have the choice of attending the institution he wants to attend; the E.O.G. award is dispensed by individual educational institutions. Before the student can get this aid he has to find an institution which has it available. Such an institution may not be the one he would prefer to attend and it may be difficult to find an institution with available money.

(e) E.O.G. awards can go only to full-time students. S.O.G. awards (proportionally reduced) can go to half-time and three-quarter-time students. Some students with heavy financial responsibilities may not be able to attend school full time. By carrying a heavy work load, with the money they could receive from a S.O.G. they may be able to attend school part-time.

(f) The S.O.G. program will provide an additional allowance for any dependents a student receiving a grant may have, if the student is determined to be self supporting. The E.O.G. program makes no provision for dependents.

(g) The maximum amount of the E.O.G. grant is $1000. The maximum S.O.G. grant will be $1500.

5. How does the Student Opportunity Grant program improve upon the Educational Opportunity Grant program?

It does so in several ways:

(a) To get an E.O.G. a given student must first find an institution with money to which he can apply. Institutions located near him, or ones that he would prefer to attend, may not have the money available for making the grant. Finding an institution which does have money may require several applications. This is a costly and time-consuming process which, in itself, erects certain obstacles to attending college.

(b) If a student knows that he will qualify for a grant, regardless of where he intends to go to college, he can begin planning to attend college early in his high school years. Veterans Administration psychological consultants and Office of Education studies indicate that the crucial decisions related to attending college are made then. The knowledge that this assistance is available will encourage low-income students to attend college.

(c) The formula which allocates E.O.G. money to institutions sometimes does not allocate the money where the greatest financial need is.

6. Why pay a cost-of-education allowance?

Although college costs are very high, the charge to the student does not cover the cost to the institution for educating him. Students at both private and public institutions receive a subsidy. If this bill increases college attendance, as it is designed to do, then it will require these institutions to stretch their subsidy over a larger number of students. This would increase the pressures to increase charges to all students. The cost-of-education allowance will ease this pressure.

7. Why is the bill needed? Aren't present programs working?

It's not a question of present programs working. Their results have been promising. It's a question of making improvements, and of making more needed aid available. This bill is needed for two reasons. First, the cost of attending college has vastly increased over the last several years. Between the years of 1948 and 1968, the cost for attending a public college for one year increased 72.3%; attending a private college increased 91.3%. During the same period of time the Consumer Price Index increased 44.6%. This means that the percentage increase in cost of attending college has almost *doubled* that of the increase in the Consumer Price Index. Since the cost is increasing so fast, there is a need to provide assistance from needy and middle income families. Second, there is evidence that there are still a number of able but needy students not reached by the present programs—the size of this group is at least 650,000.

8. What has been the difference in cost and tax return on the G.I. Bill?

The first two G.I. Bills, which covered veterans of World War II and the Korean conflict terminated in 1965. The total cost of these programs was $19 billion. Veterans Administration and Department of Labor studies suggest that the education made possible by these programs generated higher incomes for veterans who participated in the programs. The tax return on the income added was estimated at $1 billion per year. This means that during the lifetime of these men, the tax revenue on the added income will more than double the cost of the original program. At the present time the Department of Health, Education, and Welfare estimates that the lifetime differential in earnings between a college graduate and a high school graduate is $136,187. If this differential were taxed at the rate of 15% the added tax revenue would be $20,428.

9. Why does this bill emphasize direct aid to students?

It is the most efficient way to focus Federal resources on the neediest students who without this aid might not attend college, and it maximizes the choice of the student.

10. Why does the bill emphasize graduate as well as undergraduate education? Shouldn't the government's resources be concentrated on undergraduate education first?

The resources of this country are great enough to finance both undergraduate and graduate portions of this bill. Graduate enrollments are growing faster than undergrad-

uate enrollments. Between 1960 and 1965 graduate enrollments increased by 70.3% while undergraduate enrollments increased 54.3%. This is putting increased strain upon present forms of graduate support which is not increasing as fast as enrollments. In addition, graduate students are somewhat more likely to attend schools in states other than that of their residence. Although no precise figures are available, it is also plausible that they are more likely than undergraduates to move to other states upon receipt of their degree. For these reasons, many state legislators are becoming increasingly reluctant to support graduate education, which is the most expensive of all education.

11. How does this fellowship program differ from present graduate fellowship programs?

It differs in several ways:

(a) Awards are based on both ability and need while present fellowships are based only on ability.

(b) As long as the student is in his last two years of working toward the Ph.D. or equivalent degree, he is eligible for the award regardless of his field of study. Present programs require the student to study in federally approved fields of study.

(c) The new program will be awarded directly to the student for study in the institution of his choice. Presently, only National Science Foundation Fellowships are awarded on this basis.

(d) The cost-of-education allowance paid the institution under this program will be greater (and more realistic) than that of most present fellowship programs.

12. Why should the awards be given to a student, regardless of his field of study? Shouldn't Federally supported fellowships encourage graduate students to study in fields where there are pressing national needs?

There may be a need for special federal fellowships designed to provide special assistance in areas where there is a national shortage. The Federal Fellowship Program will not replace present graduate support programs, many of which are designed to encourage students to enter fields of study in which there is a national need. At the same time, present programs provide disproportionately small support to training in education, social sciences, humanities, and business.

13. Who will make the determination of awards of money for students receiving Student Opportunity Grants and Federal Fellowships?

The Commissioner of Education will contract with private non-profit corporations to make this determination. All rules and regulations used to make determinations will be approved by the Commission of Education. These regulations will be published in the *Federal Register*, so that all can see them. When the student decides what school he will attend, he will inform this agency and his award will be dispensed through the institution he attends. His educational institution will also certify his course load, his progress toward the degree, and any change which might affect the amount of the student's award. Educational institutions will be reimbursed for their administrative expenses.

14. How does the Higher Education Loan Bank differ from the Guaranteed Loan Program and the National Defense Student Loan Program?

The bank will be a private non-profit corporation chartered by the government. It will make loans directly to students. These loans, like those in the Guaranteed Loan Program and the N.D.S.L. program, will be guaranteed by the Federal Government, and interest and repayment will be deferred until after the student completes his education. The chief difference is that the Bank will make loans directly to students. At the present time Guaranteed Loans are dispensed through local banks and National Defense loans through educational institutions.

15. What is the advantage of the Bank over the N.D.S.L. program?

There is no intention of replacing the N.D.S.L. program. But it has two disadvantages. It requires appropriations for much of the capital. The Bank will make it possible to tap the private sector for this. Also, the ability of the student to get the money hinges on whether it is available at the institution he attends. It may not be. The ability of a student to obtain a loan from the Bank would not hinge on the institution he happened to attend.

16. Why does the bill permit students to take 30 years to repay their loans? Isn't that a long time?

It is true that N.D.S.L. program permits only 10 years for repayment and the Guaranteed Loan program permits 15 years. However, this is a burden to many people, particularly to those who have to borrow large amounts. The thirty-year limitation spreads this burden over a longer period of time. It will make it easier for those who have to borrow large amounts to repay their loans. Earlier repayment will also be permitted.

17. Will the student be obligated to assign a certain percentage of his income to repay the loan?

No, the student will be obligated to repay only the principal and interest of his loan. Interest will be paid by the Federal Government as long as the student is still in college. The charter of the bank is sufficiently flexible so that the repayment could be a fixed amount each year or could start with lower amounts during the first few years and rise over the years as income increased. The only requirement is that the student pay all the interest after he has finished his education (except for up to three years for such service as the Peace Corps, VISTA, or the military), and that repayment be made within thirty years.

18. Where will the Bank get the money it lends?

The bank will get its loan funds from securities (or bonds) which it sells. In this way it will be able to tap private capital. At the present time, capital for the National Defense Student Loan program must be appropriated from public funds—although as loans are repaid these funds also become available for loans.

19. What are the advantages of the Bank over the Guaranteed Loan Program?

To get a guaranteed loan a student must apply to a local bank. The decision to grant the loan is made in the context of the credit rating of the student's family. Sometimes, students with academic promise fail to qualify for these loans on this account. In addition, money may not be available at the local bank, where the student would ordinarily apply, for educational loans. The law limits the amount of interest which the bank can charge for loans insured by the Guarnateed Loan Program. As a result, banks are becoming increasingly reluctant to make these loans. Many of these sources may be willing to make large amounts of money available for this purpose. But they are not willing to make it available for a loan-by-loan basis. Finally, the Bank will isolate these loans somewhat from the private capital market. The federal guarantee of the security coupled with the guarantee of the loan itself should reduce the interest rates. Moreover, the use of the Internal Revenue Service to collect the loan should reduce collection costs which could also be passed on to the student. It should make a large pool of money available on a national basis to which a student could apply for a loan. The greatest advantage of the Bank is that it would make a maximum amount of capital available for education loans with a minimum amount of Federal funds required. It should also facilitate the availability of loans for educational purposes.

20. Why is a cancellation provided when a borrower's income does not attain a certain level?

This will keep the repayment of the loan from becoming an unnecessary burden on low income persons who find that their income is not as high as they expected. It will also encourage certain individuals with a high risk of not completing their education by giving some incentive for trying, or at least starting their education.

21. How do the provisions concerning student outreach differ from outreach provisions?

The main differences are:

(a) The bill provides training grants to high school teachers and student leaders to equip them to counsel high school students about college, finance, and career possibilities.

(b) The bill sets up 500 Higher Education Opportunity Centers across the country to provide accessible places where students and parents can obtain information, application blanks, and other items concerning financial aids and college possibilities.

(c) The bill funds new projects designed to identify students potentially able to benefit from college work and encourage them to attend college. It also funds new research efforts which will throw light on the blended motivational and financial difficulties associated with low college attendance rates.

BALTIMORE'S JOB BANK PROVES VALUABLE IN HELPING THE UNEMPLOYED

Mr. MATHIAS. Mr. President, one of the most frustrating aspects of the unemployment problems of our cities has been the difficulty of bringing together the people who are seeking work and the jobs which need to be filled. In many cases, gaps in education or training may separate men from jobs. But in all too many instances, the failure is one of information and counseling.

For several years, many of us have discussed the possibility of creating computerized job banks to match people with available positions. I am glad to be able to report that this concept has now been put into operation in Baltimore, where a very exciting and promising program is being run by the Maryland State Employment Service and local antipoverty agencies.

Under the Baltimore system, an up-to-date list of several thousand job openings in the metropolitan area is prepared by computer every evening, and printouts are delivered each morning to neighborhood employment and counseling offices. Armed with this comprehensive, current list, counselors can direct men and women to appropriate jobs without delay or confusion.

This new efficiency and broader service has enabled the job bank to find employment for thousands of Baltimoreans who had formerly been numbered among the hard-core unemployed. During the last 3 months of 1968, for example, the job bank helped 2,184 poor persons to find work, more than triple the placements made in the same period in 1967.

One of the most impressive aspects of the Baltimore job bank is the high degree of cooperative and teamwork which has been sustained by State and local agencies. Some 18 antipoverty and social service agencies now participate day to day in the job bank program, which thus provides a coordinated citywide service for both employers and jobseekers.

The Baltimore job bank is already serving as a model for similar efforts in other cities, and is being studied closely by Federal officials interested in the possibility of expanding such services to entire urban States or, ultimately, nationwide.

In an excellent article published in the Wall Street Journal of April 9, Richard J. Levine summarized the Baltimore experience and the promise it offers for finally bridging the gap between men and jobs. Because I feel that this important project deserves wide attention, I ask unanimous consent that Mr. Levine's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HELP FOR THE JOBLESS: COMPUTERIZED JOB BANK PROVES A VALUABLE TOOL IN A TEST IN BALTIMORE—IT LISTS OPENINGS EACH DAY, SPEEDS PLACEMENT OF POOR—NEIGHBORHOOD OFFICES HELP—GETTING TO WORK IS A PROBLEM

(By Richard J. Levine)

BALTIMORE.—Unemployed slum-dwellers seeking work in this city have a new ally—the computer.

The Maryland State Employment Service is testing a computerized job bank that Federal officials believe may prove a potent weapon in the nationwide war against poverty. In 10 months of operation, the experiment has shown high promise.

Developed locally, the Baltimore job bank is a simple computer system that prints an up-to-the-minute list of some 9,000 job openings in the metropolitan area each weekday evening. The following morning copies are distributed to placement counselors with the employment service and Baltimore antipoverty agencies—giving them a current and complete list of openings for the first time.

On a typical day, the bank offers a broad array of openings. It lists jobs for teachers, mechanical engineers, maids, clerk-typists, secretaries, steel-mill laborers, auto mechanics, porters, cooks and lathe operators.

Baltimore officials say the job bank has been crucial in helping the hard-core unemployed, particularly in Negro areas. The bank has enabled the employment service to decentralize by increasing the number, size and efficiency of its neighborhood "Outreach" offices.

A FACTORY JOB

Among the beneficiaries is Mrs. Nannie Gregory, who now packs bottles of bleach in boxes for $2 an hour at Owens-Illinois Inc. Mrs. Gregory, who previously scrubbed floors at a hospital, went to an Outreach office and told the interviewer, "I want factory work." Next day the employment service called to inform her about the Owens-Illinois job.

Howard Mitchell, a 23-year-old laborer at Allied Chemical Corp., also got quick help from an Outreach office located just two blocks from his home after he lost his construction job. The job bank produced the $2.56-an-hour Allied Chemical opening a day and a half after Mr. Mitchell visited the Outreach office.

Some needy people are being reached for the first time. "We knew there were potential job applicants in the ghetto we weren't serving," says J. Donn Aiken, director of the Maryland Employment Service. "Many slum-dwellers who never visited our main office have been willing to walk up four flights to a neghborhood office located six or eight blocks from their home."

Mainly as a result of the job bank, Mr. Aiken says, the employment service was able to place 2,184 poor persons in jobs in the Baltimore area during September, November and December 1968, more than triple the placements a year earlier. (October was excluded from the comparison, the latest available, because of a bus strike then.)

MORE JOB BANKS PLANNED

Labor Department officials in Washington are enthusiastic about the Baltimore experiment. They are moving to establish job banks in St. Louis, Chicago, Atlanta, Hartford and Portland, Ore., by mid-year. By July 1970, they hope to have banks operating in 30 more cities.

Spurring this effort is the knowledge that President Nixon is a strong proponent of automating the U.S. Training and Employment Service so it can better serve the poor. He favors a national computer job bank capable of automatically matching men and jobs located anywhere in the country. Such a system is viewed as a logical outgrowth of the Baltimore-type bank, in which the matching is still done by skilled interviewers.

"This is an area in which modern technology can serve human needs," Mr. Nixon has said. "If computers can match boys and girls for college dates, they can match job-seeking men with man-seeking jobs."

Experiments in computerized job matching are already in progress.

The most advanced test is being conducted by the Utah Employment Service, which since January has operated the first computerized statewide matching system covering the full range of jobs. Labor Secretary George Shultz says the project "has broad implications beyond the state of Utah." It is still too early to evaluate its performance, however. Before the end of the year, experimental matching systems are scheduled to be working in Florida, Michigan and the New York City area.

A TRICKY TASK

However, Federal officials caution that major problems remain.

First, it is extremely difficult to design an effective matching system. A computer, manpower experts stress, can't duplicate the subtle judgments a skilled interviewer often must make about an applicant's abilities and interests to place him in a job. "We are years away from a sophisticated search strategy that is sensitive to the needs of the hard-core unemployed," declares Charles Odell, a high-ranking Labor Department official.

Moreover, a national matching system would require sophisticated, expensive computer equipment. The Federal Government spent about $500,000 to set up the Utah experiment, and officials estimate a nationwide matching system would cost from $60 to $180 million.

Finally, it's not at all certain there is an urgent requirement for a national matching operation. Even with substantial Government assistance, the poor may be loath to move hundreds or thousands of miles for a job. "The major need," Mr. Odell says, is for a matching system covering each metropolitan area.

At the moment, the Federal Government is working hardest on duplicating the Baltimore job bank—because it is relatively free of hitches and has proved its usefulness.

"Some computer experts sneer at the Baltimore project" because they feel the computer is being used simply as a printing device, observes Joshua Levine, a Federal aide who oversees employment automation efforts.

He stresses, the job bank "licks the overriding problem" today in many big-city employment service offices: How to provide job interviewers with up-to-date listings of job openings for the entire metropolitan area. A growing flood of paperwork frequently makes this impossible where lists are kept manually.

Actually, the Baltimore job bank was designed to meet a particular local need rather than to solve a national problem.

In late 1967, many large employers in the Baltimore area were complaining to Mr. Aiken of the Maryland Employment Service and to city officials that they were being harassed by a multitude of agencies seeking jobs for the poor. Mr. Aiken turned for help to John Allen, a computer expert with the Maryland Department of Employment Security, which is housed in the same building as the employment service and uses computers to run the state's unemployment insurance program.

In six weeks, Mr. Allen and three other computer specialists came up with the design for the job bank. It works this way:

Information on job openings, placements, referrals of applicants for interviews and employer cancellations of orders is punched on computer cards. Each night the cards are fed through an IBM computer, which prints out a revised list of job openings. Copies are made, bound into big books and distributed by messenger.

To establish the bank, the Maryland Employment Service has received $150,000 from the Federal Government, mainly for rental of a copying machine and the salaries of 10 additional employes. No computer equipment beyond that used for the unemployment insurance system was needed.

Because the most isolated Outreach office now can have the same information on job openings as the main downtown office, the employment service has increased its neighborhood offices from three to 15—five of whilch are located in the heart of the Negro ghetto—and is planning to add 10 others.

While many job-seekers who have benefited from the bank remain unaware of its existence, they are pleased with the help they have received.

Harold Adams, a 19-year-old Negro, was drawing unemployment insurance after being laid off by a local department store. With the aid of an Outreach office aimed at needy young people, Mr. Adams was able to land a job as a stock man at Londontown Manufacturing Co., a rainwear maker. Mr. Adams pronounces himself "satisfied" with the employment service's help. "They got me a job," he says.

The disadvantaged aren't the only ones benefitting from the bank. Twenty-four-year-old Mrs. Marcia Ritmiller, who is attending college at night, got her job as a technician at Johns Hopkins University's medical school after visiting the main employment service office. To find the opening, she relates, the placement counselor "simply went through the job bank book."

Eighteen antipoverty or welfare agencies, ranging from the Federally financed Job Corps to the Maryland Department of Parole and Probation, have been assigned desks in the employment service's main office. Representatives of these agencies diligently search the latest copy of the job bank book. Access to it has significantly lessened the need for the agencies to solicit job openings from employers on their own.

But antipoverty officials warn that the bank isn't a panacea for hard-core unemployment. Many of the listings aren't suitable for the people the agencies serve.

"I'd bet 80% of the jobs in the bank aren't available to the hard-core" because they can't be reached by public transportation, says Mrs. Irene Little, a Neighborhood Youth Corps worker. Still, she adds, the bank has made it easier to place trainees, and the listings often provide leads to other jobs.

Employers seem especially pleased with the bank's central control unit, which helps keep them from being flooded with more applicants than they want. By checking a master copy of the job bank book, a clerk can determine if the number of applicants referred equals an employer's request, or if the job has been filled or the order canceled.

"Our experience with the bank has been good," says C. A. Kozelski, personnel vice president of Black & Decker Manufacturing Co. The power tool maker used to receive

eight to 10 inquiries a day about jobs for the hardcore, says Mr. Kozelski, but now the problem has been eliminated.

The bank is also bringing more positive benefits for employers. "When we need people," says a Bethlehem Steel Corp. spokesman, "we just go to the job bank."

PRINCE SIHANOUK OF CAMBODIA

Mr. McGEE. Mr. President, Prince Sihanouk of Cambodia is a leader who has led his country on a tightrope policy of neutrality, more or less, shifting positions to accommodate the realities of power in Southeast Asia. He has been deft and sometimes exasperating, as Hedrick Smith observed Sunday in a column published in the New York Times. But he has been, through it all, a fairly good bellwether of the prevailing political winds in Asia. Thus, his move toward resumed relations with the United States last week is an encouraging sign that Sihanouk's opinion of the ultimate outcome in Southeast Asia has shifted considerably since he broke off relations with the United States in 1965.

Smith's column, which analyzes well the Sihanouk shift, deserves attention by Congress. I ask consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES AND CAMBODIA: THE SIHANOUK WEATHERVANE TURNS WEST

(By Hedrick Smith)

WASHINGTON.—To veteran diplomats, Cambodia's Prince Norodom Sihanouk has long been one of the most reliable bellwethers of prevailing political winds in Southeast Asia. With a skill that has often exasperated, occasionally entertained, and always impressed much larger powers, the mercurial Prince has pursued a zig-zag course, deftly playing off Peking, Washington, Hanoi and Saigon to suit his own needs.

His constant objective has been Cambodia's—and his own—survival. For Prince Sihanouk is haunted by the fear that his small kingdom will be engulfed by its more warlike neighbors in Vietnam or Thailand, or sacrinced in the ideological clash between Peking and Washington.

AN INDICATOR

Cambodia's survival has rested, in large measure, on Prince Sihanouk's ability to pick the likely winner in the mortal combat swirling around him. The twists and turns in his foreign policy thus reflect his appraisal of the fortunes of the region—and are hence taken as an indicator of what shrewd Asian neutrals think about the outcome of the Vietnam war.

Small wonder, then, that some American officials last week took comfort that Prince Sihanouk wanted to resume diplomatic relations with the United States and had sharp words of criticism for Hanoi and the Vietcong. Although the Prince stuck to his basic neutralist posture, his latest moves were taken as a sign that he evidently thought allied prospects were improving.

Back in 1965, the Sihanouk weathervane was pointing the other way. With the Vietcong then seemingly on the verge of victory over a faltering Saigon, the Prince broke diplomatic relations with the United States and proclaimed Communist China as Cambodia's "No. 1 friend."

He accused American forces in Vietnam of arrogantly violating Cambodia's frontiers and he disingenuously denied that the Vietcong were hiding troops on Cambodian soil.

By 1967 Prince Sihanouk was hedging his bets. Evidently it looked like a long war to him. The North Vietnamese and Vietcong were no longer as discreet and inconspicuous about using Cambodian territory. But his own armed forces were too weak to do anything about it; they had problems enough trying to cope with Cambodian Communist rebels stirring in the countryside.

In recent weeks, his tune has really changed. He has taken to warning that Communist "provocations will only push us into the other camp." Apparently very worried at the security threat posed by tens of thousands of North Vietnamese and Vietcong troops in Cambodia, Prince Sihanouk has told his people that these Communist forces have set up "staffs, bases, hospitals, depots and rest centers" in Cambodia.

PASSED THE WORD

Privately he passed the word to Washington through the Philippines Embassy that he understood that in wartime some allied incursions from Vietnam were inevitable. And he acknowledged that Cambodia's disputed border with Saigon was poorly marked in spots.

With Prince Sihanouk in such a mood, Washington saw advantages in improving relations: encouraging his new line would increase international pressures on Hanoi to pull its troops back home. The Nixon Administration decided to recognize publicly Cambodia's territorial integrity "within its present frontiers"—something the Prince had always wanted to bolster his territorial claims against Vietnam and Thailand.

These soothing words moved Prince Sihanouk to action. On Wednesday, he announced he would soon reopen relations with Washington and said this would let him "play a new card since Asian Communists are already attacking us before the end of the Vietnam war."

The Prince, however, still supports the Vietcong politically and has snubbed an effort from Saigon to discuss their long-standing border dispute. But his position is more genuinely neutral than previously.

The reasons are not hard to find. The outcome of the war evidently looks more uncertain than ever before, and in a real compromise settlement, Prince Sihanouk calculates that it would pay to have some credit in Washington.

SUPPORT FROM WEST

In the long run, if the Paris negotiations succeed, Prince Sihanouk will want diplomatic support from the West for getting North Vietnamese and Vietcong troops to quit his territory.

NATIONAL SECRETARIES WEEK

Mr. DIRKSEN. For the 18th consecutive year, the last full week in April has been designated as Secretaries Week, with business, industry, education, government, and the professions joining in its observance. In 1969, Secretaries Week is April 20–26, with Wednesday, April 23, set aside as Secretaries Day. Under the sponsorship of the National Secretaries Association, International, the world's leading secretarial organization, the theme will again be "Better Secretaries Mean Better Business."

The week is acknowledged by Federal, State, and municipal governments and is observed with special NSA-sponsored activities. In the District of Columbia, Mayor Washington will sign a proclamation on April 21, urging recognition for all secretaries for the vital role they play. Deputy Mayor Fletcher will make the presentation for Mayor Washington. Present at the ceremony will be Mrs. Sally Dankmyer and Miss Alice Tilson, chairman and cochairman, respectively, Secretaries Week Committee.

Washington's Capital chapter and District of Columbia chapter will join together in the activities of the week, beginning with a church service on Sunday, April 20, at the Georgetown Evangelical Lutheran Church. Other activities for the week will include a tour of the McCall Printing Co. in Glenn Dale, Md., and a tour of WRC–TV studios including watching of a taping of the program "Its Academic."

The highlight of the week will be Secretaries Day, April 23, with a reception and banquet being held in the evening at the Shoreham Hotel. The speaker will be Kurt Henschen, news commentator, WWDC radio, and entertainment will be provided by the Riverside Four, a barbershop quartet, members of the Fairfax Jubil-Aires.

THE HEALTH AND NUTRITION NEEDS OF MIGRATORY FARMWORKERS

Mr. MONDALE. Mr. President, on April 9, 1969, Senator ALAN CRANSTON, of California, who is a member of the Migratory Labor Subcommittee, of which I am chairman, delivered the keynote address at the Mid-Continent Migrant Health Conference in Albuquerque, N. Mex.

I would like to share his speech with my colleagues, for it is significant in several respects.

First, Senator CRANSTON correctly points out that both the immediate and long-range health care and nutrition needs of our Nation's 1 million migratory workers and their families are overwhelming, and must be given immediate attention. Yet, health services under the Migrant Health Act are available to only one of three migrants. And, how ironic it is that many farmworkers who pick our Nation's abundance of food are suffering from malnutrition.

Second, I fully agree with Senator CRANSTON that the Migrant Health Act should immediately be extended for 5 years with substantially increased appropriations. Furthermore, I share his conviction that health care, like education, must be made available as a matter of right to every American citizen.

And, finally, the theme repeated throughout my colleagues' eloquent speech was that our Nation's priorities must be reevaluated and reassessed. As he notes:

> We casually expend billions on sophisticated programs for military defense and then nit-pick at the few dollars needed merely to investigate hunger and human need in our land.

The migrant health program is currently funded for $9,000,000 a year. By doubling the appropriation we could at least reach 300,000 more human beings with minimum health care. Yet we spent $560 billion for defense in the past 10 years, and expect to spend $100 billion to $115 billion in the year 1970.

I am not a romantic—I think this Nation needs a defense. But one of the key

issues facing this country is the necessity to realize that just because an idea is proposed by someone with stars on his shoulders, that does not put it above criticism. We have other problems too, and meeting the health and nutrition needs of our migratory farmworkers and rural impoverished is just one.

Mr. President, I ask unanimous consent that Senator CRANSTON's address, entitled "Better Health Services for All Rural Families" be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

BETTER HEALTH SERVICES FOR ALL RURAL FAMILIES

(Speech by Senator ALAN CRANSTON Before the Mid-Continent Migrant Health Conference in Albuquerque, N. Mex., on April 9, 1969)

I'm sure that you know the health problems of migrant and seasonal farm workers better than anyone else—better, really, than those who suffer the ills and pains and loss of energy that afflicts so many poor Americans.

Many of you have stood before other audiences and spoken with the eloquence of compassion about the disease, the hunger, the poverty which sap the strength and stifle the aspirations of the forgotten men of our countryside: the rural poor.

Many of you here are giving your careers, your very lives, to that forlorn cry for help that touches your hearts when you tend the babies and treat the mothers of the families who pick our crops.

It is because of your dedication that you have come to this Mid-continent Migrant Health Conference—looking for new ideas, better cooperation, and improved programs.

But most of all you come seeking hope—hope to surmount the anger and discouragement which come with knowledge of rural poverty—anger with a society that has the blind temerity to suggest to the rural poor that poverty can be overcome by hard work and initiative, when farm workers probably work harder for less money than anyone else in our society.

And discouragement with a nation that can casually expend billions on sophisticated programs for military defense and then nitpick at the few dollars needed merely to investigate hunger and human need in our land.

I wish that I could tell you that Congress and the nation are finally awakening to the desperate needs of the poor, in our cities and on our farms.

But you and I know that I cannot.

The indifference and apathy of our national attitude toward poverty are now being supplemented by our economic problems.

The dark clouds of an anti-inflationary economic policy threaten to blot out the fragile rays of aid and assistance which have brightened at least a few lives during the 1960's.

I do want to say to you that there are many members of the United States Senate who understand and care about rural poverty. Their number is increasing.

And I promise you that I will be in the thick of the fight to make a full and meaningful life possible for every American.

The immediate health needs of our migrants are well known to you.

The proposed 5-year extension of the Migrant Health Act—from 1970 to 1975—is essential for our nation.

Those of you whose devotion and hard work have developed and expanded migrant health services since the Act was adopted 7 years ago know all too well the sad reality:

Of the estimated one million migratory workers in the United States, only 31 percent were in counties served by migrant health projects last year.

Every American county with an annual migrant influx should have personal health and sanitation services available.

Yet for every one that does, two do not.

I say we must continue and expand migrant health services.

We must make it possible for the traveling farm worker's family to achieve some continuity of health care along the migration routes.

Further we must emphasize that the migratory family's needs are only a specialized version of the general deficiency of health services among the rural poor in our nation.

Even where the farm worker meets the residency requirements in his home-base county, he seldom has access to a comprehensive and effective health care program.

We must reach more of the rural poor, be they migrant or not, with better programs to treat and immunize, to supply needed vitamins, to improve sanitation, to educate in health and nutrition, and to provide hospitalization.

We must likewise face up to the problem of hunger in America.

The tragic findings of Senator McGovern and his colleagues on the Senate Select Committee on Nutrition and Human Needs should finally end the senseless prohibition against free distribution of food stamps for family units whose income is below a minimum level.

Food stamps should be used as tools to help solve the hunger problem.

There is, of course, no shortage of food in this country.

When children and adults are weakened and stunted by inadequate diets, we—and I mean our nation—are guilty of a meaningless and needless waste of our human resources.

As Americans we pride ourselves on our ingenuity—and surely a nation which can meet the challenge of outer space can figure out how to distribute surplus food to hungry children.

Meanwhile, we must end the exclusion of farm workers from the laws which regulate and protect other American working men.

Farm workers should be included under the National Labor Relations Act. I've joined with other Senators in sponsoring legislation to this end.

Compulsory workmen's compensation, and unemployment insurance, should be extended to farm workers in every state in our nation.

We must end the discriminatory residence requirements which deny to migrants federally supported public assistance programs and other benefits.

We must be alert to the understandable political tendency to concentrate limited poverty funds in the cities.

In no way would I suggest that the conditions of life in urban poverty neighborhoods are less than deplorable.

Nevertheless, I have seen rural slums in California which are as atrocious, as degrading to their inhabitants, as any core-city ghetto.

Yet as the turmoil of the cities seethes and bursts open through the long hot summers, the rural poor stand by silent and impassive, enduring the hardship of their kind of poverty—virtually unnoticed by the headlines and television cameras.

We must make sure that rural poverty-striken Americans are not ignored in our struggle for economic justice.

None of these proposals are new.

You have called for them in your conferences.

The Senate Subcommittee on Migratory Labor has called for them.

Churches and other concerned organizations have called for them.

Political conventions have called for them.

And I fear that the conferences, the conventions, the Congressional committees of next year and the next decade will say again and again what we say now and have said before:

Families still live in the disease and pestilence of poverty.

Worms still infest the bodies of little children.

The inadequate diets of pregnant mothers still condemn their unborn babies to deficient or retarded lives.

Migrants still die sooner from both disease and accident than their middle class brothers.

I believe this will be true—that is—unless we change our sense of national priorities.

Why should every dollar we spend on government health care programs and other plans to ease and improve the lives of the poor require such a battle in Congress and in our State Legislatures?

I think the answer is obvious:

Look at the 1970 budget now before Congress:

We are asked to spend $81.5 billion for national defense, $25 billion of which will be spent in Southeast Asia alone.

In contrast we can expect to spend about $13 billion for our entire federal health program, one half of which will be self-financed by medicare trust funds.

We are asked to spend almost $2 billion to land an American on the moon, while our entire food and nutrition budget is estimated at $720 million.

These strange priorities put the war in Vietnam ahead of the health of our own people.

A man on the moon is somehow more important in our scheme of values than feeding hungry children.

I believe it is time to reconsider these priorities. I believe the American people, and their Congress, are about to do exactly this.

Somehow in the maze of our political complexities we have lost sight of human values. Perhaps we are about to rediscover them.

It is on one specific aspect of these forgotten human values that I wish to place particular emphasis today.

As we call for specific programs and more adequate funding, let those of us concerned with health continue to demand that we reconsider and revise the priorities which shower funds on armaments and space exploration at the expense of poor people.

Our nation has long adhered to the principle of public education, insisting that every American has the right to attend a free public school.

We say that democracy must have enlightened, educated citizens if it is to remain a free society.

Our economy promises rewards based on hard work and education.

We tell our young people that if they stay in school and concentrate on studies, they will be able to get ahead.

Historically the philosophers of an equalitarian society have always insisted on the individual's right to an education as essential to giving every man an equal opportunity.

Isn't it time that we realized that exactly the same arguments apply to health?

It is an impudent mockery to say "all men are created equal" to a boy whose body or mind never developed properly because his migrant mother had a deficient pre-natal diet.

How can we seriously tell the child, whose health has been weakened by years of slum neglect, that because he lives in a free society he must stand on his own two feet and compete with his healthy middle class contemporaries for a job?

For our democracy to work, every person must have an opportunity to achieve a decent life for himself and his family.

Yet poor health is just as much of a barrier as a lack of education for the poor person—perhaps even more of a barrier, for disease and malnutrition feed on the strength and the spirit of a man, sucking him into despair and lethargy.

To fight their way out of poverty, poor Americans need all of their strength, all of their mental and physical resources.

Yet they have less access to national medical and other health services than anyone else in our society.

I believe it is time to give new substance to the promise of our democratic society to the poor people of our nation.

Let us declare that among the inalienable rights of every man, woman, and child in America is the right to be healthy. Let us declare that the right to be healthy is as essential a part of life, liberty, and the pursuit of happiness as is the right to an education.

And then, having avowed this commitment, let us assert and achieve the right to be healthy in every slum, at every cross roads, in every labor camp in our nation.

We must demand that every child has access to health services, that every family can get medical assistance when it needs it.

The United States can do this.

Once the threats to our national health have been recognized for what they are, we will rise to fight them with the courage and determination with which we have met other threats to our security and freedoms.

We have the knowledge, we have the people, we have the resources.

The right to health will add a shining new star to the panoply of America's promise.

Let each of us do all we can in the battle to make the right to be healthy an American reality.

FLIGHTS OF RECONNAISSANCE PLANES TO CONTINUE

Mr. BAKER. Mr. President, the decision to continue the flights of reconnaissance planes in the Sea of Japan to send armed escorts with them is a decision only the President should have made.

Since that was his decision I support it. I am sure North Korea received a much stronger warning than has been made public. A more emotional response might have been more satisfying initially, but I doubt if it would have improved chances for world peace.

From all evidence the shooting down of the unarmed plane was an aggressive act of war and while President Nixon made only a temporary decision, I think he made it crystal clear that he—and the United States—will not tolerate such incidents in the future. I support that policy.

A COMMITMENT TO EXCELLENCE

Mr. BURDICK. Mr. President, on April 11, Dr. L. D. Loftsgard was inaugurated as president of North Dakota State University in Fargo, N. Dak.

I believe his excellent inaugural address, entitled "A Commitment to Excellence," covered many of the problems and hopes in higher education today. His thoughts would be of interest to anyone concerned with the future development and growth of higher education. Therefore, I ask unanimous consent that his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A COMMITMENT TO EXCELLENCE

(An address by Dr. L. D. Loftsgard, delivered on the occasion of his inauguration as the 10th President of North Dakota State University, Friday, April 11, 1969, at Fargo, N. Dak.)

I recall reading in the paper last spring about a Commencement address that our esteemed neighbor Dr. Malcolm Moos was slated to give at the University of Minnesota.

It seems that the exercises had been scheduled out-of-doors and, at the last minute, had to be cancelled because of rain. Dr. Moos, being an adaptable fellow as well as a public speaker of no mean accomplishment, decided, in preference to letting his speech go to waste, to deliver it to the family dog which had that day been graduated from obedience school. He later reported the dog, in the manner of students nowdays, had howled piteously at several points, but at least Dr. Moos had had the satisfaction of feeling the day was not completely in vain.

We have a very nice dog at our house. But I must say, it pleases me greatly that the Jonahs among my associates, who have been predicting for the past three months that the mighty Red would have swollen its banks with pride by now and inundated us all, have been confounded and I'm not having to give this talk to Red, our family's Irish Setter.

We are indeed pleased, and, speaking in behalf of the University as well as myself, flattered, to have such a distinguished group of friends present for this occasion.

A university is like a human being in many respects. And this is not really so surprising if you stop to think about it—being the brainchild of human beings and made up of people. It has character, a personality, an aggregate intellect, standing in its community, status among its peers and a social role that constantly changes in some respects, but remains rigidly constant in others.

I have the impression that, during its early years, NDSU, or the Agricultural College as it was known as in those days, was rather a brash, young, no-nonsense kind of institution, with its shirtsleeves rolled up and a determination to do everything it could to help the North Dakotans of that day survive in an oftentimes hostile environment. The work of such people as Edwin Ladd, the Waldron brothers, H. L. Bolley and others will attest to that.

In the years to follow, science and technology became the watchwords of the institution's education philosophy, equipping its people with the tools and skills they would need to cope with an increasingly technology-oriented society.

NDSU's official designation as a university nine years ago, portended another change in its philosophical role, a change which, in keeping with its growing maturity as an institution, reflects not only the realization that science and technology alone cannot solve humanity's problems but society's changing values as well.

I think John Quincy Adams summed all of this up rather succinctly more than 150 years ago, when he said, "we must learn the arts of war and independence so that our children can learn engineering and architecture, so that their grandchildren can learn fine arts and painting." Ironically, visionary though he was, John Quincy Adams apparently could not foresee the extent to which it would be necessary for us still to be learning the arts of war, simultaneous with engineering and architecture, while we continue the search for the elusive keys to human behavior that will allow us, one day, to get off this frightening roller coaster ride to self destruction.

This is a very exciting time to be involved with higher education. I wouldn't trade my role in it for anything. But it's also a very sobering time.

Recently, a prominent educator who has long been involved with educational planning on a global scale, published a report which he called a systems analysis of the world crisis in education. In it, he identifies five major forces at work in education today. They include the great flood of students we all have been experiencing in the past couple of decades; the alarming rise in the costs of education which has accompanied this expansion; the scarcity of resources—both human and economic—to cope with these increased demands; the unsuitability of the output of higher education today; and, finally, the inertia and inefficiency we are experiencing in adapting ourselves to cope with these problems.

Although each one of these factors is menu for extensive deliberation, I'm going to dwell for a moment on only the last two.

This one about the unsuitability of our output should particularly concern us today. As we watch our young people stride across the Commencement platforms here, and at other institutions this spring, I think we would do well to ask ourselves just what kind of creature is this that we have produced? I suppose there are some slightly Frankensteinian connotations to that statement, but I do think some rather deep soul searching is in order at this particular point in time.

When we speak of such things as quality or suitability, we are not talking about a given person's technical qualifications for a particular profession. I'm as fully confident as you are that when one of those bright, clear-eyed engineers or pharmacists or home economists steps up to receive a diploma with his "graduation-with-honors" ribbon fluttering in the breeze, he's as technically well qualified for his profession as any graduate in the world today.

But the word technology has two lines of origin. The "Techne" part carries the connotations of artifice and invention. The "Logos" part, the connotation of wisdom. The question then that we need to ask ourselves as educators, is whether or not these young engineers and chemists and agriculturalists we are educating are wise as well as skilled in their professions? I don't know, but I like to think that they are. Or at least that we have had some part in laying the groundwork that will help them to grow is wisdom as the years go by.

We in higher education are sometimes charged, most often of late by our own students, with producing not well-rounded, reasoning, feeling, civilized members of society, but rather technical automatons, custom styled to fit the needs of a mindless technological society, serving violence and war, and into which they fit as faceless interchangeable parts. Robert Hutchins leveled the latter charge at American education 30 years ago and has continued to reiterate it since then, including at the time of his visit here a couple years back. It is a very serious charge.

But I don't buy it. At least not completely.

Granted, there is some very convincing evidence that our current society is more interested in machines than it is in people. But I am not at all convinced that the fault lies wholly with the kind of people we have been producing through our educational system. Rather, I would prefer to believe that this is, as John Quincy Adams suggested, one step in the evolution of mankind. Now that science and technology have given us the tools for true civilization, the challenge to us is to learn to employ them for humane and positive ends.

In looking back over the history of this institution and that of the others like it, one cannot help but be profoundly impressed by the extent to which they have succeeded in harnessing science and technology for hu-

manitarian purposes. Where would we be today without the great achievements of our colleges of agriculture, medicine, chemistry and engineering?

And to suggest that a man who is educated in science or one of the professions is necessarily an unfeeling barbarian, incapable of humanitarian responses is a grossly subjective judgment, wholly unsupportable by logic.

Most of us are agreed, I think, that it need not be an either-or situation.

We need not abandon our instruction in technology and professional skills to place more emphasis on the humanities. We can and must have both. Most important, I think, is that we must be constantly alert to the inherent dangers of technology gone wrong. And to that end, we must aggressively pursue positive change in the direction of greater attention to human concerns.

This, then, brings me to the other major problem I cited earlier, that of inertia and inefficiency. Too many of us, I'm afraid, have a tendency to respond to crises such as these with "business-as-usual" methods. But because these complex problems don't lend themselves to simple solutions, what we end up with in too many cases is doing "business-worse-than-usual."

A leading American educator has said that in a great many of our colleges and universities the most stubborn enemy of excellence in performance has been low morale—a kind of hopelessness on the part of both administration and faculty—hopelessness about ever achieving distinction as an institution. Not only are such attitudes a corrosive influence on morale, they also make it virtually certain that the institution will never achieve the kind of excellence which *is* within its reach.

There is a kind of excellence within the reach of every institution. We are all acquainted with some organizations, some families, some athletic teams, some political groups that inspire their members to great heights of personal performance. Such high individual performance depends to a great extent on the capacity of the society or institution to evoke it.

Last June, in an effort to ask ourselves some of these questions as they relate to this university, the deans and I together with a handful of faculty members and some other key administrators, drove up to Lake Metigoshe, near the Canadian border for a sort of retreat—an opportunity to get away from the day-to-day concerns of life on the campus; a chance to look at what we were doing through the large end of the telescope; an opportunity to get some feeling of detachment. I felt it was a most successful outing. The initial recommendations that grew out of that conference will be published soon.

We talked about such relatively mundane things as needed changes in the various curricula, new ideas in research and extension; a system for better evaluating and rewarding faculty performance; greater real student and faculty involvement in decision making; the university's physical needs; and the importance of accommodating the academically gifted student as well as the academically underendowed. But this was the first time, in recent years at least, that we have taken the opportunity to put NDSU under the microscope to come up with recommendations about its future directions.

With a target date of 1975 to give us something to shoot for, we are currently beginning to implement some of the recommendations that came out of that retreat. We have lumped it all under the title, SU '75. Although this idea may seem new to us, its philosophical roots go very deep.

The land-grant system that created NDSU, was conceived under a powerful democratic dictum: That all work is dignified, and that students should be taught on the basis of their ability to learn some worthwhile work, whether intellectual or practical, rather than on the basis of money or social position.

That position was eloquently restated a few years back by John W. Gardner, when he said, "We must learn to honor excellence, indeed to demand it, in every socially accepted human activity, however humble . . . and to scorn shoddiness, however exalted. . . . An excellent plumber is infinitely more admirable than an incompetent philosopher. The society which scorns excellence in plumbing because it is a humble activity and tolerates shoddiness in philosophy because it is an exalted activity will have neither good plumbing nor good philosophy. Neither its pipes nor its theories will hold water."

It is on this kind of philosophy that SU '75 is based.

It is not a list of specific changes we hope to bring about. Rather, it is a broad-based challenge to our teachers and students, a challenge to help us create environment in which SU '75 can happen. The specifics of these changes will come from our teachers, our students, and our alumni.

And I am particularly pleased to report to Mr. Gallagher, who so kindly offered the services of NDSU's 17,000 alumni a few minutes ago, that we do indeed have a challenge for them. Among the changes we hope to see at NDSU by 1975 are in the physical face of our campus.

One change is a new Music Building as a part of the Fine Arts Complex which was begun last year with the completion of Askanase Hall. Another would be the construction of new South Stands at Dacotan Field. Another is a new University Library. And there are more—a Research and Development Center to house the electronic computers; a new Auditorium to replace Festival Hall; and a Faculty-Alumni Center that will provide an atmosphere for the continuing exchange of ideas among all the University's people. Hopefully, some of these structures will be constructed with partial aid from state appropriations. Others may be eligible for Federal assistance. But part of this total program—an estimated $4 million worth—will have to come from sources other than governmental. It is our hope that leadership in this endeavor can be the alumni's stake in SU '75.

I guess I had never really appreciated before, the great extent to which a university is dependent upon its alumni. Faculty members come and go. In the main, their loyalty goes first to their discipline. Students are here for four or five years. But the dedicated alumnus belongs for the rest of his life. There is a mutual interaction between a good university and its alumni. As an institution grows in stature, the value of its diplomas grows accordingly. But such growth is realized only through the concerned and committed participation of its alumni.

The people who founded this university 79 years ago, had, I'm sure, lofty hopes for what it might become. I doubt if they envisioned anything quite like what it is today But they, and the people who came after them, have given us a strong foundation of dedication, commitments, and intellectual aspiration on which to build.

Today we face a responsibility to them, to the people of North Dakota, to our students, our alumni and ourselves that is infinitely more far-reaching in its implications than at any time before in our history.

In the light of this, it behooves us all to move forward, shunning intellectual faddism and conformity, yet striving for that singular excellence and individuality that is this University's heritage.

Thank you.

PRESENTATION OF PROFESSIONAL TROPHY AWARD TO OHIO

Mr. SAXBE. Mr. President, I am proud that Ohio has been selected winner of the Professional Trophy Award for the excellence of its industrial development program last year.

The award is presented annually by the Society of Industrial Realtors.

An independent board of judges voted North Carolina runnerup for the 1968 award. Virginia placed third and will receive an honorable mention citation.

This is the second time in the past 3 years Ohio has won the award. North Carolina captured the coveted trophy in 1960—the first year it was presented.

The award presentation will be made to Ohio Gov. James A. Rhodes at a luncheon May 6 at the Olympic Hotel in Seattle during the annual spring meeting of the society—a professional affiliate of the National Association of Real Estate Boards. SIR members specialize in marketing industrial properties and meeting industry's real estate needs.

All States and Canadian provinces are invited to compete for the award. In addition to Ohio and North Carolina, previous winners have been Maine, Manitoba, Texas, Georgia, and Kentucky, which won twice—in 1964 and 1967.

The Ohio industrial development program is carried out by the State's development department, Fred P. Neuenschwander, director.

In its entry, Ohio reported that there were 695 new firms and 2,623 expansions in the State in 1968, with new capital investment totaling more than $2.4 billion. Additional employment generated by industrial growth for the year was 124,346.

The entry noted that Ohio has led the Nation in new capital for plants and equipment in every year for the past 5 years. During this period, manufacturers have invested over $10 billion in Ohio industry, creating 600,000 new jobs.

The board of judges cited Ohio's broad-ranging, coordinated approach to development, and the excellent results it achieves with a comparatively low budget of $732,000—less that 7 cents per capita.

Ohio's "total development program" includes a sales division, research division, information division, atomic energy division, world trade division, travel and tourism division, offices in Washington, New York, Brussels, Tokyo, and Caracas, and advisory councils composed of 141 professional leaders who offer expert advice to the department and serve without monetary compensation.

A management consulting service for small businessmen, a computerized site selection system, and a fully automatic area information system are among the features of the 1968 Ohio industrial development program. The department emphasizes international trade and held five trade fairs in Venezuela, Brazil, Japan and Australia in 1968 which resulted in more than $12.4 million in business for Ohio companies.

The judges commended Ohio for embarking on a new planning program

called "Solutions for the Seventies"—a "strategy for the total mobilization of Ohio's human, economic, and natural resources." Vocational and technical schools, job retraining centers, minerals research and development, a transportation research center, improving the State's lakes and rivers, and stimulating recreation investment are included in this program.

The criteria against which entries were judged were: scope and balance of the program; degree of difficulty of the development program; efficiency of the industrial development efforts in relation to financial resources; amount of progress made during 1968 compared with previous years; industrial development program—relations with, and aid to, new and existing industries; attraction of industry; financing; and the program's contribution to the ethical stature and practice of industrial development.

Serving on the board of judges were: Robert E. Boley, executive director, Urban Land Institute, Washington; Russell B. Gallagher, manager, real estate department, Philco-Ford Corp., Philadelphia; Frank M. Heilmann, vice president, Fair Lawn Industrial Park, Franklin Lakes, N.J.; W. L. Ollerhead, vice president, the Chespeake & Ohio Railway Co./ the Baltimore & Ohio Railroad Co., Baltimore; Theodore K. Pasma, Economic Development Administration, Washington; Richard Preston, executive director, American Industrial Development Council, Boston; and Donald N. Stocker, manager, area development, Pennsylvania Power & Light Co., Allentown, Pa.

CUTOFF OF SCHOOL LUNCH FUNDS

Mr. TALMADGE. Mr. President, the Atlanta Constitution of April 16 contained an Associated Press article entitled "Aid Cutoff Hurts Poor Pupils Most."

This excellent article makes the point that the withdrawal of Federal assistance to school systems in desegregation noncompliance cases inflicts the most damage to the very ones that the law purports to help—poor and needy schoolchildren most of them Negro. Judging from the comments of some of the school principals interviewed by AP writer Don McKee, lunch programs for hungry children suffer the most.

This is what I have maintained for a long time. This is what I pointed out in the Senate on March 11, when I introduced a bill to prohibit the Department of Heath, Education, and Welfare from cutting off funds to school systems where they are being used in school lunch programs.

I hope that my proposed legislation will be adopted by Congress and that we can put a stop to this unconscionable practice. I cannot understand a policy of the Federal Government that allows small children, and in most cases poor and hungry children, black and white, to be penalized in this way. I cannot understand denying any children under any circumstances of their rights to education and training. I cannot believe that this was the intent of the Civil Rights Act of 1964. I know it was not intended that any agency of the Federal Government would act to cripple or destroy school lunch programs for needy boys and girls.

I sometimes wonder how it must feel to some of the officials in the Department of Health, Education, and Welfare to be cast in the role of hatchetmen over schoolchildren, with virtually dictatorial power to make decisions affecting the upbringing and education of thousands and thousands of small children—to decide in effect whether they will be given the full loaf of adequate schooling, or merely a breadcrumb.

Instead of taking money away from schools, we ought to be pumping every available dollar into them—especially into those schools where there are heavy concentrations of poor families and deprived children.

Some 6,000 schoolchildren are involved in the two schools discussed in the AP article. Each and every one of them needs the best education possible. It is their right. Yet they are being shortchanged because of a punitive policy of the Department of Health, Education, and Welfare. There are tens of thousands of other schoolchildren throughout the South that are being similary denied their right to a full and adequate education.

The argument is made that the Federal Government cuts off school money to relieve itself of being in the position of subsidizing illegal segregation. I cannot go along with that philosophy.

If the Federal Government continues to pour money and assistance into colleges and universities where students strike, riot, and destroy, and where the administrators are either unwilling or unable to maintain law and order, are we then subsidizing lawless anarchy on the campus?

When we spend Federal money to rebuild parts of cities that have been destroyed in riots by arsonists and looters, are we not then subsidizing lawlessness in the streets?

If Federal funds must be withheld from somewhere, I say withhold them from colleges which have been turned into revolutionary shambles by students, many of them on Federal loans, who make a mockery of law and order and a farce of higher education. These people are old enough to know what they are doing and college administrators must be aware of what they are permitting to take place.

Rioters and looters also know what they are doing, and it makes me flinch to see vast sums of the taxpayers' money being spent to repair their damage.

But let us stop punishing small and innocent schoolchildren for circumstances over which they have absolutely no control and controversy they do not even know about.

Mr. President, I bring the AP article to the attention of the Senate, and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AID CUTOFF HURTS POOR PUPILS MOST

(NOTE.—What happens when federal school funds are cut off? Who gets hurt? Does it force compliance? To get answers, The Associated Press investigated results in Georgia.)

(By Don McKee)

VIENNA, GA.—Refusal to accept integration guidelines cost Dooly County $359,000 a year in federal funds, a figure equal to 40 per cent of the school budget, and crippled enrichment programs at Negro schools.

The cutoff helped force a tax raise.

But hurt worst were hundreds of disadvantaged school children, most of them poor and Negro.

Losers were not the five school board members who rejected an integration plan of the U.S. Department of Health, Education and Welfare—HEW—two years ago.

The losers were school children: those needing special preschool help and remedial training but now without a program.

And sick children, who lost a school nurse.

Hungry children, who were getting hot lunches free.

"My biggest problem? Not being able to feed the children," said Negro Principal Frank E. Williams at Paul Vance School in Dooly County.

Dooly, the state's top cotton-growing county located in south Georgia, and Jones County, a sparsely populated pulpwood area near Macon, show the pattern of what results from cutting off federal funds for schools.

Most of the money went to Negro schools since they have by far the most low-income families, a key qualification for the larger grants. Withdrawal of funds was felt sharply in these schools, while the situation in predominantly white schools was not significantly changed.

That has been the main effect in Georgia systems, which authorities say are losing upward of $7.5 million a year. Some Georgians argue that HEW's cutoff of funds penalizes children because of actions of school boards.

But a HEW official says the school authorities must take the blame for not complying with "the law of the land."

Regardless of blame, the effects are the same.

Dooly County, 50 miles south of Macon, is bisected by Interstate 75, the major north-south tourist route. The county's 11,000 population is 60 per cent Negro, as is the school enrollment of 3,100.

THIS BREAKDOWN

School Supt. W. F. Stone gave this breakdown of the federal funds it received before termination in 1967:

Remedial-enrichment programs—under Title I of 1964 Civil Rights Act—273,000.

Antipoverty—Head Start others—$40,000.

"Impact area" funds based on the number of military dependents in schools, $26,000.

Vocational education, $15,000.

The total of $359,999 is equal to nearly 40 per cent of the 1967 school budget of $904,876. But since the bulk of the federal funds were for added, enrichment programs, the county had to make up only about $50,000 in its budget, Stone said.

This was done by raising property taxes $4 per $1,000 valuation last year, producing about $85,000 for schools.

A pressing problem was that of hot lunches for many Negro pupils, farm children whose families fall below the poverty level of $3,000 a year income and often must be trained to like milk because they have none at home, Stone said.

Principal Williams and his teachers at Vance elementary have taken it on themselves to raise money in their community. A pilot program of special state aid has helped.

"Sometimes we have only 19 children out

of 404 at this school who can pay for lunch," Williams said. "The majority still eat free."

FOOD CURTAILED

Stone said that with federal funds 733 meals per day had been provided free. Local efforts have kept the free lunch program going, but on a curtailed basis.

Lost with the federal money also:

A special reading teacher, a physical education teacher and six teacher assistants, a nurse, a band instructor, three lunchroom workers and two janitors—all for the Negro schools.

Dooly County's school board balked two years ago when HEW's formula demanded 150 pupils and 14 teachers cross the color line, Stone said.

Under a freedom of choice plan, about 35 Negroes had transferred to white schools. "You just don't change overnight," Stone said, arguing that HEW had asked too much.

There now are nine Negroes in two otherwise white schools, he said, though the system has dropped its integration plan altogether.

No public battle has resulted from the loss of funds and the recession in integration. But the Department of Justice notified the school board four months ago that a Negro parent had complained of discrimination.

BOARD REPLIES

The school board, in reply, adopted a resolution calling for compliance requirements to be "established by judiciary directives." Under federal law, the Justice Department may go into federal court to force compliance.

Jones County, which lies immediately northeast of Macon, has 3,000 school children, with a slight white majority. There are seven schools, four of them all Negro. About 65 Negroes attend predominantly white schools.

Federal aid totaling more than $150,000 was cut off in October 1966 when the school board rejected HEW's proposal to abolish the dual school system. Included in the loss, state records show, were $111,836 in enrichment funds and $21,677 in funds for military dependents in schools.

HUNGER PLAGUES

"Actually it seems like it brought things to a standstill," said Negro Principal Charles Adams of Bradley Elementary, also plagued with hunger problems. He said classroom equipment, such as reading machines and projectors, were still in use but there were no maintenance funds, no new filmstrips.

"Actually some of the machines are idle," he said.

Schools in Jones County are crowded and the critical need is for more room, said Supt. Linton Jordan.

WHAT'S EFFECT?

What was the effect of cutting off federal funds?

"The difference is in things we might have done," he said.

"We're operating like we always operated before we got the funds."

Jordan said $50,000 was spent in a reading program for Negro schools. Other federal money went into science equipment, textbooks, physical plant, lunches, a band with instruments costing $6,000, record players and four pianos.

NEGRO SCHOOLS

All this went to Negro schools. And there were ambitious plans for more programs before the money was cut off, said Marie H. Collins, a Negro teacher who coordinated the federal programs.

Principal Jerome Guy of Maggie Califf High School said Negro schools, like this, were "definitely retarded" academically by the termination of funds.

He said if he had to make a choice he would rather have improved education than school integration.

A federal official defended the cutoff of funds.

THE THEORY

"The theory of cutting off funds was that the federal government in such situations was in the position of subsidizing segregation," said Paul Rilling, regional civil rights director for HEW in Atlanta.

The theory that federal aid might be used to "encourage" compliance was involved also, Rilling said. This has worked in many instances, he said, citing the fact that most school systems have complied with the law.

"There has been substantial progress in the Deep South," said Rilling. In the 11 Southern states in 1964, he said, integrated schools had only 2 per cent Negro pupils, but now the figure is 20 per cent.

GOLDEN SPIKE CEREMONY PROGRESS

Mr. BENNETT. Mr. President, on May 10, 1969, at Promontory, Utah, a great moment in American history will be marked when the driving of the golden spike that signaled completion of the first transcontinental railroad is reenacted.

All of Utah is waiting for this major event.

Utah will have an especially hearty welcome for all steam train "buffs" during the activities planned to celebrate this historic event. A big steam locomotive of recent vintage, Union Pacific's No. 844, will operate in daily service between Salt Lake City and Ogden for a 10-day period beginning May 11. An "iron horse special" will be pulled from New York City to Omaha by steam, and there to Salt Lake City by the Nation's most powerful new diesel, dubbed a "centennial model." Special trains from Los Angeles and from the San Francisco Bay area will bring rail fans to Utah for the big event. The Union Pacific will bring a museum train to Salt Lake City and Ogden during the celebration which will include a vintage steam locomotive and tender, period-piece passenger and baggage cars, and several modern cars in which will be displayed maps, photos, tools, and other mementos of the railroad builders.

Gordon Eliot White, the fine Washington correspondent for the Deseret News, has written a most interesting article on the railroad industry which made this triumph possible. I ask unanimous consent that the article be printed in the RECORD in its entirety.

In addition I ask unanimous consent that a schedule of events for the golden spike celebration also be printed in the RECORD.

I urge all Senators and anyone else who reads these remarks in the CONGRESSIONAL RECORD to come and join us for this big event in Utah.

There being no objection, the article and schedule were ordered to be printed in the RECORD, as follows:

WHEN RAILS FIRST SPANNED THE UNITED STATES

(By Gordon Eliot White)

WASHINGTON.—The golden spike driven 100 years ago next month was the jewel that crowned the U.S. railroad industry. With the completion of the transcontinental rails, manufacturers such as Rogers, Cooke and Danforth, Baldwin, and Schenectady Locomotive Works were pushed to heights of power and efficiency in their steam locomotives. The dynamism of the U.S. railroad industry gave American manufacturers a worldwide market that was one of the key factors that helped make the post-Civil War U.S. a world power by the end of the 19th Century.

The manifest destiny of America was at once fulfilled at Promontory Summit in May, not only by the continent-spanning rails, but manifest destiny of a larger sort was given impetus by the closing of the frontier, the end of the challenge at home, and the growing power of American manufacturers in the world, led first by the builders of railroads.

The center of the locomotive industry in the U.S. for 66 years was Paterson, N.J. Built at the falls of the Passaic River, 20 miles west of New York City, Paterson was the new world's first planned city, created by Alexander Hamilton's Society for Useful Manufactures in 1791. Paterson's first steam locomotive, the "Sandusky," was built in 1837 by a Connecticut Yankee, Thomas Rogers. Ten thousand engines followed in the next 90 years.

The ceremony at Promontory Summit owed one of its stars, the Union Pacific's locomotive No. 119 to Paterson's Rogers' Brothers works. Turned out on Nov. 19, 1868, No. 119 had to be hauled up Market Street along the horse trolley tracks, since the locomotive works, built close to the water power of great falls, did not have their own rail siding. The new locomotive was dead-headed to Omaha, Neb., where it was set up for operation in mid-December.

The Golden Spike ceremony could have been held with Paterson-built locomotives on both sides of the junction point, since the Danforth and Cooke-built "C. P. Huntington" had been shipped round the Horn in 1864 and assembled in Sacramento to become the Central Pacific's first locomotive. In the end, the honor of being the western road's locomotive went to the "Jupiter," from Schenectady, after the "Antelope," which had been specially prepared for the ceremony, hit a timber on the rails west of Reno and could not continue to Promontory.

Like the rail route through Promontory, Paterson could not survive. Promontory was bypassed by the Lucin Cutoff, and Paterson's locomotive industry withered at the end of the century. The city's locomotive industry, which had made more engines in the 1880s than any other in the world, was on the downgrade a dozen years later and was finally swallowed up in the industrial consolidation of the American Locomotive Company in the early 1900's.

Along the way, the builders of No. 119 sold—and lost—locomotives in a dozen countries. Two were delivered to Mexico just before the Mexicans rose up and overthrew Emperor Maximillian; one of the unfortunate engines had been named "Carlota," after his empress. Several more were delivered during revolutions in Argentina and Venezuela and destroyed in the fighting.

Paterson's greatest locomotive builder, Thomas Rogers, once boasted, "No Englishman can show me how to build an engine." Today, all that is left of the Rogers' glory is a brass plate set in the wall of his Spruce Street works, now a shirt factory, with his name and the date, 1871.

GOLDEN SPIKE CELEBRATION CALENDAR OF EVENTS

Events are scheduled throughout 1969 as part of the national observance of the centennial for the driving of the Golden Spike which united the nation by rail. The calendar includes events prior to May 10, events of the actual celebration week and follow-up events from Memorial Day to Labor Day designed to interest summer tourists.

GOLDEN SPIKE CENTENNIAL CELEBRATION EVENTS

May 6–7—Golden Spike Railroad Symposium. All Day. University of Utah, Salt Lake City, Utah. Two-day Symposium, with papers being presented by leading railroad executives and historians. The Symposium will

feature the past, present and future of the railroad industry and its economic impact on the United States.

May 8—Golden Spike Empire Youth Symphony and Drama Festival, 8:30 PM. Fine Arts Auditorium, Weber State College, Ogden, Utah. A combined symphony, choral, drama and dance program presented by international and nationally recognized groups.

May 9—Golden Spike Centennial Reception & Dance, 8:30 PM. Salt Palace, Salt Lake City, Utah.

May 10—Pilgrimage to Promontory, 8:00 AM. Train leaves from Salt Lake City. Special train will carry guests to Ogden. Buses will then transport guests to Brigham City and on to Promontory Summit for actual reenactment ceremony:

The Golden Spike Special from Salt Lake City to Ogden with approximately 1000 international and national dignitaries will participate in the "Pilgrimage to Promontory."

Ogden City Reception, Ogden, Utah.

Brigham City Reception, Brigham City, Utah.

Dedication Ceremonies, Golden Spike National Historic Site Museum & Visitors' Center.

Historic reenactment of The Driving of the Golden Spike,[1] Promontory Summit, Utah.

Golden Spike Luncheon. Following Reenactment, Thiokol Facility, Utah.

May 10—Golden Spike Centennial Celebration Commission "Honors" Banquet, 8:30 PM. Lafayette Ballroom, Hotel Utah, Salt Lake City.

May 11—Golden Spike Concert, 9:00 AM. Mormon Tabernacle, Temple Square, Salt Lake City, Utah. Special concert by the Salt Lake Mormon Tabernacle Choir to be held on Sunday morning in connection with the weekly national radio broadcast of the Choir.

May 11–18th—Golden Spike Special "Steam" Excursion Trains (Salt Lake-Ogden-Salt Lake). Bus to Promontory from Ogden. Daily reenactment Driving of Golden Spike at Promontory (1:47 p.m. MDT—June 1st to September 1st).

June 1–Sept. 1—Daily reenactment Driving of Golden Spike at Promontory, 1:47 p.m. MDT. Pilgrimage to Promontory Days.

July 15–Sept. 15—Amon Carter Museum of Western Art's exhibit: "A Century of Transcontinental Railroading" (Provo, Salt Lake City, Ogden, Brigham City, Logan).

July 20–26—Intermountain West Pioneer Days Celebration (Ogden) Days of '47 Pioneer Celebration (Salt Lake City and most Utah communities).

July 26—Golden Spike Railroad Parade (Ogden).

SPECIAL EVENTS

Utah historically celebrates Pioneer Days commemorating the arrival of Mormon Pioneers to Utah in 1847. The 1969 July celebration will recognize the railroad centennial with parades, pageants, rodeos, pilgrimages to Promontory, etc.

A Union Pacific "Museum Train" displaying period locomotives, cars, artifacts will tour Utah rail communities on a schedule to be announced.

Rail-fan steam locomotive trips will operate from Salt Lake City to several points, sponsored by National Railway Historical Society, Promontory Chapter.

[1] This ceremony will be complete and authentic in accordance with historical records of the day. The original Western Union message flashed to the White House one hundred years ago will be repeated. The original golden spike and silver maul will be utilized and displayed. Authentic replicas of Central (now Southern) Pacific's "Jupiter" engine and Union Pacific's "No. 119" engine will be displayed on tracks laid on the original roadbed in the exact location of one hundred years ago. The reenactment celebration will be concluded with swinging of the silver maul and dispatch of the message.

ADDRESS ON CORRECTIONS, DELIVERED BY RICHARD W. VELDE, ASSOCIATE ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Mr. BURDICK. Mr. President, of all the problems facing our criminal justice system today, perhaps none is as significant—or as frequently overlooked—as the shortcomings of the corrections process. The police are the most visible part of the criminal justice system. As such, their needs are widely recognized. There is a growing awareness, too, of the critical problem of court congestion. But, as a nation, we have for too long been content to ignore prisons.

But we see signs now that the critical role that corrections plays in our total crime control capability is starting to be recognized. Reforming and modernizing this key element in criminal justice is one of the goals of the new Law Enforcement Assistance Administration, created last year by the Omnibus Crime Control and Safe Streets Act. Thus, it was with great interest that I read the remarks of the Associate Administrator of LEAA, Richard W. Velde, to the Middle Atlantic States Conference of Correction on April 13 in Washington, D.C.

As chairman of the Judiciary Subcommittee on Penitentiaries, I have had the opportunity to observe the work of Mr. Velde and to know of his concern about our correctional institutions. While serving as minority counsel to the Judiciary Subcommittee on Criminal Laws and Procedures, he also acted as the unofficial minority counsel to the Subcommittee on Penitentiaries. It is because of this acquaintance with Mr. Velde that I call his comments to the attention of my colleagues.

Mr. Velde's speech offers a thoughtful, penetrating analysis of the crisis in corrections facing us today. I use the term "crisis" intentionally, for it is certainly no less than that when, as he points out, imprisonment serves frequently as an advanced course in crime, returning to society not a better citizen but a more proficient criminal.

However, the speech does more than point out the scope of the problems. It is gratifying to see that the LEAA program, in cooperation with the States, plans a broad series of reforms and advances. The subject certainly is one in which we all have a great interest today, and I respectfully ask unanimous consent that the speech be printed in the RECORD as part of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF RICHARD W. VELDE, ASSOCIATE ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, TO THE 31ST ANNUAL CONFERENCE OF THE MIDDLE ATLANTIC STATES CONFERENCE OF CORRECTION, WASHINGTON, D.C., APRIL 13, 1969

OPPORTUNITY FOR PROGRESS IN CRIME CONTROL

Thank you for this opportunity to be here with you at the opening of the 31st Annual Meeting of the Middle Atlantic States Conference of Correction. Your theme—"Delinquency and Crime Control in Action"—reflects one of the foremost concerns of the American people. That concern has existed for a long time in varying degrees. What has been lacking is enough of the meaningful action referred to in your theme. If the crime and delinquency problems are great, so are the opportunities now presented to us. This is especially true for your organization, and groups like it. Your role in the improvement of America's correction system is central and vital. It is up to you and your colleagues to continue to give meaningful leadership in this field. Meetings like this one provide a forum for discussing problems and sharing information and ideas. This can help to ensure that progress is made in corrections. That progress must be both real and sustained if we are to control crime across the nation. Our goal, of course, is clear—a safer America.

As we work toward that goal, we must study, experiment, improvise, expend both resources and talent. The Law Enforcement Assistance Administration can help provide the resources, but we look to you—knowledgeable, experienced professionals—to provide the talent and imagination. Ideas can sometimes come from unusual sources. Let me give you just one example.

If some of you are night owls, you may see from time to time on late-evening television a classic prewar Humphrey Bogart movie that was partly filmed on location at San Quentin prison in California. The most interesting shots are of physical facilities—the main courtyard and prison buildings. I visited San Quentin last year. It was like walking onto that movie set. Though the film was made more than 30 years ago, everything looked the same—especially the main courtyard, where hundreds of the prison's 4,000 inmates milled about.

I am not singling out California for criticism, for it has one of the best prison systems in the nation. But if things are so unchanged over the years in a major prison in one of the best states, it takes little imagination to appreciate the present condition of the country's entire corrections system. San Quentin not only looks old. It is old. Portions still in use date back to 1842.

This sort of thing is far from unusual, as the National Crime Commission found. In the United States today, there are some 400 adult prisons, ranging from maximum security facilities to forest camps. Consider only the state institutions. Sixty-one of them were opened before the turn of the century. Of that number 25 are more than 100 years old. Many city jails pose similar problems. I have seen one in Omaha, for instance, that was built in the 1870s. Its gas light fixtures still work.

The fortress or battleship mentality that concocted the architecture of so many prisons unfortunately decreed that they would be operated in the same fashion. But what may have appeared to be effective 100 or even 50 years ago has little relevance now. More to the point, it simply doesn't work anymore. I suspect that it never did work very well.

Even the most generous observer would be compelled to say that the nation's corrections system is falling short in achieving its great tasks. It does not adequately protect society. It does not reform enough criminals. Certainly many are able to adjust to society, but is it because of what the corrections system does or is it mostly a matter of sheer chance and in spite of our best efforts?

THE NEED FOR HARD FACTS

One thing that must be accurately determined is how many persons return to crime after leaving prison. The Law Enforcement Assistance Administration hopes to lead the way in developing comprehensive statistics to find that answer and many more which can accurately describe what is happening in our correctional systems. We need to know the hard facts of life—in time enough to be able to do something about them.

Right now, and this is shocking, no sys-

tem exists for acquiring this essential data on a nationwide basis. Historically, correctional data such as rates of recidivism have been measured state by state. It is true that some states have developed fairly effective reporting systems. But the sad fact is that far too many have not. The state-by-state approach, even if it were being utilized successfully, at best provides only incomplete, comparable information.

A major advance in this area is being planned by the Law Enforcement Assistance Administration. Our enabling legislation specifically authorizes us: "to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement in the several States." It is our firm intention to implement this mandate as fully as modern technology and our financial resources allow.

The vehicle will be our new National Criminal Justice Information Center. It gives us the great hope of being able to collect, for instance, meaningful, real-time statistics from the entire nation on crime repeaters. It will do much more, of course, and collect statistics—and reliable ones—on all aspects of the criminal justice system, including data from the police and court segments. But it is statistics on corrections that concerns us here tonight.

WHAT WE KNOW NOW IS BAD ENOUGH

From the information we do have, we know that the problem of crime repeaters is enormous.

One of the states with the most advanced corrections system—and a fairly advanced statistics system—has found that its rate of crime repeaters is running between 47 and 49 percent and that figure includes only those who stay within the state's jurisdiction after release and can be located for survey purposes. Other figures indicate that nationally it may be from 50 to 70 percent.

We should ask ourselves how good a job would be good enough. Perhaps the goal should be to reduce crime repeaters to 10 percent—and then work to reduce that figure even more. We know nearly every inmate will be released from prison sometime, as only about three percent die behind bars. Since that is a fact, all I am suggesting is that it is very possible to make much more certain they will be law-abiding and useful citizens when they do re-enter society. That should not be beyond the capabilities of a country like ours, with its incredible scientific and industrial achievements, its rich endowment of human talent. No one knows what measure of success might be possible for there has never been a unified national attempt to find out.

However, there is an opportunity now to liberate our corrections systems out of the dark dungeons of neglect. It is the program of the Law Enforcement Assistance Administration, which was created last year by the Omnibus Crime Control and Safe Streets Act. With the aid of $19 million in grants, the states are now planning comprehensive improvements in their law enforcement and criminal justice systems. In this fiscal year, $29 million in action grants has been appropriated to carry out those plans. Congress has authorized $300 million for fiscal 1970, and $225 million of that—if appropriated—would be for action grants.

The first action funds may be awarded late this month. To receive grants, the state plans must be comprehensive—meaning that police, courts, and corrections must have significant attention. In the LEAA, we are determined that this will be the case.

The problems are as plentiful as they are obvious. In the San Quentin prison yard, for instance, I saw some 1,200 inmates milling around in forced idleness with nothing to do. In the Omaha jail, the inmates are seldom, if ever, taken out into an exercise yard. They just stay inside the cell blocks month after dreary month. In jail in one of the nation's largest cities, the great problem of homosexuality is dealt with by locking up all of the homosexuals together. These practices can hardly be conducive to preparing a man to turn from crime. They are too often graduate courses in criminality. Barbarism that is nurtured in prison is then unleashed on the public. That is a heavy burden for any conscience—individual or national.

Staffs of nearly every prison facility are too small. In many instances, they are badly trained. Guards in many states have a starting salary of about $300 a month. Most states hire guards who don't even have a high school diploma. A recent survey found that the *median* starting pay for custodial employees in adult facilities is from $4,000 to $5,000 a year. In juvenile institutions, it was even lower, $3,000 to $4,000 a year.

The catalogue of these tragic facts goes on and on. One study indicates that only three percent of prison line officers are college graduates. Another shows that of total correctional employees, only 2.4 percent are psychologists, social workers, or counselors. Yet, criminal acts in many cases indicate grave mental health problems. It's not the sort of thing that can be treated by prescribing aspirin or locking the emotionally disturbed inmate in solitary.

In too many states, corrections means nothing more than confinement. Programs that may sound good to outsiders exist only on paper. If the Society for the Prevention of Cruelty to Animals could inspect some prisons, I imagine they might want to picket to protest even worse cruelty to human beings.

The LEAA program can help to bring needed changes, so that the corrections system can be modernized and rebuilt. Frankly, major parts of it must even be replaced. I am not talking only of fortresses and battleships that should be dismantled. I also mean discarding practices, ideas and programs that merely perpetuate old evils. No one agency can do the job alone. It will require a cooperative approach that clings tenaciously to its goals. All levels of government must be involved, and all participants of the criminal justice system. The American people also must, at last, support and invest in these great reforms. Money in substantial amounts will have to be spent by state and local governments for better facilities, better training, more personnel.

The time for excuses has ended.

NEW APPROACHES ARE NEEDED

The great hopes for prisoner rehabilitation lie in the programs that embrace new concepts such as work release, halfway houses, community treatment, and really effective and adequately financed probation and parole.

For many offenders, particularly the youthful ones, imprisonment can cause more problems that it solves. For these and other categories of offenders, prison frequently becomes a sort of graduate school in crime, turning out a more finished product than it received. Let's make one thing clear—I'm not making a plea for coddling anybody. But the harsh reality of recidivism demands that we explore realistic, sensible alternatives to incarceration for certain offenders.

For instance, consider community-based treatment in this light. There also are other benefits. One survey found that, in 1965, it cost an average of $3,600 a year to keep a youngster in training school. But it cost less than one-tenth that amount to keep him on probation.

Probation and parole services must be given substantially more resources if they are going to fulfill their critical front-line role in the rehabilitation process. It is an area of great potential. Indeed, it may well offer the best opportunity for immediate, visible improvement in the correctional process.

The National Crime Commission noted that "the central question is no longer whether to handle offenders in the community but how to do so safely and successfully."

In some instances, there is great public hostility to such programs. Residents of a community may be apathetic about crime in their midst, or apathetic about approving money to fight it, but they rise up to oppose efforts to rehabilitate criminals. Somehow, communication has failed. I suggest that you and your counterparts must play a major role in re-establishing it. Not only with the public, but with state legislators, mayors and city councils, county governing boards.

THE PUBLIC MUST BE INFORMED

People should know, for instance, of the success by the Federal Bureau of Prisons in its work release and halfway house programs set up under the Prisoner Rehabilitation Act of 1965. These programs help inmates to become re-acquainted with society, in many cases acquainted with the real world for the first time. Their re-entry is well controlled, unlike the release of inmates from many state institutions whose major impulse is to stick up the first thing that moves. What else would you expect from a man who is dumped out on the street with no money, friends or prospects of finding a job.

The federal work release program so far has put some 5,000 persons into work release—and their earnings exceed $5 million. They send money to their families. They save money for their own release. And they achieve something money can't buy—pride in themselves for perhaps the first time and the knowledge that people trust them.

In addition to supporting intelligent corrections planning and expenditures, members of the general public also could participate more directly, if they choose, as volunteers in probation and parole programs. A number of pilot programs indicate such volunteers can be very valuable additions to a system now greatly overburdened and short of personnel.

Let me mention one federally-financed project that has demonstrated the effectiveness of volunteers in corrections work. A Denver County Court probation program, which received a federal grant, now has some 800 volunteers who work with people on probation. The volunteers are a cross-section of the community; they include celebrities like members of the Denver Broncos football team. The large number of volunteers makes possible a ratio of about one counsellor per probationer. To date, results have been very encouraging. Re-arrests before the project ran 3.5 percent. But for those who have received the concentrated probation services, the rate has dropped more than half—to 1.5 percent.

If as national surveys show the sensibilities of many are hardened against the adult offenders perhaps greater sympathy could be evoked for the youthful offenders. As a people we have always been moved by the sight of youngsters in trouble. A great many of them are in deep trouble today.

JUVENILE INJUSTICE

This country has been guilty of many failures in attempting to cope with crime but none is so spectacular as our failure to deal with the youthful offender. None is so significant, none is so frightning for our children are our most lawless citizens. Recent figures show that persons under 21 represent some 64 percent of all those arrested for the most serious crimes; homicide, forcible rape, robbery, aggravated assault, burglary, larceny, auto theft. Eight of every 10 auto thefts were by persons under 21. So were seven of every 10 arrests for robbery. Our 15 and 16-year-olds are arrested more frequently than any other age group.

The arrest rates for all crimes for juveniles continue to grow wildly. In 1966, for instance, arrests of adults declined slightly but arrests of juveniles increased nine percent. If they are criminals as youths, the odds now are good they will be hardened criminals as adults. Four out of every five adult felons were convicted of misdemeanors—generally as youths—before committing their more serious crimes. Most of that could have been prevented. The juvenile justice system is in such disrepair that of the 400,000 youths in jails each year, about 100,000 of them are imprisoned with hardened, adult criminals. No program can substitute for the concern that the people of this country must develop. They must know that we cannot go on failing so many children in such profound ways and still have any real hope for tomorrow. Those children are, after all, the one natural resource that we cannot get along without.

WHAT LEAA CAN DO TO HELP

Concern must, of course, be followed by action. In addition to the substantial action grants that the LEAA will soon award, a number of other programs are getting underway. Studies on how to make corrections programs more effective are being started by the National Institute of Law Enforcement and Criminal Justice, the research body of LEAA. The Institute also will evaluate the effectiveness of just about every major type of program in existence in corrections today.

Additional qualified manpower is desperately needed throughout corrections. You, of course, know only too well how overburdened correctional personnel are. Another need is for increased professionalization of present staffs. As a major step toward both these goals, the LEAA this year has given some $6.5 million to finance college degree studies by corrections and law enforcement personnel and those studying for careers in those fields. The grants and loans are administered by some 500 colleges and universities now taking part in the program. Eventually, 1,800 schools are expected to participate. This program will be of great help in improving correctional personnel and aiding recruitment efforts as well. The education funds this year are assisting some 14,000 persons. For the next fiscal year, we hope to have about $20 million for the education program. That would enable us to finance college studies by some 40,000 persons—most of them in corrections and police work. Those figures represent a substantial and very promising beginning.

The complaint is often heard that just about everybody ignores corrections. But that, I think, is changing. Your presence here is one indication. The work being done by you and your counterparts across the country is another. The requirement of Title I that corrections be treated as a full and equal partner in the criminal justice system—in planning and in allocation of financial resources—is another.

We must now transmit that sense of urgency so that people everywhere support these efforts as though their lives depended on it. In more instances than we might like to admit, that is precisely the case.

HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, the United States of America has long been regarded by other peoples of the world as a great sanctuary of human rights. We have tried to establish an example of high ideals by the Declaration of Independence and to eternally preserve this example in our Constitution and the Bill of Rights. This is the Nation that professed to hold out the shining beacon of freedom and opportunity to the less fortunate. The Statue of Liberty proclaims:

Give me your tired, your poor,
Your huddled masses yearning to be free,
The wretched and refused of your teeming shores,
Send these, the homeless, tempest tossed to me;
I lift my lamp beside the golden door.

In the years following the Second World War, a world exhausted by strife and horrified by the revelation of Dachau, Breslau, and Auschwitz drew up a convention to outlaw any such future action. It was resolved that never again would an attempt to exterminate an entire people like the Nazi persecution of the Jews be permitted to occur. The resulting United Nations Convention on Genocide met with enthusiastic approval in most of the world, but here in the United States Senate it bogged down in the Committee on Foreign Relations.

Now, 19 years later, the United States remains among the small number of countries that have not yet ratified the convention. Eighty nations have preceded us in the ratification of the Genocide Convention, and the Senate has as yet taken no action.

Also unpassed are the Conventions on Political Rights for Women and on Forced Labor. There is no element in the American society that can be offended by the ideals set forth in these Conventions; indeed, they reaffirm what America claims to have stood for for 193 years. The United States practices political rights for women, and abhors forced labor. Why should we not demonstrate our beliefs again to the community of nations by the simple action of publicly voting to support these provisions.

There is no real excuse for delay. Let us act now to finish what should have been completed years ago. Let us ratify these Human Rights Conventions.

UNIVERSITY OF UTAH CHOSEN FOR ARTIFICIAL HEART PROGRAM—A TRIBUTE TO VISION

Mr. BENNETT. Mr. President, last Saturday it was my privilege to learn from the Department of Health, Education, and Welfare that the University of Utah has been chosen by the National Heart Institute as one of the Nation's first full-scale artificial heart, test, and evaluation centers.

The university's proposal was one of two selected over 13 others submitted by some of the most prestigious medical centers in the Nation. It was made possible by many factors, not the least of which is the excellent faculty and staff at the university medical center.

Combined with this personal asset is an excellent bioengineering program and a computer science department, all of which will support the overall project.

Nor can one fail to mention the fine work that has already been accomplished at the university in the area of artificial organs. Also the program will be closely coordinated with the Latter-Day Saints Hospital in Salt Lake City where a great deal of pioneer medical work has been done on heart problems.

The recent developments in Texas wherein a man was kept alive for 65 hours with an artificial heart, dramatically show what can be accomplished with artificial organs. I think we can safely say that we have only begun in the search for artificial devices to replace the human heart where necessary.

I have worked very closely with many persons in obtaining approval for this project, and I think all will join me today in saying that the University of Utah will exert its best scientific and medical efforts to become the artificial heart center of the world.

If past dedication, performance, and professional qualifications are any criteria, I am sure Utah will succeed.

This award brings a great deal of satisfaction to President James C. Fletcher, of the university, and to his fine staff at the school. I also wish personally to thank and compliment the dean of the medical school, Dr. Kenneth Castleton, and to Dr. Frank W. Hastings, the chief of the artificial heart branch, as well as Dr. Theodore Cooper, the Director of the National Heart Institute, for their efforts and contributions in this exciting field.

I should also make public note of the uncounted hours given by L. Ralph Mecham, formerly a vice president at the university; Raymond Hixon and Warren Johnston, of fluidonics divisions of the Imperial Eastman Corp., who also contributed to the success of this award.

Truly this is a milestone for the State of Utah and as the years go by and we look back to the developments which I am sure will come in the area of artificial organs, we can say that once again the pioneering spirit of the people of Utah has been dramatically demonstrated.

I would like to ask that an editorial appearing in the Salt Lake Tribune this morning be inserted at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A TRIBUTE TO VISION

If there were any question about the U. of U.'s eminence in the world of Medical science they should be dispelled by the recent location at the institution of a nation heart study center. The designation also augments the embryonic University Research Park.

From a field of several well-known, long-established science centers, the U. of U. was selected as one of two locations for a full-scale artificial heart test and evaluation laboratory funded through the National Heart Institute in the Department of Health, Education, and Welfare. A Federal contribution of $800,000 will start the project.

Implications of such a program are varied and many. It amply justifies the emphasis on medical research at the University College of Medicine. Expanded facilities have provided for a distinguished faculty and outstanding contributions have been made to medical progress. The Artificial Heart Testing award not only acknowledges University excellence; it contributes to it as well.

The project is a credit to University President James C. Fletcher and all those who have worked diligently on the Research Park plan. The idea for commercial research conducted in conjunction with colleges and universities has proven itself on campuses in other states. But anything so ambitious always depends on ability and determination to get started.

Utah's selection for the heart testing center also derives from previous involvement in the project planning by Fluidonics Re-

search Laboratory of ITE Imperial Corporation, an early research park tenant.

Those connected to the project see it as the bellwether of similar research park developments. Quite certainly it will attract eminent scientists in the field of heart and artificial organ medicine. Allied enterprises are also likely to be located nearby.

We congratulate all who have joined in this cooperative effort. A special commendation should go to the many Utah citizens who supported the scientific excellence at the publicly supported institutions of higher education. The bright future only glimpsed a few years ago is almost at hand.

FUTURE U.S. TRADE POLICY

Mr. SYMINGTON. Mr. President, in 1968, the U.S. commercial trade surplus declined $3.4 billion to a mere $100 million, the lowest level since 1936. This very serious deterioration in our trade account resulted from a 22-percent increase in imports as against only a 9-percent increase in exports; and according to a recent report by the Commerce Department, prospects for substantially improving this trade picture in the near future would appear dim.

This report said in part:

If the export projections and the averaged import projections should be approximately correct—they are of course, subject to many variables and are merely illustrative of anticipated trend—the indicated trade balance in 1973 would range from a $1.8 billion deficit to a $1.2 billion surplus.

It is essential therefore that all measures possible and practical be taken to improve the U.S. trade position in the world. In some instances, this may require a reappraisal of our own trade restrictions which may be too restrictive on the ability of American industries to export more goods and services.

In other cases, negotiations will have to be undertaken with other nations in an effort to remove barriers and expand world trade. However, we would hope that any tariff agreements negotiated between our country and other countries or groups of countries be based on true reciprocity. Moreover, it should be emphasized that the United States will not stand idly by while others erect trade barriers, particularly nontariff barriers, which adversely affect the export of American goods and services. The reduction of trade barriers must be a two-way street; and every precaution must be taken that the Government not take unilateral actions which could jeopardize the competitiveness of U.S. products in foreign markets.

In this connection, as an example of the trade problems faced by American business, I ask unanimous consent to have printed in the RECORD an excerpt from remarks by Mr. Charles Sommer, chairman of the board of the Monsanto Co., at their annual meeting on March 27, 1969, in St. Louis, Mo.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

It is the chairman, however, who traditionally reviews with you the consequences of certain policies and regulations of our federal government—and to this end, I have some rather specific observations to share with you this year.

First, let me deal with the subject of petroleum import quotas, which were established for national security purposes 10 years ago, to protect the energy market in the United States. We have no quarrel with this objective nor do we argue with the necessity of maintaining a healthy domestic petroleum exploration and production program. However, far from the original purpose of the quota system, we are caught in a harmful squeeze in obtaining raw materials for our U.S. petrochemical operations. As a result, chemical companies overseas can obtain these feedstocks at prices 40 per cent below those we have to pay for all feedstocks beyond the quotas. Consequently, we are currently paying a premium of $1.25 per barrel for such feedstocks; and this amounts to more than $13 million a year—a sizeable bounty borne by Monsanto but not by foreign competitors.

As you can see, this puts us at a material disadvantage in selling our products in export markets. And as tariff reductions are made under the Kennedy Round, our domestic competitive position will be in further jeopardy.

Therefore, we have joined with other U.S. companies, whose petrochemical operations are similarly affected, in petitioning our government to remove import restrictions on petroleum feedstocks for petrochemical manufacture. This would allow companies of this nation to be fully competitive here and abroad.

Now let me turn attention to an even larger segment of our business: man-made fibers. Again in 1968, imports reached an all-time high, approaching 10 per cent of our nation's total consumption. About two-thirds of the imports involved fibers themselves, and the rest were in blends in the form of textiles and apparel.

And how fortunate it was that at least during the year 1968, additional imports could be absorbed during a period of peak demand, the result being that the U.S. marketplace was not seriously disrupted.

Yet, the unhappy fact is this: tariffs on fibers, textiles and apparel are scheduled for decreases, in steps, over the next three years. We do not believe this situation is in the national interest. It is detrimental to our economy and to our workers. We simply cannot be content with such tariff reductions while our overseas competitors are using a different set of rules, aided by lower wage rates and a broad variety of subsidies.

Accordingly, we have joined our largest customer, the textiles industry, in appealing to the federal government. As you probably know, there is already in existence a voluntary agreement with foreign nations which limits the importation of cotton textiles and apparel. What we seek is this: a broadening of this agreement to include man-made fibers and materials made from them. We are encouraged that the new administration has promised support for our program, and we are now eagerly awaiting the first signs of implementation.

INTELLIGENCE GATHERING AND THE NAVY EC–121 PLANE

Mr. McGEE. Mr. President, some persons reacted quickly to the downing of the Navy EC–121 over the Sea of Japan last week, with the thought that the United States should not be flying so-called spy missions anyway, and probably could not turn up any useful information as a result of such missions. In other words, they were quick to say, in effect, that the incident, like the *Pueblo* seizure before it, should not have occurred because we should not have been there in the first place.

I disagree, as I suspect most informed Americans do. Intelligence gathering in the jungle world we live in remains a necessity. Nor does it clarify the issue to call such intelligence missions spying. Operations in or over international waters are not quite the same as intrusions of another nation's sovereignty.

Aside from this, we do learn essential information through these missions, although, as in all intelligence operations, we also turn up much chaff. Sunday, the New York Times published an article which gives a good example of why the planes fly these missions. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY THE PLANES FLY THOSE RISKY MISSIONS

(By William Beecher)

WASHINGTON.—The slow, four-engine EC–121 moved into position some 50 miles off the eastern coast of North Korea. At a master radio console, a senior radio specialist who spoke Korean fluently started slowly turning his radio dial.

He listened for a few minutes and decided one channel was potentially interesting, carrying the voice transmission of a nearby radio operator guiding a pair of MIG's in his plane's direction.

He signaled to another technician to lock on to this frequency, clear out the static, and start a tape recorder.

Over the next 30 minutes, the linguist had swept the entire frequency band and had a dozen channels monitored and taped simultaneously.

INFORMATION PUZZLE

Most of the information, when it was delivered to the top-secret National Security Agency at Fort Meade, Md., would turn out to be of little value. But a few nuggets, when analyzed and dovetailed with information turned up at a diplomatic cocktail party in Jakarta, some photographs from a high-flying reconnaissance satellite, and a report from an agent working as a stevedore in a Soviet port city, would reveal that after the seizure of the spy ship Pueblo 15 months ago, Russia more than doubled the number of surface-to-air missile sites in North Korea, from 14 to 35, representing a total of 210 launchers. Future intelligence missions would attempt to pinpoint each of the new sites, determine the quality of their equipment and the training of their crews.

If war breaks out in Korea, knowledge of where these SAM's are and how they might be thwarted might be a crucial factor in the outcome.

ABOUT 190 MISSIONS

This mission happened not to be the one last Monday in which two North Korean MIG's came out and shot down the Navy reconnaissance plane. But it might well have been.

Over the last three months, the United States has flown about 190 similar missions over the Sea of Japan.

Others have focused on communications relating to Communist China's missile program, the border dispute between Russia and China, new radars being installed in all three potentially hostile Communist countries.

The Soviet Union's readiness to lend the assistance of two destroyers in searching for possible survivors among the plane's 31-man crew was, in the opinion of some American officials, not only an act of humanity but also an indication that Russia, with its own intelligence problems, was not particularly happy over the attack in international air space.

The Soviet Union has as an extensive a

worldwide intelligence-gathering net as the United States, concentrating rather more on intelligence trawlers and less on planes, but with about as many spy satellites.

A limited number of officials in both nations are fully aware of how important fast, accurate information can be in the cold war.

The downed propellor-driven EC–121 had about six tons of electronics equipment. The 31 men aboard made up two crews to enable the plane to remain on station for about eight hours. The intense nature of the work involved requires that the technicians rest occasionally.

SATELLITES UNSATISFACTORY

In addition to monitoring radio messages, this type of plane is equipped to determine the frequencies employed in air-defense radar. The missions that the planes carry out are said to be too complex for spy satellites to conduct effectively.

"It would be nice," said a ranking intelligence official, "if we could program all the things we need into satellites, push a few buttons, and then wait for the information to come flowing in.

"Unfortunately that day, if it ever comes, is still pretty distant. What satellite can carry the six tons of equipment hauled by the EC–121? More important, without human judgment, how is it to decide which radio frequencies to monitor?"

"That's one of the principal reasons," he added, "why President Nixon insisted that, despite the risks, the EC–121 missions must resume off the Korean coast. If we give up our eyes and ears, we better get out of the area, fast."

FALLOUT IN JAPAN

The "spy plane incident" prompted the opposition Socialist party in Japan to revive attacks last week against the pro-American policies of Premier Eisaku Sato. Because the American plane operated out of an air base near Tokyo, many Japanese feared involvement in a new Asian conflict not of their own choosing. But Premier Sato defended the United States' right to conduct reconnaissance flights over international waters, and said such flights were "necessary" in the kind of world in which Japan lives. He added that the deterrent power of the United States-Japanese security treaty eliminated the danger that Japan might be dragged into a war.

THE PRESIDENT IS DOING THE BEST HE CAN

Mr. BENNETT. Mr. President, President Nixon has become a prime target of certain political factions both in Congress and throughout the country. They seem compelled to take out their own frustrations on the President and have attacked him without giving him a fair chance to resolve the grave problems which he faces.

Recently the editor in chief of the Hearst newspapers wrote an article about these attacks. I think Mr. Hearst has placed the problem in a very clear perspective. I ask unanimous consent that his editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EDITOR'S REPORT: DOING THE BEST HE CAN

(By William Randolph Hearst, Jr.)

NEW YORK, March 22.—Spring wasn't the only development sprung during the past week. The wahoo warriors of the nation's leftist-liberal establishment, after sharpening their tommyhawks in unaccustomed silence for two months, also sprung their expected spring offensive on President Nixon.

It was inevitable that they soon would take off after the Nixon scalp. As a symbol of conservative Republicanism, that scalp would make an even better trophy for the liberal wigwam than that of the Johnson scalp now hanging there, Johnson, after all, was a Democrat.

Thus about the only surprising aspect of the war whoops now being sounded, largely over the Nixon decision to go ahead with the Sentinel missile system, is that the wahoos were able to hold off so long. Some of them, notably Sen. J. William Fulbright, in fact couldn't wait for the rest of the pack.

Even before the Nixon ABM announcement, Chief Doveweathers from Arkansas was wailing that the President was about to risk Moscow's displeasure. When the announcement actually came, it was like a signal for all the rest to follow the Fulbright lead.

In thundering editorials, such liberal policy shapers as the New York Times and the New York Post decreed that Nixon's ABM decision was a disaster from any angle. Since then their stables of pundits—quickly joined by all the other acid-pen, self-proclaimed intellectuals of the leftist-liberal camp—have been lambasting the President himself as a poor leader limited, according to one of "a narrow, political, tactical and public relations view of the world."

And it's only the beginning. George J. McGovern, a dove who parrots the Hanoi line, sounded what is guaranteed to be the biggest single theme of the assault by castigating the new administration for what he called its lack of "strength and courage to genuinely reverse our course in Vietnam." Almost simultaneously, groups of war protestors announced they will resume mass demonstrations with a coordinated turnout in 23 cities on the Easter weekend of April 3–6.

Once again, in other words, the same old slings and arrows of the poisonous and divisive liberal camp can be expected from now on. How they will be used can be predicted with great accuracy. Whatever the President does will be either dead wrong, or inadequate. Above all he will be assailed for resisting Communist pressures from any source, whether Hanoi, Moscow or Peking.

What continually astounds me about the Fulbrights and the McGoverns is their consummate gall in attempting to dictate presidential policy. It was Richard Nixon who was elected to the White House, not the George McGovern who couldn't even get nominated by his own party. And although J. William Fulbright wants to be Secretary of State so bad he can taste it, even the liberal-minded John F. Kennedy wouldn't give him the job.

Compounding the gall of the Fulbrights, McGoverns and their ilk is the fact that none of them really know what they are talking about. It is only the President who has access to all the information needed to make momentous decisions. In his position, significantly and fortunately, he cannot afford to have the kind of one-track, made-up mind displayed by the leftist-liberal critics.

When Lyndon B. Johnson was in the White House he had a framed quotation from Abraham Lincoln sitting on his desk. It said:

"If I were to try to read, much less answer, all the attacks made on me, this shop might as well be closed for any other business. I do the very best I know how—the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference."

That is a perfect guideline for any President—one which should be hung permanently on the wall of the White House Oval Room. It certainly would spare any Chief Executive a lot of unnecessary worry if he didn't listen to, look at or read all the mean, biting, cutting, incisive attacks on him. It's only proper to be aware of such opposition, of course, but he certainly doesn't have to try to appease the critics—nor should he be upset by them.

FDR had the gift of laughing off his critics, sometimes demolishing them with a quip. Eisenhower, too, had something of a cast-iron serenity. But Truman sometimes let the critics get under his skin and even the suave, easy-going Jack Kennedy banned the Herald-Tribune from the White House. LBJ, despite the motto on his desk, was the most vulnerable of all in recent years—eventually to the point of political paralysis.

I have a hunch that Dick Nixon, who once blew up at the press, has learned the hard way to let carping criticism roll off his back. After all, he knew exactly what his job entails before he got it. And he certainly knows that the leftist-liberals who are now whooping after him didn't vote for him in the first place, and never will.

Nothing is more true than the saying that the buck stops at the President's desk. Dick Nixon has many crucial decisions ahead of him—on Vietnam, the Mid-East, national defense, domestic priorities and equally controversial matters. However pressing any one problem is, furthermore, it is going to have to be considered and weighed against the commitments and needs of the others.

There is only one man who can, must and is qualified to make those tremendous decisions, and that is the man who was elected to make them. So far President Nixon is being criticized for doing exactly what he said he intended doing—to carefully and cautiously consider all his options before acting at the proper time in the best interests of all the people.

He promised no grandiose new programs, offered no panaceas and held out no hopes that America's problems would be solved overnight. Instead he promised a sane, efficient and wholly responsible administration. Up to now, all things considered, that's what we've been having.

Dick Nixon has been doing very well indeed. He's not only doing the job as he outlined it before his election, he's doing it even better.

The proof of that pudding, despite the yips of the wahoo warriors, is that a lot of Americans who didn't vote for him in November would do so today.

Our new President has everything to gain by following his present course—and possibly everything to lose by following the voices which echo Hanoi's and Moscow's complaints.

SECRETARIES WEEK

Mr. HATFIELD. Mr. President, I wish to remind Senators that Secretaries Week will be observed April 20–26, 1969, and will mark the 18th consecutive year for this observance. Wednesday, April 23, will be highlighted as Secretaries Day.

Although Secretaries Week was originated in 1952 by the National Secretaries Association, International, in cooperation with the U.S. Department of Commerce, it is for all secretaries.

The whole purpose of NSA, through its various activities, including Secretaries Week, is to maintain a program of continuing education for secretaries to keep them updated on changes and new developments.

Business equipment manufacturers recognize the ever-growing importance of skilled office personnel. They realize that in this age of technological change it is imperative for business enterprises, if they are to take full advantage of the modern equipment now available, to have staffs trained and educated to meet the challenge of competition.

It is truly said: "Better secretaries mean better business."

TRUTH IN GOVERNMENT

Mr. YOUNG of Ohio. Mr. President, one of the greatest needs of this country is a truth-in-government law. In America, 1,900,000 of the finest young men have been sent to Vietnam and Thailand to fight in an unpopular undeclared war. More than 200,000 fine young Americans have been killed and wounded in Vietnam to date, and more than 2,000 are missing in action or are prisoners of war. Thousands have died from bubonic plague, hepatitis, malaria, and other jungle diseases, and many more will suffer from the effects of and recurrence of attacks of these diseases throughout their lives. Also, we are spending at least $1 billion this year on an anti-ballistic-missile system to ring various areas of our country including Washington, D.C., with an ABM system, now termed safeguard ABM, by some bright public relations man working in the Pentagon. Americans should know the truth—this boondoggle may eventually cost as much as $100 billion and be obsolescent by the time that ABM silos have been installed just as were the Nike-Zeus missiles and others on which billions of dollars of taxpayers' money were wasted.

Since 1954, and particularly from November 1963, our country has replaced France in world opinion as the aggressor nation in Vietnam. Americans know that the strongest defense against communism is to make our American system of government work so that men and women the world over will regard the United States as the nation where all citizens, regardless of race or color, are liberty-loving Americans enjoying equal opportunities and complete freedom. It is high time that Americans were told the truth—that more than 600,000 Americans are fighting in Southeast Asia and many of them dying because the administration refuses to admit our mistake in attempting to create a pro-American, and anti-Chinese buffer state in South Vietnam following the time the French withdrew in 1954. As Walter Lippmann bluntly put it, "We are fighting to save face." More than 2,500 years ago Confucius wrote, "A man who makes a mistake and does not correct it makes another mistake." A nation making a mistake and failing to correct it likewise makes another mistake.

PRESIDENT'S REACTION TO NORTH KOREAN TREACHERY IS WISE

Mr. HRUSKA. Mr. President, the shooting down last Tuesday of the U.S. Navy EC–121 reconnaissance plane by North Korea has resulted in a further demonstration of the firm, calm, and capable grip which President Nixon has on our country's foreign affairs.

In making clear that our surveillance in international air space must and will continue and in stressing that such flights will be protected, the President did not respond with ineffective threats. He has responded with a statement of the case.

Dealing with an unpredictable and paranoid nation is at best difficult. It would be the height of folly to succumb to the temptation to act as that nation acts, irrationally and irresponsibly. President Nixon has chosen clarity and reason. The policy he has announced is not ambiguous, and I commend him for it.

I ask unanimous consent that the four newspaper editorials commenting on the President's action be printed in the RECORD.

The first, from the Oakland, Calif., Tribune, of which our former colleague is editor and publisher, well posed the spirit and feeling of the Nation at large, as to what should and what should not be done.

The other three are typical appraisals and approvals of the President's firm, realistic action.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Oakland (Calif.) Tribune, Apr. 17, 1969]

ANOTHER ACT OF BARBARISM—ANOTHER INSULT UNANSWERED?

Our nation today is once again gripped in the agonizing dilemma of how to respond to a murderous and barbarous act by the belligerent Communist regime in North Korea.

North Korea is scornfully boasting to the world that on Tuesday it downed "with one stroke" a United States Navy reconnaissance plane with a crew of 31 men aboard.

The Pentagon says two bodies, but no survivors, have been found.

Our plane, a lumbering, 300-m.p.h. propeller-driven surveillance aircraft laden with six tons of electronic equipment, was clearly defenseless—in fact, shockingly defenseless under the circumstances.

The kill—apparently by two sophisticated Communist MIG jets—was as simple to achieve as it was cowardly.

Ours was a routine reconnaissance flight—the sort of flight which has been common over the Sea of Japan for 20 years, the sort of reconnaissance activity, in fact, carried on today by every world power.

The North Koreans contend the U.S. plane violated their air space—as if, even if it were true, this fact alone could somehow make right a homicidal skeet shoot in the sky with 31 defenseless American airmen as the target.

Our government flatly denies any such air space violation. The Pentagon insists the plane was lawfully traveling only in international corridors. The recovery by rescue ships of the bodies and portions of the plane's wreckage 120 miles off the North Korean coast points ominously to a blatant North Korean lie.

Our nation, of course, has been here before—just 15 months ago when the USS Pueblo was seized by North Korea, with one of its crewmen killed and the remainder ignominiously imprisoned, tortured and subjected to extracted "confessions."

We responded then with a weakness unbefitting our role as the leading defender of freedom and democracy against the dictators and tyrants of not only the Far East but of the entire planet.

When the Pueblo was seized we should have immediately proceeded to blockade Wonsan and other North Korean ports. No vessels should have been allowed to leave or enter until the Pueblo and its crew were back under United States jurisdiction.

But we didn't. Perhaps the argument could have been made then that to do so would have jeopardized the lives of the Pueblo crewmen. No such claim can now be made.

The words and warning of Thomas Jefferson at an earlier date in our history haunt us today.

In a letter to John Jay, Jefferson urged not only the establishment of a strong U.S. naval force but also prompt retaliation against any aggressor seizing or harassing U.S. ships on the high seas.

Speedy retaliation, Jefferson declared, was necessary because—as he put it—"An insult unanswered is the parent of many others."

We shall not be so presumptuous as to suggest what specific course of action our President should now take. No citizen does or can have the information available to a President. None of us can know all the implications of this latest, and obviously deliberate, Communist diversionary tactic.

But we can suggest what ought not be the limit of our response. We ought not merely express our outrage. We ought not be satisfied with merely a "strong diplomatic protest." We ought not let the matter repose in a new round of "negotiations" with sullen and smug tin-horn tyrants. We ought not settle for only the ultimate issuance of some debasing and self-degrading mutual "statement"—as we did in the Pueblo incident.

For, as surely as the unanswered insult of the Pueblo seizure was the parent of Tuesday's bloodthirsty attack on our unarmed reconnaissance plane, just as surely will this latest insult—if unanswered—be the parent of yet further insult and tragedy to our nation.

[From the Washington Star, Apr. 19, 1969]

THE RESPONSE

The protest lodged in Panmunjom over the downing of the United States reconnaissance plane by North Korea is, in view of the diplomatic realities, just about as much as this country can do by way of a non-military response. The decision to continue with the spy flights and to provide them with protection is the least that can be done to protect American lives.

President Nixon described the response as an interim move, pending a reply to the protest by Pyongyang. The probability is, however, that North Korea will either disregard the protest or counter with a protest of its own that the United States intruded on North Korean airspace. And the further probability is that the diplomatic dispute will stop there.

The only diplomatic escalation that could take place would be a move to bring the matter to the United Nations Security Council. But this would be an empty gesture. North Korea is not a member of the UN, and already has been branded an aggressor by the council. It could also be an unwise gesture, for it would force Russia to abandon its present neutral posture and side with North Korea, thereby jeopardizing the impending arms limitations talks.

As to the military response, it must be assumed that the President and his advisers have reviewed the need for the reconnaissance flights, and have concluded that the information supplied is worth the demonstrated risks involved. And the decision to protect such missions puts North Korea clearly on notice that the response to any future attack will be something more than a stiff note.

To have responded with an immediate retaliatory attack would have meant a serious risk of involving the United States in a second hot Asian war. And there are some indications that the attack was not a fully premeditated official act calling for a punitive response; that it was, perhaps, a paranoid general's notion of a fitting birthday gift for Premier Kim Il-Sung.

[From the Baltimore Sun, Apr. 19, 1969]

WARNING GIVEN

Like the protest officially delivered to North Korea at Panmunjom, President

Nixon's statement at his press conference on the shooting down of a naval reconnaissance plane was impressive for its restraint, a restraint appropriate to the seriousness of the incident. He emphasized the fact that the unarmed aircraft had not flown closer than 40 miles to the North Korean coast and he described the attack on it—90 miles from shore—as unprovoked, deliberate and without warning. He also made it very clear that these surveillance flights are regarded as necessary, and that they will be resumed, continued and from now on, protected.

Although Mr. Nixon declined to say what form the protection would take and was careful to note that his order for the protection was not a threat, the firmness with which he announced it can be interpreted as very plain notice to North Korea that it cannot halt the intelligence missions of United States planes over international waters and that any new attempts to interfere with those missions by force will be met by force.

That this is what might be called an interim decision is apparent from the President's assertion that "Looking to the future . . . what we will do will depend upon the circumstances." It will depend, he added, on what North Korea does, on "its reaction to the protest and also other developments that occur as we continue these flights." The incident of the EC121 is not finally disposed of. For the time being it is being left to diplomatic exchanges.

Obviously Mr. Nixon is trying to avoid any action that would worsen an already thoroughly bad situation. But he has told North Korea—an "unpredictable country," he said—that it will not be permitted to change the United States policy on aerial reconnaissance or to repeat its attack on our planes. Restrained as this message is, it carries an extremely sober warning.

[From the New York Daily News, Apr. 19, 1969]

A FIRM, CALM STAND

A firm, calm stand was taken at his news conference yesterday by President Richard M. Nixon on Red North Korea's Monday shooting down of an unarmed U.S. EC–121 reconnaissance plane.

One hundred ninety similar flights had gone unmolested this year, so that Monday's attack was a complete surprise.

The intelligence flights are essential, said the President, and will go right on—but protected henceforth (by aircraft carriers in the Sea of Japan).

This calm firmness probably will disappoint some Americans. And the Nixon tactics no doubt will have to be revised if North Korea persists in these Pueblo and EC–121-type outrages. For the time being, though, it looks to us as if Mr. Nixon is acting wisely.

AMERICAN PERSEVERANCE

Mr. McGEE. Mr. President, the former Prime Minister of Great Britain, the Earl of Avon, has authored a well-reasoned, cogent essay summing up the need for American perseverance, not only in its negotiations over Vietnam, at Paris, but also in its attempts to approach the Chinese, in the realization that any settlement in Asia which can endure must take into consideration in the interests of the representatives of Peking.

I ask unanimous consent that the article, written by Anthony Eden, and published in last Saturday's New York Times, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOPICS: WHY WE MUST PERSEVERE WITH CHINA

(By Anthony Eden, Earl of Avon) [1]

LONDON.—Nobody should be surprised at the recent outbreaks of fighting on the Russo-Chinese frontier. Tension, punctured by incidents, has been the rule along much of the 4,000-mile frontier for some time now. We are not yet at the end of the busines, and we shall make a grave mistake if we belittle or discount the part which China must play in any settlement in Southeast Asia.

Frontier forays are not the only expression of the growing bitterness between Moscow and Peking. Chou En-lai's rebuke of the Soviet invasion of Czechoslovakia last autumn was sternly meant. The Chinese are acutely aware that they also are Russia's neighbors. Their purpose in censuring Moscow was in part, no doubt, to serve advance notice that no pretext of Communist neighborliness could ever justify any Russian intervention across Chinese frontiers.

Can these events be expected to have any influence on relations between the United States and China? The Chinese conviction that the United States menaces her security is, I believe, genuinely held. In Chinese eyes the inescapable evidence of this is the American military presence on the continent of Asia. It follows that if Washington contemplates a negotiation which would result in a phased reduction of American forces from South Vietnam, in return for a withdrawal of North Vietnamese forces, China will be a deeply interested party and should prudently be treated as such.

Not too much should be made of the postponement of the talks in Warsaw. There were some epithets flying when this happened. The time could soon come when Peking would not be embarrassed to exchange reflections with Washington, whether confidentially or otherwise. The United States has wisely shown a continued readiness to negotiate even after its opposite number declined the last round of talks. There is a fair chance that the Chinese will see in this an opening which could be useful.

VIETNAM WAR PRESENCE

It is not possible to approach the question of negotiation in Southeast Asia without regard to the events of the last fourteen years. With the passage of time, the mounting commitment and loss of life, all questions become more intense and harder to solve and it is necessary to get back to first principles. These are that the United States has no wish to establish any miiltary presence anywhere in Indo-China, provided that North Vietnamese military forces are withdrawn from south of the demilitarized zone.

This condition is indispensable if South Vietnam is to be free to determine her own future, but it carries with it the terms of American disengagement. A comparable withdrawal on both sides from Laos has to be phased in with any Vietnamese agreement. If we are to get back to the 1954 Geneva Agreements for Vietnam, we have also to return to the 1963 Agreement for Laos.

The fighting in Laos may prove the most stubborn issue overlooking the negotiations. Here Russia has an obligation reaffirmed only six years ago. It can hardly be denied that the 50,000 North Vietnamese troops are in Laos in defiance of that engagement, or that the equipment and supply of these troops is only made possible through Soviet weapons and material aid.

The fact that Laos is as reluctant as Cambodia to receive any foreign troops upon her soil only emphasizes the ruthless cruelty of this violation of a contract. If Moscow wants to stay hostilities anywhere, here is an immediate claimant. There cannot be any settlement otherwise.

The neutralization of the area still remains the final objective, but this must be for the countries themselves to endorse and for the greater powers to guarantee. Meanwhile Ambassador Lodge is undoubtedly right to persevere with the problem of the demilitarized zones, whenever opportunity offers. These zones are a necessity in any scheme of withdrawal and offer some assurance for the fulfillment of any pledges given.

SECRET SESSIONS FRUITFUL

It is unlikely that any progress will be made in these or other matters as the outcome of publicized meetings. We certainly were unable to achieve anything at Geneva until, after many weeks, we moved into secret session. Even so, most difficulties had to be resolved by two and two in contacts which were not known to have taken place and could therefore be broken off or renewed without ceremony or loss of face.

If and when this stage is reached in the present negotiations, it will be important, assuming that the aim is to reach a settlement which can endure, to establish and maintain contact with the representatives of Peking, whose interest in the area will not fade.

[1] Lord Avon, former Prime Minister of Great Britain, served as joint chairman of the 1954 Geneva Conference on Far Eastern Affairs.

KNOXVILLE, TENN.—A MOST BEAUTIFUL CITY

Mr. BAKER. Mr. President, more than 20 years ago John Gunther wrote a book in which he said Knoxville, Tenn., was the "ugliest city" in the world. No one knows how long Mr. Gunther was in Knoxville, but he has not been in the city since that time. Just the other day he reiterated his ugly-city statement on a nationwide television show, just at the time Knoxville was staging one of its most widely known events—and one of the most beautiful in the world—the Dogwood Arts Festival. People from all over the country, and some from foreign countries, travel over the six trails which are literally alive with dogwood blooms. It is truly a magnificent festival which features—in addition to the trees, arts, and crafts—sporting events, a parade, and other events and monuments of beauty. Since Mr. Gunther's visit to the city, on the initiative of the citizenry and the local government, there have been carried out several urban renewal projects, construction of one of the finest auditorium-coliseum facilities in the country, erection of a beautiful mall in the center of the business district, completion of a unique promenade on which several business establishments are located, and creation of a "gay-way" on the city's main thoroughfare. In addition, and as a result of some of these activities, Knoxville was declared an All America City. At the time of his recent statement I reminded Mr. Gunther of the old adage:

A foolish consistency is the hobgobblin of little minds.

Mr. President, I use this means to invite Mr. Gunther to revisit the city of Knoxville. I am confident that, once that is done, he will feel as many of us who know the city do—that it is one of the most beautiful cities in the world.

FOUNDERS DAY EXERCISES AT UNIVERSITY OF VIRGINIA

Mr. SPONG. Mr. President, on Monday of last week the University of Vir-

ginia celebrated the anniversary of Thomas Jefferson's birthday with its observance of Founder's Day. This year also marked the 150th anniversary of the university. It was my privilege to participate in these exercises.

Six Members of this body, among whom are the majority and minority whips, are alumni of the university. For us, Founder's Day has a special significance. However, I believe, all Members of the Senate will benefit from the remarks of Dr. Edgar F. Shannon, Jr., president of the University of Virginia, which eloquently place in perspective the forces that threaten higher education today.

I ask unanimous consent to have excerpts of Dr. Shannon's remarks printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM REMARKS AT FOUNDER'S DAY EXERCISES, UNIVERSITY OF VIRGINIA, BY PRESIDENT EDGAR F. SHANNON, JR., APRIL 14, 1969

Thomas Jefferson was a revolutionary. Yet as one of the chief architects of what Julian Boyd has called "the most radical and irreversible revolution in history," he derived his conceptions not from fervid emotionalism but from a disciplined mind enlightened by the heritage of Western thought. The American revolution was radical and irreversible "because its moral proposition included the transfer of sovereignty from the hereditary ruler to the individual citizen." It was a revolution dedicated not to destruction but to the creation of a new order—"a new society based on the concept of the equality of man and governed by reason and justice." This, as Boyd has indicated, is the continuing revolution that we in this country must steadfastly seek to fulfill. This is an enduring revolution, never yet fully achieved, but to be pursued with work and hope and not to be abandoned in despair and irrationality.

Like the new country, the new university that Thomas Jefferson brought into being here 150 years ago was a daring innovation. It was founded as the first true university in North America, and Jefferson aimed his secular university to develop leaders for practical affairs and public service. Devoted, in his own words, to "the illimitable freedom of the human mind"—the phrase that we have taken as the theme of the Sesquicentennial—the University of Virginia was conceived as a means of affording full opportunity for a continuously evolving aristocracy of talent and intellect instead of one, as in the old world, based upon wealth or accidents of birth. This university then has been committed from the beginning to the undergirding propositions of the republic—the equality of man and governance by reason and justice.

Freedom to teach and to learn, to seek the truth through rational inquiry, are the hallmark, not only of the University of Virginia, but generally of American colleges and universities. Through this freedom and truth have come the primary benefits to society. Now this freedom, often under attack from outside the universities, is currently being endangered by irrationality, even coercion and force from within the universities themselves. A minority, espousing methods that are the antithesis of the idea of a university, seem dedicated to the destruction of our society and appear to have marked the universities as their first targets of a campaign for chaos.

The basic principles of the University of Virginia were never more pertinent to our society than they are today. Jefferson spoke somewhat grandly of the University of Virginia as intended to be "the chief bulwark of the human mind in this hemisphere." Usually we have thought of this metaphor in the context of external forces, but never before in American higher education was there greater opportunity for the University of Virginia, along with all institutions of higher learning, to be an inner bulwark for the defense of freedom and liberty in our society.

Here at the University, in Mr. Jefferson's words, "we are not afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it." He would be the first to support our protection of orderly dissent. He would no doubt share the frustration that many of us feel over the realization that advanced societies now have the knowledge and technical means to solve the problems of poverty, health, and education but thus far have failed to do so. Yet he would be concerned, as we in this university must be, that reason remain the means by which we combat apparent error. Intolerance and fanaticism, rudeness and vulgarity cannot be allowed to supplant reason as the instrument of dissent. And dissent itself must not be so strident as to become a purely negative force that will rend the fabric of our institution and destroy our bright prospects for united and constructive effort.

This afternoon we honor Mr. Jefferson by honoring those among our faculty, students, and alumni who have excelled in developing the mind. We celebrate both those who by rational processes are qualifiying themselves to take a leading part in "the continuing revolution" through orderly change, and those who have already been notable participants in the struggle to improve the condition of man. It is our privilege to salute those who have demonstrated in the words carved over our gateway—"the will to work for men."

TRIBUTE TO THE LATE MRS. LAU KUN, HAWAII SUCCESS STORY

Mr. FONG. It was my sorrowful task recently to say a fond farewell and eulogy to Mrs. Lau Kun, of Honolulu, Hawaii's beloved "Mama Lau." In the passing of Mama Lau, my island community lost a magnificent lady, for she lived a brave and beautiful life. She was an exemplary mother and grandmother of a fine family.

Once a poor immigrant girl from China, she overcame much to achieve much. By today's definition, she would be considered a "disadvantaged" person. Yet through her qualities of perseverance, diligence, and willingness to work hard, she overcame her disadvantages to become a true success in the American tradition.

Although she arrived in Hawaii an alien, she learned to love this country and became a naturalized citizen, her citizenship reflecting the true essence of America.

Although she had little formal education and spoke only Chinese when she came to Hawaii, she acquired the art of communicating most effectively and persuasively.

Although she was born poor, she labored long and ardously to improve her lot and that of her family. From a modest stall selling pork in a Honolulu market, she and her husband built, step by step, the largest supermarket chain in the 50th State.

Thus, in her own unique and colorful way, she personified many attributes which won the affection and admiration of thousands.

As one of the fortunate people who early came to know and love her, I was privileged to pay tribute to her life and memory at her funeral services on April 12. So that others may share in the inspiring example of her life, I ask unanimous consent to have the tribute printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

TRIBUTE TO THE LATE MRS. LAU KUN, HAWAII SUCCESS STORY

(By U.S. Senator HIRAM L. FONG)

Friends: We are gathered together today to pay tribute to one of Hawaii's truly grand ladies, Mrs. Lau Kun, also known as Mrs. Lau Soo Shee, and more affectionately known as—our beloved Mama Lau—who departed this mortal life last Tuesday, April 8.

With her beloved husband Lau Kun, her son Eddie, her daughter Joanna, her son-in-law Maurice Sullivan, and her nine grandchildren—whom she loved above all—we weep and we mourn, for it is difficult to reconcile ourselves to the loss of one who was so vibrant, so full of vitality and love of life during her long and active tenure on this earth.

And yet, as we dry our tears we realize that although this good and noble lady left us, she bequeathed to all of us a heritage that will endure as long as we do—and beyond.

It is with a full and grateful heart that I pay highest homage to Mama Lau today by reminding us all of the priceless legacy she has left behind.

It was in 1921 that Mama Lau came to Hawaii as a young girl, nearly half a century ago. In modern parlance, young Mrs. Lau Kun would have been considered a "disadvantaged person."

She was a stranger in a strange land.

She spoke an alien tongue.

She was poor.

She had little formal education.

To most, these would be insurmountable handicaps. But not to Mama Lau.

She came to Hawaii as an alien, but she grew to love this land of ours and in time she became a naturalized citizen. Her quick native intelligence, her redoubtable perseverance and determination, enabled her to meet all the requirements for citizenship in these United States—not only legal citizenship, but the true citizenship that reflects the inner spirit and the character of the land.

Mama Lau arrived in Hawaii speaking only Chinese and, although through the years she did her best to unravel that difficult, idiomatic tongue known as English, she would have been the first to admit that she was not quite the master of her new tongue.

But what really counted was that, in her quaint and colorful way, without regard to syntax and grammar, Mama Lau could—and did—*communicate* very audibly and clearly whatever she had in mind. Above all she mastered that universal language which all understood—a language bespeaking her innate sense of kindness, helpfulness, decency, respect and brotherhood towards all mankind—a language which young and old alike understood and to which they warmly responded.

She arrived in Hawaii poor but she was not afraid to work—and work she did, side by side with her beloved husband Lau Kun, year after year, decade after decade. Even long after they had prospered and could easily have retired to a life of leisure and com-

fort, Mama Lau and her husband remained active in their business enterprises. She knew the value of honest toil to the human body and the warm satisfaction it gives the human spirit.

She arrived in Hawaii with only a few years of formal schooling in her old homeland, China. But she did not let that deter her. Intelligent and alert, she put to work the good, quick mind God had given her. And with her uncommon common sense, her constancy and courage, and her instant ability to learn from experience, Mr. and Mrs. Lau Kun advanced from the days of a simple wholesale and retail pork stall at the market at King and Kekaulike Streets to achieve these remarkable accomplishments—associates in the old Standard Market on Beretania Street, near Linekona School—owners of the Lanikai Store in Kailua . . . founders of the market located in Hawaii's first shopping center—Market City, Limited . . . and finally, founders and owners of the biggest supermarket chain in Hawaii—Foodland Supermarket with 18 super market stores. Mama Lau held the positions of vice president and director of this large food retailing complex.

Mama Lau's specialty was produce and—in the manner that she did everything—she knew her business well. Responsible for the purchase of fresh fruits and vegetables from both mainland and island sources, she won the respect and admiration of the farmers and wholesalers from whom she bought. She was looked up to by her workers and, indeed, even by her most avid competitors!

Although officially she retired a few years ago, it was really only a very partial "retirement". She continued to maintain a very lively and daily interest in her "superstores".

It was at Lau Kun's pork stall many, many years ago that my mother—shopping for pork for the big Fong family—first met Mama Lau. As both were from the Lung Doo district in Kwantung, China, they considered themselves as country cousins, and from that moment on, their friendship was spontaneous, deeply genuine, and lasting.

I, myself, made her acquaintance when I returned home to Hawaii in 1935, a fresh green grad of the Harvard Law School. I remember very distinctly just before World War II when she and her daughter Joanna came to my law office to have me draw up the documents in their purchase of the Lanikai Store in Kailua.

As Mama Lau did with so many, she took me under her wing, treating me like another son. She was very solicitous of my well being. She cooked and brought me various foods which she would urge me to eat as particularly healthful and strengthening to my body. When I sought to be a U.S. Senator, and on my seeking re-election, she went to the temple of Kwan Yin on Vineyard Street to pray and seek the oracles for signs of whether I would be successful in my quest.

Busy as she always was, she was never so busy that she overlooked family or friends. She was especially fond of her kinsmen, the Pangs and the Laus. She was always trying to help to bring her refugee relatives from the Orient, to guarantee their not being public charges, to provide employment for them and make it possible for them to enjoy a whole new start in life.

She was deeply engaged in philanthropic activities. She gave generously of what she had and got others to give generously to charitable, educational and benevolent causes. She was responsible for the successful campaign to erect the magnificent Koon Yum Goddess of Mercy temple on Vineyard Street. She was a director of the Palolo Chinese Home and a member of the Lung Doo Society.

Mama Lau had a heart as big as the world in which she lived so fully and through which she travelled so extensively. She loved people and they loved her—and it was not only her contemporaries who responded to her, but young people as well. She was that rare individual who could not, would not, comprehend a "generation gap" and in so doing swiftly succeeded in bridging it. To her, all people belong to the human family—and the human family *was* Mama Lau.

Outgoing and warm, forthright, vivacious, energetic yet gentle, Mama Lau had that true charisma that we encounter so rarely in a lifetime.

We, her friends and kinsmen, contemplate her amazing life and her shining character and cherish the heritage of love, courage, and devotion she left behind. And we ask: what can we do that would serve as a fitting memorial to Mama Lau?

One suggestion by her longtime friend, Dr. Lup Quon Pang, is to establish, in time, a radio-therapy unit at St. Francis Hospital to help victims of cancer like herself. I am sure such a useful and humanitarian memorial would please Mama Lau tremendously. And it has her family's blessing.

Another suggestion, which I offer in closing, is an intangible one—a memorial that each of us can help establish and perpetuate individually as we live out our lives and as we rear our children to carry on the torch of life in the generations to come. Let us instill in our own hearts and imbue our offspring with the will to learn and to persist . . . the drive to engage in useful and creative labor . . . an abhorrence of idleness and wickedness . . . a reverence for law and country . . . and an undying love for mankind.

This is what she gave us. And what each of us can give her in return is the silent promise that her shining example, her noble ways, her precious wisdom—will never die.

We cherish fond memories of this loved and most lovable lady. We will keep her remembrance always. She will always be with us, her friends and family, even though she is gone.

As a poet wrote:

"Of this bad world the loveliest and best
Has smiled and said 'Good Night', and gone to rest."

And now it is time for us to bid her a fond farewell.

Aloha nui loa . . .

Aloha . . . Dear Beloved Mamma Lau.

ORDER FOR ADJOURNMENT UNTIL FRIDAY NEXT

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORTS TO BE FILED BY SENATORS AND CERTAIN OFFICERS AND EMPLOYEES OF THE SENATE UNDER RULES 41, 42, AND 44

Mr. STENNIS. Mr. President, some time before May 15, Senators and senior employees of the Senate will be filing statements as required by rules 41, 42, and 44 of the Senate. A number of Senators and others having suggested that they be reminded of their responsibilities, I therefore present this brief summary, in my capacity as the chairman of the Select Committee on Standards and Conduct, of the reports that will be due.

Two reports of personal financial interests must be made before May 15 under Senate rule 44 by Senators, former candidates for Senator, and officers and employees of the Senate who are compensated at a rate in excess of $15,000 a year.

The first of these reports should be filed with the Comptroller General. This report includes a copy of the individual's income tax return and a statement of certain income, holdings, and debts. This is a confidential report to the Comptroller General as expressly provided in the rule.

The second report is made to the Secretary of the Senate and contains a statement of contributions accepted and honorariums received. This report will be open to public inspection and copying.

In addition to these two reports, all officers and employees of the Senate who are engaged in outside business or professional activity or employment must make a report to their respective supervisors on May 15. The details of this requirement are contained in Senate rule 41.

The Select Committee on Standards and Conduct will gladly supply such further information as may be needed. Copies of suggested report forms may be obtained from the committee office In addition, the chief counsel of the committee is available for counsel.

AUTHORIZATION TO RECEIVE MESSAGES AND SIGN BILLS

Mr. KENNEDY. Mr. President, I ask unanimous consent that during the adjournment of the Senate until noon on Friday next, the Secretary of the Senate be authorized to receive messages from the President of the United States and from the House of Representatives, and that they may be appropriately referred.

I further ask unanimous consent that during this period, all committees may file their reports together with any individual, minority, or supplemental views.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL FRIDAY NEXT

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, under the previous order, that the Senate stand in adjournment until 12 o'clock noon on Friday next.

The motion was agreed to; and (at 1 o'clock and 25 minutes p.m.) the Senate adjourned until Friday, April 25, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 21, 1969, under order of the Senate April 18, 1969:

DIPLOMATIC AND FOREIGN SERVICE

Shelby Davis, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland.

Malcolm Toon, of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czechoslovak Socialist Republic.

Fred L. Hadsel, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipoten-

tiary of the United States of America to the Somali Republic.

Executive nominations received by the Senate April 22, 1969:

UPPER GREAT LAKES REGIONAL COMMISSION

Alfred E. France, of Minnesota, to be Federal Cochairman of the Upper Great Lakes Regional Commission.

OFFICE OF ECONOMIC OPPORTUNITY

DONALD RUMSFELD, of Illinois, to be Director of the Office of Economic Opportunity.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 22, 1969:

DEPARTMENT OF DEFENSE

Curtis W. Tarr, of California, to be an Assistant Secretary of the Air Force.

CENTRAL INTELLIGENCE AGENCY

Lt. Gen. Robert E. Cushman, Jr., U.S. Marine Corps, to be Deputy Director, Central Intelligence Agency, with his current rank of lieutenant general while so serving.

HOUSE OF REPRESENTATIVES—*Tuesday, April 22, 1969*

The House met at 12 o'clock noon.

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

My beloved brethren, be ye steadfast, unmovable, always abounding in the work of the Lord, for forasmuch as ye know that your labor is not in vain in the Lord.—I Corinthians 15: 58.

O Thou giver of every good and perfect gift, we are grateful for the opportunities for good which have been ours; for the love in our homes; for the fellowship of friends; for the freedom to worship as we desire, and for the happy experience of serving our country in this House of Representatives. Keep us ever alive with gratitude for Thy goodness to us.

Do Thou forgive our mishandling of some of Thy gifts—the opportunity neglected, the untruth accepted, the shallow judgment made, and the cynicism enjoyed. Forgive the unkind word, the unjust criticism, the false ambition, and every unworthy spirit which has reigned in our hearts.

May the light of Thy love and the triumph of Thy truth purify us and send us out into this day to be true to Thee, loyal to our country, and in love with our fellow men.

In the name of Him who reveals life to us we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday 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.

PERMISSION FOR SUBCOMMITTEE ON PUBLIC LANDS, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, TO SIT DURING GENERAL DEBATE TODAY

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs be permitted to sit during general debate this afternoon.

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

There was no objection.

PRESIDENT NIXON'S SO-CALLED BUDGET CUTS

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

Mr. ADDABBO. Mr. Speaker, I am disturbed over President Nixon's so-called budget cuts, particularly the cold and callous cuts in the Veterans' Administration budget.

With the exception of the Defense Department and Health, Education, and Welfare, no other Department or agency budget was cut as much as the VA. The $245 million cutback includes delays in structural improvements to VA hospitals as well as a veto on hiring needed medical care personnel.

The Nixon administration has jeopardized the entire program of veterans medical care by killing the VA's request for 4,700 new employees, most of them in the field of medical care.

Approximately 3,600 new employees in hospitals and VA outpatient clinics and another 500 in medical research were approved by the outgoing administration only to be rejected by the Nixon administration.

The Nixon administration has turned its back on the growing problem of crowded VA hospitals with long waiting lists and a shortage of doctors and medical assistants.

As a member of the House Appropriations Committee, I will make every effort to restore at least a part of this budget cut so that our veterans can be assured of adequate medical care.

MUTUAL SECURITY PROGRAM

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

Mr. PASSMAN. Mr. Speaker, Mr. Nixon's request for foreign aid for fiscal 1970 exceeds Mr. Johnson's January request by $19 million.

Mr. Nixon's request for mutual security funds exceeds the 1969 appropriation by $959 million.

Mr. Speaker, it would appear that all Presidents in recent years have a way of getting hooked on foreign aid before the White House lights are turned off on inaugural night. They are willing to reduce requests for funds for justifiable projects in America but they always ask for increased funds for similar projects under foreign aid.

There are no ifs, no ands, and no buts. Mr. Nixon, in his revised budget, when the military assistance program is included, is asking for more foreign aid funds than did Mr. Johnson in January.

Mr. Speaker, the total funds requested for foreign aid and assistance for fiscal 1970, carried under 22 headings, total in excess of $10,600 million. Stand by for recapitulation sheets covering totals, which will be placed in the RECORD in a few days.

The following recapitulation covers only one of 22 spigots of foreign aid and assistance:

MUTUAL SECURITY PROGRAM

Item	Fiscal year 1969 appropriation	January budget request, Johnson	Revised budget request, Nixon	Nixon request exceeds Johnson request by—	Nixon request exceeds 1969 appropriation by—
Economic assistance	$1,380,600,000	$2,320,800,000	$2,285,000,000	−$35,800,000	+$904,400,000
Military assistance	375,000,000	375,000,000	430,000,000	+55,000,000	+55,000,000
Total	1,755,600,000	2,695,800,000	2,715,000,000	+19,200,000	+959,400,000

HAPPY BIRTHDAY TO TURNER ROBERTSON

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

Mr. BOGGS. Mr. Speaker, I take this time to extend birthday greetings and felicitations to one of our very hard workers, the chief page, Turner Robertson, who has completed over 30 years of service in the House of Representatives and I believe that all of us will join in wishing him a happy birthday.

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

Mr. BOGGS. I am happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I thank the gentleman for yielding, and I join with the distinguished majority whip in extending Turner Robertson our very, very best wishes from this side of the aisle on this occasion.

I do not know which birthday in years, but a good one, I trust.

Mr. BOGGS. I thank the gentleman. I believe Turner Robertson is about 60, but he will not admit it.

FREEDOM OF INFORMATION FOR THE DISTRICT OF COLUMBIA

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

Mr. MOSS. Mr. Speaker, I have today introduced a bill to bring the government of the District of Columbia under

the provisions of the Freedom of Information Act.

The legislation has a twofold purpose: It will bring about uniformity in the application of the information law at all levels of government in the Nation's Capital, and it will give the Mayor of Washington, the city council, and other officials a long-needed tool of statutory authority to disclose records and documents to the public—an affirmative authority they do not have at present.

It should be noted that the present officials of the District of Columbia, as in the case of their recent predecessors, have generally evidenced a desire to comply with the spirit of the freedom of information law. My amendment will strengthen their hand in the day-to-day implementation of a positive public disclosure policy.

THE NEW DIRECTION IS BACKWARD

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

Mr. HAYS. I have been reading in the public press about numerous occasions the minority leader and others have used the term "new direction" to exemplify this administration. It is very difficult when an object is standing still to figure out what direction it is going, so for the past 100 days I have been unable to ascertain what the "new direction" was. But in the last day or two I think I have been able to figure it out: the "new direction" is backward.

SUPPORT LAW ENFORCEMENT

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

Mr. DORN. Mr. Speaker, today I join my colleagues in introducing a resolution which would request the President to declare May 11 to 17 "Help Our Police Fight Crime Week."

Never in the history of our country has emphasis been needed more on supporting our police and law enforcement agencies as now. We hear of crime on the increase, riots and demonstrations on the campus, attacks on law-enforcement officers by hoodlums and demonstrators just because they are law officers sworn to do their duty.

Our policemen, patrolmen, sheriffs, deputies, and all law enforcement need the support of every good citizen. Law enforcement and law and order cannot be maintained without the support of the overwhelming majority of our people. It is fitting and proper that our Nation during these critical times pause to honor those men in uniform standing guard over our freedoms. The first line of American defense today against subversion, sabotage, and anarchy is through our local law officers. Their "lives, their fortunes, and their sacred honor" are on the firing line for all of us.

Law enforcement is dedicated and devoted to the preservation of our way of life. They are devoted to democratic principles and ideals. They stand for justice, order, and restraint as opposed to violence, crime, and chaos. With the support of good citizens, they can and will maintain law and order and preserve our time-honored democratic institutions.

I believe this resolution will pass the Congress unanimously, paying a just tribute to our men who preserve rule by law instead of rule by man.

THIRTY-ONE AMERICAN CITIZENS DEAD AS A RESULT OF NORTH KOREA'S PIRATICAL ACTION

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

Mr. PEPPER. Mr. Speaker, I am sure no Member of this House wishes to add anything to the onerous and awesome burdens which our President and our Government have to bear. I think all of us commend the action of the Chief Executive in giving notice that in the future our flights, although they are in international air space, will be protected by our Armed Forces.

But what I am troubled about, and what my mail and contacts with other citizens of this country indicate our people are concerned about, is whether we are going to just drop the matter of what our President termed a fourth-rate military power shooting down one of our planes which was not offending anybody, but was flying along unarmed in international air space, with 31 American citizens on that plane dead as the result of that piratical action.

The future is one thing, but those 31 men are dead. It would seem to me that the dignity of this country and the respect that we have for those men who give their lives would command that we do something surely to get some kind of redress for the families of these patriotic martyrs and redress which would deter North Korea or any other aggressor from offending in a similar way in the days and years ahead.

Mr, Speaker, surely recent history would compel anyone to understand that there is neither national honor nor national security in appeasing national brigands.

SALUTE TO PORK INDUSTRY IN NEBRASKA

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

Mr. DENNEY. Mr. Speaker, meat-animal production and marketing in Nebraska is a very important part of the Cornhusker State's economy. Whether the primary or a secondary project of the Nebraska farmer, livestock production helps to provide his living and the livelihood of his fellow Nebraskans in related agricultural occupations.

Today I salute the pork industry in Nebraska. It has helped to meet the needs of a productive people, both in terms of providing a livelihood and in providing nourishment to citizens across the Nation.

On this Friday, April 25, the U.S. Department of Agriculture will report confirmed production figures for agriculture in Nebraska for 1967, and will present a preliminary report for 1968. These figures will indicate the most up-to-date evaluation of Nebraska's stake in the pork industry, and the pork industry's stake in Nebraska.

Since the beginning of our State a little more than a century ago, the production of swine has been a staple commodity of the farming programs of Nebraska farmers. During good livestock years, the porker helped the farmer to prosper; and during the years when the future of farming was placed in serious jeopardy, as likely as not it was the pig that kept the farmer from "going under."

Nebraska has a fine history of meat-animal production, ranking second of the 50 States in commercial slaughter in 1966. In no small part, this level of production was achieved by the number of swine raised and slaughtered in our State. Constituting a healthy percentage of Nebraska's cash receipts from farm marketings, the production of pork continues to make its valuable contribution to the stockman's wallet as well as the consumer's plate.

THE PROBLEM OF THE NIXON ADMINISTRATION

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

Mr. FINDLEY. Mr. Speaker, my good friend, the gentleman from Ohio (Mr. HAYS) expressed what I would term a certain wistfulness about the lack of action on the part of the Nixon administration, and it calls to my mind a story of ancient Greece, when Hercules was given the chore of cleaning out the Augean stables. The stables had been occupied for many years by several thousand horses without any cleaning. Hercules finally had to divert not one but two rivers to get the job done.

I mention this not to suggest that the previous administration consisted of horses or any part thereof, as a matter of fact, but simply urge a little bit of patience on the part of my good friend from Ohio.

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

Mr. FINDLEY. I am glad to yield to the gentleman from Ohio.

Mr. HAYS. I would say to the gentleman that I am not impatient. He apparently just missed the import of my statement. I said that I heard all of these remarks about a new direction, and I feel without any movement it is impossible to tell what the direction is. That is all I was complaining about.

Mr. FINDLEY. But the gentleman certainly agrees that it would be well to get the stables cleaned out before we become too impatient.

Mr. HAYS. I do not believe that we had stables to start with, so therefore we are off on the wrong premise.

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

Mr. FINDLEY. I am glad to yield to the gentleman from Michigan.

Mr. CEDERBERG. After we have been going around in circles for 8 years, any direction is new.

ADMINISTRATION STALLED

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

Mr. HUNGATE. Mr. Speaker, I would like to concur with my distinguished colleague from Illinois that horsesense would lead to stable thinking, but the administration appears stalled.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may sit during general debate today.

Mr. SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMITTEE ON HOUSE ADMINISTRATION, HEARINGS ON HOUSE RESOLUTION 364

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

Mr. ALBERT. Mr. Speaker, I take this time to advise the House that the distinguished gentleman from Maryland (Mr. FRIEDEL), chairman of the Committee on House Administration, has requested me to announce that on tomorrow or at some later date this week House Resolution 364, the election contest of Wyman C. Lowe, may be called up.

FOOD-FOR-PEACE PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–104)

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 Agriculture and ordered to be printed with illustrations:

To the Congress of the United States:

I am pleased to transmit the report for 1968 on the Food for Peace Program under Public Law 480—a program which over the years has helped provide better diets for millions of people in more than 100 nations. In addition to its primary humanitarian aspects, Food for Peace contributes significantly to the maintenance of export markets for U.S. agricultural commodities and to the U.S. balance of payments position.

While this is my first official report on the program as President, I have been closely associated with it since its beginning. This great humanitarian effort began in 1954 during the Presidency of Dwight D. Eisenhower. As Vice President at the time, I was keenly interested in the program and have followed its development and accomplishments ever since.

It is evident that the battle against hunger must continue, both in the United States and in the world at large, through programs such as Food for Peace. The present Administration eagerly accepts this challenge and dedicates itself to dealing effectively with the problems of hunger and malnutrition at home and abroad.

RICHARD NIXON.

THE WHITE HOUSE, *April 22, 1969.*

PERMISSION FOR SUBCOMMITTEE ON PRINTING TO SIT DURING GENERAL DEBATE TODAY

Mr. DENT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Printing be permitted to sit this afternoon during general debate.

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

There was no objection.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 41]

Annunzio	Dwyer	Ottinger
Ashley	Edwards, La.	Pollock
Bates	Fraser	Powell
Bell, Calif.	Gibbons	Purcell
Blanton	Gray	Rooney, Pa.
Blatnik	Hébert	Rosenthal
Brademas	Jarman	Ruppe
Brooks	Jonas	Scheuer
Brown, Calif.	Kirwan	Sikes
Brown, Ohio	Long, La.	Springer
Camp	MacGregor	Sullivan
Carey	Mahon	Symington
Casey	Mann	Taft
Celler	May	Tunney
Colmer	Mayne	Wilson, Bob
Daddario	Mizell	Wilson, Charles H.
Davis, Ga.	Moorhead	Wright
Dawson	Murphy, N.Y.	

The SPEAKER. On this rollcall 379 Members have answered to their names, a quorum.

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

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 514, with Mr. PRICE of Illinois in the chair.

The CHAIRMAN. When the Committee rose on yesterday the gentleman from Kentucky (Mr. PERKINS) had 1 hour and 4 minutes remaining, and the gentleman from Ohio (Mr. AYERS) had 1 hour and 6 minutes remaining.

The Chair recognizes the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, we have come to another point in our historic fight to try to put into effect in this country a reasonable approach to Federal participation in the educational programs of our country. It has been a long, hard struggle over the years to get government at any level to recognize that it had any stake in the education of the children of our country. The original public law that established the public school system was sponsored by a Member of Congress from the great State of Pennsylvania, Thaddeus Stevens. Ever since that date there have been those who have tried to take the Government out of education and a few dedicated persons who have realized that local school districts cannot finance the type or scope of education required in today's world. The days and years of yesterday are gone. We live now in a modern world which depends upon the education of its peoples. The whole world and the whole future belong to the educator and the educated. The responsibilities of this Congress are that we now, at this point in our history, write indelibly upon the records of this Congress a mandate that the people of this Nation are going to take their responsibility and give to the children of today and tomorrow an opportunity to meet the conflicts and the challenges of the future. We may have added a few too many trimmings to the public school system. Maybe we have put it in a position where the cost per pupil is too high. This committee has before it today a piece of legislation aimed at carrying on at least at the level we have established for education. We also have the responsibility to look into the individual cost of education and see whether or not there are trimmings that do not add to the fundamental education of our children but become an unjustified item of cost in the budget of our school districts. I remember when I was a boy in a coal town and we had two classrooms and four classes in each room. We started school at the age of 5 and had what is known as a chart class for 1 year. We never had a pencil and we never had a scrap of paper. All we had was a chart before us with pictures on it and three-letter words where we tried to learn the word, the spelling, and the

meaning. We spent a whole year doing that. Then in the first year of official schooling we tried to learn our ABC's. Somehow or other we have now added so many subjects to the curriculum—even for small kids in kindergarten—that we may be overburdening not only the cost of education at that base of education, but the ability of the child to assimilate what we are trying to teach him.

And, I would say to this Congress let us not retreat, as I have heard some rumors to the effect that there will be an attempt to retreat from the standards which we have set. If we were to do the right thing, we would be adding to the cost of Federal aid to education simply because of the local school districts can no longer carry the burden, and the States cannot carry the State aid portion of the burden of the educational system of this country.

Mr. Chairman, the educational system of this country grew up on the premise that it was to depend upon real estate taxation for educational purposes. No person in his right mind could ever hope to maintain the educational plants of this country based alone upon real estate taxation. It cannot be done, nor can it be done by State taxation programs. My State, the great State of Pennsylvania, added a tax of now 6 cents—a State sales tax—to try to meet the burden of education.

Mr. Chairman, we are now talking about an income tax on top of the State sales tax. We have every kind of tax that most States have and a lot of taxes that other States do not yet have. This is because we are adding more and more to our State budget. We added $167 million to our State budget in aid to education just yesterday. We do not have the money in the till to pay for this. Why? Because we in the Federal Government have reached too deeply into the pockets of the cities, of the States and local communities in order to meet certain other Federal problems. We do not recognize the fact that education is not the primary function of a State. When I say this, I have in mind the money that has been diverted to the Federal programs for Vietnam and other incidentals that have become a part of our Federal operation.

Mr. Chairman, I say to the Members of the Committee of the Whole House on the State of the Union and to all Members of the Congress, do not make an attempt to make a political issue at this late stage of the Federal aid to education program; do not try to get some little political betterment for yourself or for your party, either Democratic or Republican, on the basis of aid to education. We have been through that battle. We have climbed over that hump and Federal aid to education is here to stay.

The proper and honorable thing for this Congress to do is join together on both sides of the aisle and try to put through the kind of legislation that will make Federal aid to education possible, make it work, and add sufficient funds to see to it that any child in any school district in any State of the Union will receive a minimum standard of education equal to the needs of the moment. I plead with you sincerely to set aside these little personal wants and desires to have your name on an amendment just so you can go out and say I tried to amend the bill to cover this one small group.

Mr. Chairman, I have had all of them to come to me—school superintendents, school supervisors, representatives of the Government and State legislatures, each with a different idea. But that is not their responsibility. It is our responsibility. This is Federal aid to education. The titles are clearly spelled out. There is not a person in this Congress who cannot find out within 5 minutes exactly what this bill does, exactly what it is aimed to do and what it intends to do. If there is an honest difference of opinion with reference to one of the titles or with reference to all of the titles, let us debate them in an unbiased manner and let us do it in such a way that if we do amend the bill we strengthen the bill rather than weaken it.

So, I plead with you to give us as much help as you can, to give this committee, which has had a very serious time in bringing to the floor this very important legislation, as much assistance as possible.

Mr. DINGELL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Fifty-one Members are present, not a quorum. The Clerk will call the roll.

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

[Roll No. 42]

Annunzio	Downing	Murphy, N.Y.
Ashley	Dwyer	O'Hara
Baring	Edwards, La.	Ottinger
Barrett	Fallon	Patman
Bates	Foley	Pelly
Bell, Calif.	Fraser	Pike
Betts	Friedel	Pollock
Blackburn	Gallagher	Powell
Blanton	Garmatz	Purcell
Blatnik	Giaimo	Rivers
Bolling	Gilbert	Rooney, Pa.
Brooks	Gray	Rosenthal
Brown, Calif.	Grover	Ruppe
Brown, Ohio	Hanna	Scheuer
Camp	Hébert	Sikes
Carey	Helstoski	Springer
Casey	Jarman	Steiger, Ariz.
Cederberg	Kirwan	Sullivan
Celler	Kleppe	Symington
Clark	Long, La.	Taft
Cleveland	Mahon	Teague, Calif.
Cohelan	Mailliard	Wiggins
Colmer	Mann	Wilson, Bob
Daddario	May	Wilson,
Dawson	Montgomery	Charles H.
Dickinson	Moorhead	Wright
Diggs	Morse	

Accordingly the Committee rose; and the Speaker pro tempore (Mr. EDMONDSON) having assumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 514, and finding itself without a quorum, he had directed the roll to be called, when 352 Members responded to their names, a quorum and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Committee will be in order.

When the Committee rose the gentleman from Pennsylvania (Mr. DENT) had 2 minutes remaining.

The Chair recognizes the gentleman from Pennsylvania.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. DENT. I am happy to yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Is it true that under the impacted areas section of this bill that any person working for the Federal Government on Federal property and who lives nearby, who owns his own home and pays the same taxes as does everyone else and has children in school, is it correct that they will draw—the school district will draw—additional money under the impacted areas section of this bill?

Mr. DENT. Under category B that is the fact.

Mr. TEAGUE of Texas. Mr. Chairman, if the gentleman will yield further, will the gentleman tell us what rationale or what reasoning goes on that would take someone who has his own home and who pays the same taxes as everyone else and who has children in school whereby that school district would receive additional money?

Mr. DENT. In answer to the question which has been propounded to me by the distinguished gentleman from Texas, the impacted areas bill was passed long before I became a Member of Congress. Then I was fortunate enough to become chairman of the Select Education Subcommittee. At that time we made a very deep and thorough study into the impacted areas legislation. It came before the Congress with some recommendations which were denied by Congress and, therefore, we still have category B. However, we were able to wipe out category C which in my opinion represented a very grave inequity. The argument for the retention of category B was advanced by this committee on the basis that a Federal installation by its nature denies taxation for school purposes to the school district and, therefore, a large installation having many employees who may live within the community would be eligible for impact aid. Since they receive only the taxes paid by the individual in taxation but no return of the revenue from the installation itself. Some communities have only Federal impacted areas.

Mr. TEAGUE of Texas. Mr. Chairman, if the gentleman will yield further, is this true where the child has any impact on the school area? Let us take as an example the Dulles Airport. They have been there all of their lives. They have children in school.

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

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

Mr. TEAGUE of Texas. Mr. Chairman, if the gentleman will yield further let us take, for example, a family living near Dulles Airport or a person living at Dulles Airport has a child in school. He has owned this property all of his life and he pays taxes on it, but he goes to work

over at Dulles Airport. He pays the same taxes as others do, but in addition to that that school district receives money under the impacted areas section of this bill because he is a Federal employee and works on Federal property; is that correct, and is it right?

Mr. DENT. That is correct. Whether it is right or not, that is a personal opinion.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. I think the answer which the gentleman from Pennsylvania just gave was not quite correct under the circumstances indicated by the question. Before any child is counted for the purpose of impact aid it must first be demonstrated that the school district in which that child resides has, in fact, felt the impact of children coming from federally employed persons to the extent of either 400 schoolchildren or 3 percent of the school enrollment, whichever is lesser. So a child living at Dulles Airport would not be counted unless he lived in an affected school district that already had 400 children or 3 percent of its enrollment who would not be there but for the Federal installation.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. DENT. When I answered the gentleman I tried to give the gentleman the rationale that was used before our committee. The regulation says that they must be impacted by 400 pupils or 3 percent. This of course allows certain small districts to participate that have less than an impact of 400 pupils.

I now yield to the gentleman from Texas.

Mr. TEAGUE of Texas. I thank the gentleman for yielding.

I have a secretary who lives in Montgomery County, and has children in school. She works in my office. She tells me that her children come home with a statement that she signs that says that she is a Federal employee. So this school district, even though they own a home and they pay the same taxes as everybody else, receives this benefit.

Is this true or not?

Mr. DENT. It is true.

Mr. TEAGUE of Texas. I would say to the gentleman that surely it is not right.

Mr. DENT. I did not believe it was right when I lived in Maryland, and the children of the parents next door, who paid the full taxes, and their parents happen to work for U.S. Government in Washington, the same as I do, but they were taxed the same as everybody else, and the local school district received this benefit.

Mr. TEAGUE of Texas. I intend to offer an amendment because I do not believe it is right that a person working for the Federal Government and paying taxes like everybody else—that because of that then the school board gets additional money.

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

Mr. BOLAND. Mr. Chairman, I want to express my vigorous support for H.R. 514—the legislation now before us to extend and strengthen the Elementary and Secondary Education Act—and to urge the rejection of any proposed amendments that would inhibit the act's effectiveness. The programs administered under ESEA's provisions are, plainly and indisputably, among the most strikingly fruitful programs ever undertaken by the Federal Government.

H.R. 514, in addition to proposing an extension for ESEA, seeks an extension for Public Laws 874 and 815—the laws authorizing financial assistance to federally impacted school districts. The extension of these laws is essential if school districts in my Second Congressional District of Massachusetts, and thousands more throughout the Nation, are to make adequate provisions for planning budgets, construction and educational programs.

Cutbacks and retrenchments in the provisions of these laws have been proposed and discussed over a number of years, and rejected by the Congress. Slashes in these programs would result in utter chaos in the financing of school budgets and most certainly would make local tax increases mandatory in Springfield, Chicopee, Ludlow, South Hadley, Granby, and Belchertown.

For example, the city of Chicopee would have to increase its real estate tax rate $17 this year to cover its school budget if Federal school impact funds were not forthcoming. The Public Law 874 entitlement for Chicopee in fiscal year 1969 has been set at $1,447,846 for school maintenance, which is a significant portion of the city's $7,700,000 school department budget. The impact in Chicopee is brought about by the children of Air Force personnel stationed at Westover Air Force Base, which is the headquarters of the 8th Air Force of the Strategic Air Command.

The need is equally pressing for an extension of the programs administered under ESEA. The Elementary and Secondary Education Act is one of the most comprehensive attempts to assist education in our history. It has greatly changed the face of education in America and has come a long way toward providing a quality education for every American boy and girl.

Many of the titles of the ESEA have set our local school administrators, as well as experts in the field, thinking of more and better ways to educate our youngsters. I have seen in the CONGRESSIONAL RECORD some of the results of the questionnaire Chairman PERKINS sent to school superintendents. It is encouraging to see the enthusiasm displayed by the superintendents for the ESEA program and see them relate some of the achievements of their various programs. It is also encouraging to note the fact that Mr. PERKINS has gone to the local level to discover how well the programs are working and to ask for opinions. I feel that it is essential to keep in touch with the people who are directly involved in the programs in order to assure success.

In my State of Massachusetts, during fiscal year 1968 we received nearly $25 million in support under the ESEA. Some new programs were implemented but more importantly, programs already set up under the act were extended and further developed. As I look into the educational record in Massachusetts, I am encouraged by the strides recently taken—at the State and at the local level.

Under title I, the State received almost $15 million which was used for the education of 87,000 children during the school year of 1966–67. One of the main targets of the program was to keep disadvantaged children in school. A sampling of 40 percent of the potential dropouts in urban areas involved in title I work-study programs showed that 65 percent of them stayed in school. Before the program, 18 percent would have been expected to stay in school. Other programs were equally as impressive. In a sampling, 32 percent of the children scored in the lowest quarter on a reading test, after 8 months in their title I program, only 18 percent were still in the lowest quarter.

It is my understanding that title I programs have had equally encouraging results in the rest of the country. In our big cities, there is evidence that title I pupils can make substantial academic gains in their compensatory education courses. Antagonistic attitudes toward school can be changed and energies channeled in more constructive directions. Besides the advances with disadvantaged students, title I is working in another direction. As educators develop and introduce new techniques for the disadvantaged students, traditional educational practices are challenged with the result benefiting the fortunate child as well. Innovative curriculum designs are currently being explored, developed, and are in use for all of our students—making a contribution to our total educational picture.

While title I perhaps receives the most emphasis when many of us think about the successes of the ESEA, the other titles have made outstanding contributions to the total educational picture also. Under title II, during fiscal 1968, $99 million was made available for use on school library materials. This has allowed many schools virtually without libraries to offer the many benefits derived from outstanding reading to all of their students. Public and private schools have taken advantage of the program. Title III has taken us a step into the future by encouraging creative projects in education. Programs for the handicapped have been developed under title VI and with the 1967 amendments we can expect a much wider approach toward solving their special problems. We can also look forward to the results of bilingual education—and the progress of students who had previously been trapped behind a language barrier and taught by teachers insensitive to their special needs. State departments of education are progressing as well with the financial assistance now available—at this point every State has access to a

computer which will encourage the coordination so essential to the efficient functioning of an organization.

The ESEA programs have been in effect long enough for us to see that progress is being made. But, they have not been in operation long enough to make any definitive judgments about which programs are, in actuality, successful and which ones are not. It would be unfair to prejudge the progress being made and come to any hasty conclusions. Many of the educational problems attacked under the various programs are so intertwined with problems of poverty, housing, cultural background and health that progress will indeed be slow. I feel that any changes in the different titles of the ESEA would only put us back to the start before we have had a chance to develop the potential of our ongoing programs. I think one of the most important aspects of the Act is that each title provides for a separate program, but there is linkage from one program to the other. Educators have become familiar with the guidelines and have turned their attention to developing good programs.

I also feel that it is not only important to preserve the ESEA intact, and to extend the provisions, but it is equally important to extend them for a significant period of time. The advance funding provisions written into the recent amendments will go a long way toward achieving a consistency in funding which adds stability to any program. If authorizations were made for 1 year at a time, the consequent effects on the stability and continuity of the programs would be detrimental to the purposes for which the legislation was enacted.

I am very enthusiastic about the results we have obtained through the ESEA programs to date. I feel very strongly that they must continue in the years to come. Education is one of the most important factors in each child's life. If we are to look forward to a bright future for this country, we must provide a quality education for each and every boy and girl. The Elementary and Secondary Education Act has made a good beginning in this regard—and I thoroughly support its extension by the provisions of H.R. 514.

Mr. AYRES. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, may I say first of all before getting into any discussion on some of these substantive problems with respect to this bill that the gentleman from Texas (Mr. TEAGUE) has pointed to an inequity which some of us on the committee unsuccessfully attempted to correct. I have an amendment, which may be offered, which would meet the very problem the gentleman from Texas has raised. It would provide a limitation on those Federal employees who would be eligible to be counted for impacted aid by providing that in the first year that any with an income from such employment of over $12,000 could not be counted. The second year, $10,000. The third year, and thereafter, $8,000. This would alter the situation that exists in a county like Montgomery County, Md., in which they are getting impacted aid because they are adjacent to the District of Columbia, and they get a bonanza because the District of Columbia is so close. Those employees who live in Montgomery County, Md., pay real property taxes, pay personal property taxes, pay sales taxes, and income taxes. In my judgment, you cannot justify Federal payments in that situation under the impacted aid formula.

I hope the gentleman, if he is interested in this problem, will be willing to either support my amendment, or I will be happy to work with him.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I will be happy to yield to the gentleman from Texas.

Mr. TEAGUE of Texas. I thank the gentleman for yielding.

I would say to the gentleman that, of course, it is not only in the District of Columbia, it is all over the United States. This applies to my district, where we have many employees who work for a defense industry, and the same thing happens there. So it is not just the District of Columbia; it is all across the country.

Mr. STEIGER of Wisconsin. May I say to the gentleman from Texas that he is absolutely correct. As a matter of fact, it seems to me this is one of the reasons to extend the bill for only 2 years so that maybe we can convince the House Committee on Education and Labor, and the Congress, to come back here and grapple with this problem where they have not been willing to do so.

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

Mr. STEIGER of Wisconsin. I yield to the gentleman from Ohio.

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

What the gentleman from Wisconsin (Mr. STEIGER) is saying, and what the gentleman from Texas (Mr. TEAGUE) is saying, I believe should be repeated, and that is at a time when we are trying to get more education money into the so-called disadvantaged areas, it makes no sense at all to maintain the position that a person who works for the Government and earns from $15,000 to, say, $35,000 a year, by any stretch of the imagination impacts in any area in the United States. And that is basically what we are saying.

Mr. STEIGER of Wisconsin. I thank the gentleman for his contribution. I believe he is correct.

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

Mr. STEIGER of Wisconsin. I yield to the gentleman.

Mr. PERKINS. I am just wondering if the gentleman deals with these so-called inequities that he has enumerated in the substitute he intends to offer.

Mr. STEIGER of Wisconsin. Mr. Chairman, I have no substitute that I intend to offer.

Mr. Chairman, there is going to be a great deal of discussion in the course of this debate on the way funds are distributed under the formula for title I of ESEA. Some of the glaring inconsistencies have been pointed out. There are but a few examples of the many that could be chosen.

Actually, my State of Wisconsin does better than many others under this formula the way it works out—but I do not consider that a reason for supporting a 5-year extension.

This year the Wisconsin title I payments are figured on the basis of $300.86—one-half our State average per pupil expenditure—which is well above the national average. When the appropriations for title I for fiscal 1969 are distributed, our Wisconsin schools get $150.20 per child counted. Massachusetts, by comparison, has a higher per-pupil expenditure and their allotments are figured on the basis of $303.73—but they only receive $141.83 per child. Hawaii has still a higher base—$305.18—but gets less than either Wisconsin or Massachusetts—$132.31 per child counted.

Iowa, Kansas, Montana, New Mexico, and Arizona, on the other hand, spend far less per pupil than Wisconsin, but this year they all end up receiving more per poor child counted than my State.

Obviously, we do not—or, at any rate, should not—want to distribute funds in such crazy quilt patterns indefinitely. Many Members have asked how such results can occur, and I confess to you as one member of the Committee on Education and Labor that I cannot give you a complete answer.

One reason for the wild discrepancies in this formula—and a reason also for not extending it indefinitely—is that part of the count of children involves the welfare program which varies from State to State.

As the formula stands now, we count school-age children who were estimated to have been in families with less than a $2,000 annual income in 1960.

Then, apparently on the assumption that some child might otherwise be counted twice—which, by the way, is still possible under the act—we take an actual and recent count of the school-age children whose families receive more than $2,000 in welfare payments under aid for families with dependent children—AFDC.

This immediately introduces an absolutely capricious element into the formula, because eligibility for welfare and the amount of the payments both vary from State to State. Worse, the poorer the State and the less able it is to support schools, the less likely it is that a poor child will be on welfare, or if he is on welfare, that his family will get over $2,000 in welfare payments.

The simple result is that the less wealthy States count fewer children, and then get paid less for each child counted.

To put this in some perspective: there are 12 States—Alabama, Arizona, Arkansas, Florida, Georgia, Maine, Mississippi, New Mexico, South Carolina, Tennessee, Texas, and Wyoming—which together in the 1960 census data had nearly 1 million school-age children in families with more than $2,000 but less than $3,000 annual income. Today these 12 States have over 17 percent of the total children on AFDC welfare rolls. Yet, they

cannot count a single AFDC child for payment under this act.

Compare that situation with the same figures in New York. In 1960, New York State had an estimated 175,000 children in families with more than $2,000 but less than $3,000 income; today the State counts under title I a total of more than 250,000 school-age children on AFDC whose families receive more than $2,000 in welfare payments.

Where is the equity in this sort of treatment? Where is the sense in this kind of formula? I challenge any member of the Committee to explain it.

Even assuming changes in income levels and migrations since 1960, there are still hundreds of thousands of poor school-age children who cannot be counted at all under this act because they are not in the right States.

Three States—California, Illinois, and New York—accounted for less than 15 percent of the very poor school-age children in 1960—under $3,000 income—yet this year they count nearly 60 percent of the AFDC children counted for payment under this act.

They count 60 percent of the AFDC children counted, even though they have only a little over one-third of the total AFDC children. But even between these three favored States there is no equity. Rounding the figures, Illinois in 1960 had 256,000 poor school-age children in families of less than $3,000 income. This year Illinois counts 212,000 for purposes of payment under title I.

California on this comparison does somewhat better. It had 358,000 very poor children in 1960, and today counts 376,000 for purposes of payment under title I.

New York tops every other State. In 1960 it counted 375,000 poor school-age children, but this year its title I count is over 450,000.

The disparity in my opinion, Mr. Chairman, between California and New York is probably very much greater than the old 1960 census figures or even the current AFDC caseloads will show, because California since 1960 has exceeded New York in population, and now has public and private school enrollments totaling 600,000 more young people than the State of New York.

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

Mr. STEIGER of Wisconsin. I am happy to yield to my chairman.

Mr. PERKINS. When we were studying the formula, both in 1966 and 1967, we had statisticians from the Department of Commerce before the committee, and their projections were that the pattern would change very little percentagewise between the decennial census of 1960 and the decennial census of 1970. The gentleman knows that the rural areas are losing population.

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

Mr. AYRES. I yield the gentleman 5 additional minutes.

Mr. PERKINS. Mr. Chairman, will the gentleman yield further?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Kentucky.

Mr. PERKINS. I want to say to the gentleman that there is more equity in this formula than in any other formula that has ever been devised and has ever been before this Congress. You are trying to say that the formula is inequitable, but specifically where is it inequitable?

Mr. STEIGER of Wisconsin. Mr. Chairman, I have given you 8 minutes worth of inequity in the formula. It makes no sense to me to have 13 States that can count no AFDC children. It makes no equity to me to have Illinois, California, and New York, each of which would have approximately the same cost of living, and each of which would have approximately the same cost of education, and yet the State of New York gets an inequitable amount of funds distributed under this formula as contrasted to the poor children in Illinois and California. If you are saying that this formula is the most equitable ever devised, or ever to come before the House, I think the facts in the RECORD yesterday, the facts that I have tried to discuss in detail today, clearly indicate that if we are to extend this act for 5 years, we will simply compound the inequities. We do not force the Congress to come back and correct the inequitable distribution per poor child that goes on under the existing formula. I for one support a 2-year extension.

Mr. PERKINS. Mr. Chairman, will the gentleman yield further?

Mr. STEIGER of Wisconsin. I am happy to yield to the gentleman from Kentucky.

Mr. PERKINS. Undoubtedly there are some inequities in the bill. Formula inequities result from underfunding and the resulting appropriation floor that has been written into the appropriation bill. The gentleman well knows that the States of New York and California have more migration into their States than any other States in the Union. We know the current AFDC count in every State. This data equitably compensates for migration occurring since the 1960 census. This is only one of the important aspects of the formula. It is most equitable. The title I formula is the best equalization formula ever devised. School administrators in the Nation know the equity in this bill. They know too, the amount of money they are going to receive when we appropriate.

Mr. STEIGER of Wisconsin. Mr. Chairman, you sat more diligently through the hearings than any other member of the committee as chairman of the full Committee on Education and Labor. You heard the responses of the State superintendents of public schools of instruction when I asked them their opinions about the equity of the formula time after time, and they all responded by admitting that the formula was not equitable, but they did not want to rock the boat.

So let us not confuse the issue——

Mr. PERKINS. We will not confuse the issue.

Mr. STEIGER of Wisconsin. Either on the basis of admitting inequity or on the basis of stating there will be equity when we have full funding.

Mr. PERKINS. My response to the gentleman is if the gentleman will look at the record—and I invite all members of this committee to look at the record—he will see that 99 percent of the people who came before the committee stated this was the most equitable formula that has ever been devised in this Congress.

Mr. STEIGER of Wisconsin. Mr. Chairman, I say with all respect that I do disagree because the cold facts require that I disagree. I disagreed in the hearings 2 years ago and I disagreed in the hearings this year, as the gentleman knows, because these same facts have been before us all this time.

Mr. PERKINS. Let us rely on the hearings on this issue. I am willing to let the hearings speak for themselves, and to look at the record, and look at the testimony of witnesses who were brought before the committee.

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

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield at this time to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I will say to the gentleman that all we have to do is read the numbers. If we look at the tables I put in the RECORD yesterday, we can see that if the State receives less money than another State, it is not fair, and if we count fewer poor children in one State than another State, it is unfair. All we have to do is look at the numbers. We do not have to wade through all the hearings and see if they want a 5-year extension or do not want to tamper with the formula at all. We can make up our minds.

Mr. STEIGER of Wisconsin. Mr. Chairman, in response to the gentleman from Minnesota, may I say I remember the colloquy with the gentleman from New York who was accusing everybody of trying to tamper with the formula on the floor. I am not trying to tamper with it, and I know the gentleman from Minnesota is not trying to tamper with the formula. I am trying to suggest that the formula as it exists poses problems and disadvantages, and we should examine it in detail in the House of Representatives and in the other body, and we abrogate that responsibility if we go for a 5-year extension of this act.

The CHAIRMAN pro tempore (Mr. BOLAND). The time of the gentleman from Wisconsin has expired.

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

The CHAIRMAN pro tempore. The gentleman from Wisconsin is recognized for 2 additional minutes.

Mr. STEIGER of Wisconsin. Mr. Chairman, to continue with my statement, despite the fact that it is considerably harder to get on public welfare in California, the AFDC caseload is only slightly less than that of New York—which leads to the conjecture that today there are a lot more deprived children in California than there are in New York. Yet this year the schools of New York will receive well over $40 million more than those of California under title I.

Mr. Chairman, in citing these figures, I am not trying to appeal to the Repre-

sentatives of one State as opposed to another, but rather, I am trying to appeal to the sense of reason and justice which motivates—I assume—every Member of this House. We simply ought not to extend the operation of this very unjust formula beyond the earliest time when we shall have the information to make necessary changes.

We should not, therefore, extend the act for 5 years, but for 2 years at the most.

While this act—which I support—accomplishes much good and is a credit to the Congress, the title I formula is so full of inconsistencies and contradictions that its long term extension would not be in the interest of American education and would not be a credit to the Congress.

Those of us who opposed reporting a 5-year extension joined in the following statement of our views:

STATEMENT IN OPPOSITION TO 5-YEAR EXTENSION

We believe it would be unwise to extend the Elementary and Secondary Education Act of 1965 more than 2 years; we favor extension of the act to June 30, 1972—in order to give effect to forward funding provisions and to assure advanced program planning—and we propose certain changes in the act to make it a more effective instrument for educational improvement. We oppose the committee-reported bill precisely because it fails to deal responsibly with urgent educational problems.

We confess to a feeling of intense frustration with the attitude of the majority on this committee which treats this legislation as something sacrosanct in the face of all kinds of evidence—some of it beyond question and openly acknowledged by members who voted to report this bill—that ESEA is falling far short of congressional hopes for a reversal of certain patterns of educational failure, and that the act is riddled with inequities which should be either eliminated or greatly reduced.

Even if the majority had desired the kind of searching inquiry and detailed consideration required to produce improvements in the legislation, the way it was handled in the committee would have defeated that intent. H.R. 514 was considered in "informal" hearings of the full committee which heard a seemingly endless parade of witnesses who dutifully and repetitively answered two questions posed by the chairman: "Has this act done some good?" and "Should it be extended for 5 years?" The second question could well have been asked in terms of 1 year, 2 years, 10 years, or 20 years; the answer would have been "Yes". The answer to both questions, of course, was "Yes" (even from a few witnesses who had the temerity to point out certain weaknesses in ESEA). The cumulative effect of 22 days of such hearings can best be described as stupefying; certainly it was not a better informed committee.

These attitudes and procedures produce predictable results which must now be untangled by the House. The purpose of these views is to attempt to clarify some of the critical issues in this legislation and to suggest changes which would go a part of the way toward correcting obvious deficiencies.

THE FOLLY OF A 5-YEAR EXTENSION

ESEA expires June 30, 1970. However, if the forward-funding provisions—which Republican members of this committee strongly supported—are to be operable the act must be extended now for at least 1 year. That is the only compelling reason for any committee action at this time. We support a 2-year extension as recommended by Secretary of Health, Education, and Welfare Finch—to June 30, 1972—for two reasons. First, an assurance of 3 more years of operation is desirable in order to encourage advance program planning. Second, and even more important, the census data which forms the basis of the distribution of funds under title I will be updated in 1969–70 and the new information very likely will necessitate major changes in title I, which is by far the most vital part of this act.

Additional factors support this view. The administration has undertaken a complete review of this legislation in the context of our total national effort to overcome educational and social problems, and the Congress should be assured of the opportunity to act upon any recommendations of the executive branch at an early date. There is also the cumulative evidence gathered by such groups as the National Advisory Council on the Education of Disadvantaged Children, and numerous public and private agencies and organizations, which should form the basis for constructive changes in the act.

Against the weight of such factors the only reasoning advanced in favor of the committee action to extend the act of 5 years—to June 30, 1975—was that a long extension gives "assurance" to educators and "continuity" to the program. As to the first, any educator worthy of the name must know that one Congress cannot bind another and that the only assurance possible of the continuation of these programs lies in the continued support of a substantial majority in the Congress. With respect to "continuity," to the extent that certain programs are weak and ineffective or certain provisions are inequitable, continuity is the very thing that must be avoided.

The illogical arguments for a long extension are not made more persuasive by the repeated assurances of the chairman—which we accept without reservation as being given in good faith—that the act can be reviewed at any time. Technically this is true; in practice it is meaningless. The Congress shares at least this one trait with every other legislative body from the city council on up the line—it seldom acts when there is no necessity to act. The only way to assure a timely review of this act is to fix its termination at the earliest prudent date.

It is pure folly—and a disservice to the vital objectives of ESEA—to extend the act beyond 1972. Perhaps the best single example of why the act needs thorough revision at the earliest possible time is provided by the much-discussed but little-understood formula in title I of the act. Title I is the most important part of the act because it provides the only clear focus on the needs of disadvantaged children and because it represents three-quarters of the authorized appropriations.

A "FORMULA" FOR FAILURE

Any distribution formula for Federal assistance thus far devised is at best an instrument for achieving a rough degree of equity based upon a rational assessment of need; its one essential quality is uniformity of application. The reason that many otherwise useful forms of data cannot be utilized in such a formula is that they do not apply uniformly on a national basis, a good example being welfare caseload data as a means of measuring poverty; it is useful within any given State to compare local needs, but is useless nationally to compare needs of States or of localities in different States because the welfare program is supported at widely different levels by the States; a child with certain needs in New York who is receiving welfare is in demonstrably better circumstances than a child with the same needs in Mississippi who does not receive welfare.

Yet the title I formula ignores this patently obvious fact and bases a large proportion of its payments upon the aid to families with dependent children welfare program (AFDC). This error is further compounded by counting only those school age children whose families receive more than $2,000 from welfare payments alone—which means that tens of thousands of schoolchildren on welfare cannot be counted simply because they live in States in which few if any families receive that amount of money from AFDC. We shall examine some of the results of this irrational procedure.

Other types of data are satisfactory if used to compare States, but quickly break down at the local level because changes occur too rapidly. An example of this are the census estimates of the number of school age children from families with a certain level of income, which is the basic factor in figuring title I payments. When this data was used in 1965 it was already 6 years old; it is now 10 years old and will be 12 years out of date before the 1970 census figures can be applied to the formula. Although this data might still be fairly useful in comparing the relative needs of most States (while undoubtedly unfair to a State such as California which has a huge inmigration), it is woefully inadequate as a measure of the highly changeable economic and population status of individual counties and communities. Yet the title I formula applies these old estimates on just that basis. Between 1959 and 1966, for example, Los Angeles County had a net inmigration of 276,200 persons, many of them schoolage children from low-income families, who cannot be reflected in the title I formula before 1972. Other counties around the Nation have had large outmigrations (often to cities within the same State) of low-income families, yet continue to receive title I payments on the 1959 data.

The other factor in the title I formula (aside from the "count" of disadvantaged children based upon census estimates and AFDC payments) is that the final allocation of funds is figured on the basis of the expenditure per pupil for public education in each State, with the result that the more a State can afford to expend the more it gets to spend. With the exception of a very few States which are supporting schools at a lower level than their resources should permit, this simply means that "the rich get richer." In 1966 the Congress amended the act to provide a partial correction of this effect by permitting low-expenditure States to use the national average expenditure to figure title I entitlements. When it became apparent in 1967 that limited appropriations would mean that districts in wealthier States would lose money in favor of those in poorer States, our committee attempted to suspend the operation of the national average provision, but this was reversed by amendment to the committee bill by the House—whereupon it was agreed to impose the 1967 allocations as a "floor" for each county and thereby distort the effect of using the national average expenditure for the States below that average. To say the least, this sort of performance creates its own credibility gap for some of those who are loudest in the protestations of concern for impoverished children attending impoverished schools.

The results of all these inconsistencies speak louder than any words we can muster to describe them.

SOME RESULTS OF THE TITLE I FORMULA

The title I formula currently counts children on the basis of (a) 1960 census estimates of the number of school age children in families with less than $2,000 income and (b) most recent count of school age children on AFDC whose families receive over $2,000 in AFDC payments.

For reasons already discussed, the AFDC count is worthless in comparing the needs of one State with those of another. Even using the 1960 census data gathered in 1959, a far more valid measure of need between States would be the number of desperately

poor school age children—using the $3,000 poverty level for family income—in each State. Here are some of the results using that measure of need and then comparing actual 1969 payments to local schools in the States under title I.

Georgia had 5,000 more very poor school age children than New York, but received a little over 25 percent of the New York allotment for their education;

Texas had 272,000 more poor children than New York, but gets a bare 60 percent of the New York allotment;

Ohio had 2,000 more poor children than Illinois, but gets $11 million less than Illinois;

Michigan had 83 percent of the number of poor children in Illinois, but gets only 73 percent of the Illinois title I allotment;

Indiana had half as many poor children as Illinois, but gets a little over one-third the amount allotted to Illinois;

Kentucky had 25,000 more poor children than Illinois, but gets $14.4 million less to educate poor children;

Pennsylvania had 90 percent of the number of poor children in California, but gets 60 percent as much title I money;

With 87 percent of the New York total of poor children, Pennsylvania gets only 38 percent of the New York allotment.

New York, California, and Illinois combined had only 12.3 percent of the poor children counted in 1959, but their combined allotments in 1969 are more than 22 percent of the total allotments for title I. Even between the most-favored States, however, there are vast inconsistencies in treatment. California, for example, in 1959 had over 95 percent the number of poor school age children as New York, yet in 1969 receives only two-thirds the amount of funds going to New York. Moreover, there is more than a suspicion that in this period California has not only overtaken New York in total population, but in the extent of the educational problem with which title I is concerned; the total public and nonpublic elementary and secondary school enrollment in California now exceeds that of New York by 600,000 pupils.

Nor does one have to pick and choose carefully between States and sections to obtain these outlandish discrepancies between need and money allocated under title I to meet the need (such as a comparison between New York and Mississippi). The discrepancies appear almost at random.

For example, in the New England States of Maine and Connecticut, Maine in 1959 actually had 1,000 more poor schoolage children than Connecticut, but in 1969 Connecticut received over twice as much title I money as Maine ($8.6 million versus $3.4 million).

These wild results are not caused by using old data—and this point cannot be stressed too strongly—*had this data been applied in 1960 when they were brand new the same relative values would have occurred, and they shall occur with the new census data of 1970 when it is applied in 1972.*

All sorts of arguments have been advanced to explain why the schools in one State should receive much more than the schools in another in relation to demonstrable need and even when there is greater financial capacity in the favored State to meet such needs. The lamest of all these is that "costs" vary from State to State. They do—but not nearly as much as would be required to reflect the different treatments under title I, and they vary even less when comparing various metropolitan areas in which a high proportion of disadvantaged children live and attend school. The cost of living (according to the latest Bureau of Labor Statistics estimate) in Boston, for example, is only 2 percent less than in New York City and is 7 percent more than in Buffalo—yet for each poor child counted in Boston the schools are paid on the basis of $303.73, while in New York City and Buffalo the rate is $467.88. Living costs are 6 percent higher in San Francisco than in Chicago, yet San Francisco's allotment is figured on the basis of $287.32 per poor child while the basis in Chicago is $302.72.

However, as we shall show, these are only the amounts that would be paid on behalf of each child if title I were fully funded. They enter into the calculations in determining the actual amounts with lesser appropriations, but they are not the only factors. This year the schools in Boston will actually receive $150.01 for each child counted, compared to $206.80 per child in Buffalo and New York City. In San Francisco the actual rate is $151.88, while in Chicago it is $159.01.

One conclusion from these figures is that title I becomes progressively more unfair as the appropriations for it are increased. This, in itself, is a strong argument for not extending the act beyond 2 additional years when, hopefully, more money might be available for this program.

The cost of providing a quality education for disadvantaged children undoubtedly does vary somewhat from region to region, but it would be difficult to argue that it varies to the extent reflected in the rates used—$277.65 in the case of Mississippi and $467.88 in the case of New York—to arrive at the entitlements under title I of this act. The true basis for this title is not the "cost" of a quality education, but only what the various States can afford to spend, which in many cases, adds up to an inferior education for all the children involved.

FORMULA DISTORTED IN APPLICATION

These various factors unite in producing a confused and distorted formula, but the result has become further distorted in application by changes occurring both through the appropriations process and through substantive amendment. The first of these was at the very beginning when many schools spent the first allocation of funds as quickly as possible and others held back until they could put together a sound program; thus the schools in some States spent a far greater share of the initial allotments than did the schools in other States. In the second year the appropriations act used the first year's expenditures as a "floor," which meant that the initial fast spenders were rewarded at the expense of the more cautious. This initial distortion has continued every year since, and has become further complicated by "floors" and formula changes written into the substantive act. The effects are extremely capricious from State to State.

Another distortion of the formula occurs because of limited appropriations for the program at the same time that more and more AFDC children are being counted in certain States and new categories of children (in State institutions, and so forth) are added by amendments. As the count of children goes up, the actual payments per child go down when appropriations remain stable. Again, however, the effect is uneven because some States have increased their AFDC counts far faster than others, and 12 States cannot count any AFDC children at all.

One of the effects of these distortions has been to reduce the range between the favored and less-favored States in terms of the actual payment to the schools for each child counted. If title I were fully funded, that range would be from $277.65 (one-half the national average per pupil expenditure) in the poorest States to $467.88 in New York (one-half its average expenditure). However, this year, the range actually is from $123.32 per child counted in Nebraska to $234.27 per child in Alaska.

It may clarify the situation to note that the entitlements are figured on one basis (the full authorization) and then ratably reduced to fit a much smaller appropriation, but only after several "floors" have been figured into the State allocations. At any rate, we have appended to these views a table which shows exactly how much each State received this year for each child counted under the act. Members can note the obvious discrepancies between States with similar needs and costs and draw their own conclusions about whether this act works equitably.

THE EFFECT OF THE AFDC COUNT

As we pointed out, much of the irrationality of the title I formula stems from using welfare data which is neither uniform nor consistent from State to State in the benefits for poor people. A family which qualifies for AFDC aid in New York might not qualify in California and generally would not qualify in Mississippi, and in any case the amount of the assistance varies enormously. So there are tens of thousands of desperately poor school age children who are not counted for title I purposes simply because they are not on welfare or the welfare payments to their families do not exceed $2,000. The inequity, even between wealthy States, is not hard to demonstrate.

California, for example, has 14.5 percent of the total AFDC caseload (50 States plus District of Columbia), but counts 20.4 percent of the AFDC children (schoolage in families receiving more than $2,000 from AFDC) counted nationally in computing title I entitlements; New York has 15.8 percent of the total caseload, but counts a whopping 30.2 percent of the AFDC children under title I.

The inequity between high income and lower income States, of course, is tremendous.

Three States—California, Illinois, and New York—accounted for only 12.3 percent of the very poor school age children (under $3,000 family income) counted in 1959. Yet they account for 35.9 percent of the current AFDC caseload and 58.2 percent of AFDC children counted for payment under title I.

Twelve States—Alabama, Arizona, Arkansas, Florida, Georgia, Maine, Mississippi, New Mexico, South Carolina, Tennessee, Texas, and Wyoming—accounted for 37.2 percent of the 1959 count of poor children, have 17.2 percent of the total AFDC caseload, *and cannot count a single AFDC child for payment under title I.*

The basic data for these comparisons is presented in a table at the conclusion of these views, and Members may draw their own conclusions about the fairness of the title I formula.

Surely a more equitable and effective method of distributing funds can be worked out before the act would again require extension in 1971, and by that time the 1970 census data would be available to assist in that task.

Accordingly, we shall propose an amendment to limit extension of the act to June 30, 1972.

CONCENTRATION ON NEEDY DISTRICTS

Another major weakness in title I is that nearly 90 percent of the operating school districts in the Nation receive these funds. Even if title I were fully funded at approximately $3 billion, this would represent a widespread dispersion of limited funds which should be more concentrated in the school districts having the most severe educational problems with disadvantaged children. This need becomes even more urgent when the amount of money is just over $1 billion.

In its fourth annual report the National Advisory Council on the Education of Disadvantaged Children stressed the point that a concentration of funds is necessary to meet the multiple needs of disadvantaged children and stated:

"The Council again calls for adherence to the principle of concentrating funds where the need is greatest so that a limited number of dollars can have genuine impact rather

than being dissipated in laudable but inconclusive efforts."

The Council limited its recommendation to the use of funds available within a given school district. We feel that the principle it stressed is sound and that it should have even broader application. Under the existing act the wealthiest areas in every State, with the best-financed schools and the most extensive services for all the children, receive title I funds. There is virtually no authority in the act for either the States or the Federal Government to bring about a greater concentration of funds upon those areas—principally the inner city areas and rural pockets of poverty—where the schools most need help.

We recognize, as a practical fact of life, that there would be enormous resistance to any attempt to take $1 away from any school district and give it to another, however much good sense this might make in terms of public policy. Also, there is a perfectly rational argument against cutting back special programs for the disadvantaged, once they have been initiated, even in the best schools. For these reasons, we proposed in committee that a modest step be taken in the direction of concentrating limited funds where the needs are most urgent. We proposed that every school district (appropriations permitting) be assured of receiving no less than was received in fiscal 1968 under title I (the highest level to date), but that all amounts in excess of that be made available to the State education agency for reallocation to the neediest districts for strengthening their title I programs—and that this be done in accordance with criteria supplied by the U.S. Commissioner of Education pursuant to a State plan approved by him.

The amendment we proposed specified that the excess funds be allocated to school districts having high concentrations of disadvantaged children from low-income families and to school districts in areas of chronic economic depression or which are geographically isolated with the result that children are denied adequate educational opportunities.

The committee majority rejected this amendment upon the most specious grounds. The argument was made that this would be turning funds over to the States without restriction (which is demonstrably wrong on the face of the amendment) and that it would set up some sort of competition for the extra funds between poor rural areas and beleaguered cities (which is highly speculative and almost irrelevant since both would gain in the process). The majority appeared to us to be troubled most with the thought that any change should be made in the pattern of distribution in this act.

The committee thereby neglected the opportunity to provide a little more help for the schools in every State which most need help, and then only if funds for title I are increased above the 1968 level. We shall again propose this amendment on the House floor.

THE NEED FOR CONSOLIDATION

In 1966 the Department of Health, Education, and Welfare administered 190 different programs listed in their publication "Grants-in-Aid," many of which involved two or more types of grants of financial aids; 59 were listed under the Office of Education. A number of new grant-in-aid programs have been authorized since 1966, and today the Office of Education has at least 105 different programs of aid to States, local school districts, colleges and universities, other public and private agencies, and individuals. There are many hundreds of Federal grants-in-aid to State and local governments covering virtually every aspect of their operation, and the schools among other institutions are beginning to choke on the redtape.

Every school administrator to whom we have posed the question, whether in public hearings or in conversations at home, acknowledges that the proliferation of Federal grant programs—each with separate applications, justifications, accountings, and plans ad infinitum—has caused a major administrative burden. Many smaller districts with limited administrative staff are not able to cope with the multitude of requirements. Yet, despite increasing clamor for relief at the State and local level, the consolidation of Federal programs in any degree has proved to be a very difficult thing to accomplish.

Every Federal program creates its own special lobby which thereafter resists all attempts at consolidation. Indeed, the major lobby groups unite in Washington to protect one another (the most unusual argument advanced by the spokesman for one such group in opposition to combining programs was "We don't want to fight among ourselves for these funds"). As much as we hate the thought of discord in chummy little groups, we think that sound public policy dictates some program consolidation.

Accordingly, we proposed in committee that four very similar State-grant programs for elementary and secondary schools be merged into a single grant which would then be used for these four special purposes without radical change in the nature of the programs.

These four are: title III of NDEA (equipment grants); title V–A of NDEA (testing, counseling, and guidance); title II of ESEA (textbooks and library materials); and title III of ESEA (supplementary educational centers and services). Each of these is State administered under a State plan; each gives aid to local schools on a basis of need determined by the State; each has an allocation formula primarily based upon population; each requires approximately the same kinds of applications and accounting procedures. Rather than four separate grants, four separate formulas, four separate plans, four separate sets of applications and accountings, and four separate sets of rules and regulations, we proposed to have only one.

CONSISTENT WITH PRESIDENT'S TASK FORCE REPORT

This approach is fully consistent with the recommendations made to President Nixon by a task force of distinguished citizens which included leading educators—the so-called Pifer report. In recommending what it termed "designated block grants" it took note of and concurred with the "widespread belief, both at the State and local level, that the seeking of funds under this multiplicity of legislation is an unnecessarily burdensome and time-consuming business, and the time has come for a major effort at simplification of the process." The report recommended "a general movement in Federal programs away from categorical aid narrowly defined toward more broadly defined designated block grants * * * as a way of lessening the burden on State, local, and institutional officials in applying for Federal funds—an area in which there is now considerable irritation and frustration—and * * * as an important step toward the urgent task of strengthening the administrative capacity of the States to meet their responsibilities in education."

The amendment we have proposed is an extremely modest step in this direction, but it is vitally important that a first step be taken.

SHARING EQUIPMENT WITH PRIVATE SCHOOL PUPILS AND TEACHERS

Aside from the consolidation of these programs, and permitting the States and localities a bit more flexibility in their allocation of funds as between these special purposes, the amendment proposed only one major substantive change in the programs—it proposed to make available to pupils and teachers in nonpublic schools the NDEA title III instructional equipment (microscopes, projectors, tape recorders, etc.) on exactly the same basis as textbooks, filmstrips, encyclopedias, and other library resources are made available to those pupils and teachers under title II of ESEA; that is, the equipment would be purchased by the public schools, remain the property of the public schools, but loaned for the purpose of instruction in secular studies in nonpublic schools.

Frankly, this seems to us an eminently fair proposition involving no departure in practice from the successful ESEA title II program. We do not see any distinction to be made between a microscope and a set of encyclopedias, or between a film and a projector, that justifies making one available for the use of private school children but not the other. No member of our committee attempted to make any such distinction.

We were amazed, therefore, that the suggestion was made, in the course of rejecting the amendment, that our proposal would "raise the church-state issue all over gain." We see no reason why it should. One of the historic breakthroughs of the 1965 act as the working out of methods by which private school pupils and teachers—in many cases even more hard pressed that those in public schools—could share some of the benefits. These methods have not worked perfectly, as testimony before our committee disclosed, but they have worked best in the sharing of instructional materials under title II of the act, and instructional equipment fits perfectly into that pattern. Moreover, this would correct a glaring inconsistency in our treatment of nonpublic education.

IMPACTED AREAS AID—THE SACRED COW

Three consecutive national administrations have attempted by a variety of methods to make more sense out of our federally impacted areas school aid—principally to limit its application to those school districts which experience a genuine and adverse impact due to Federal activity. Every such attempt has been in vain.

In 1968 some 4,235 school districts qualified for assistance under Public Law 874 (operating expenses) on account of 2.6 million "federally connected" children. Of these children, only 348,000 fall into the "3(a)" category with parents who both live and work on tax-exempt Federal property; the remaining 2,222,000 (with a handful of exceptions) live with parents in private homes or other taxpaying properties. Literally hundreds of the eligible districts under Public Law 874 suffer no appreciable adverse impact on their ability to support schools; quite the contrary, the Federal activity is often a major and much-prized economic benefit. This is not too difficult to show.

An Office of Education study of impacted districts eligible in 1967—before the effect of the lower eligibility requirements designed to include large cities altered the picture—showed 860 districts (22.6 percent of those eligible in that year) with only 3 to 5 percent of their total attendance "federally connected"; they received 12 percent of the funds for the program. Another 900 districts (23.6 percent) had an "impact" of between 5 and 10 percent and received 16 percent of the funds.

The most astounding finding of the study, however, was that—due to an obscure amendment to the act in the mid-1950's which permits a district that once achieves the 3-percent eligibility level to be eligible for 2 additional years without 3 percent of the children being federally connected—947 districts (25 percent of the total) had from 0 to 3 percent "impact" and received nearly 10 percent of the funds under the act.

To summarize, over 70 percent of the eligible districts under Public Law 874 experienced a quite minimal "Federal impact," but they drained off nearly 40 percent of the funds.

It is little wonder that three successive Presidents (Eisenhower, Kennedy, and Johnson) supported the Bureau of the Budget in trying to make some changes in this act. Yet

this legislation continues to be a sort of "sacred cow" in the Congress and in our committee, as evidenced by H.R. 514.

Secretary Finch suggested one sensible change which would give first priority for the funds to eligibility based upon the "3(a)" children whose parents both live and work on tax-exempt Federal property. There is no question whatsoever that payments should be made on behalf of all these children since every one of them represents an absence of tax revenue to the schools they attend. The amendment was rejected out of hand.

We attempted a more substantive amendment—the principal effect of which would have been to reduce the amount of funds being poured into counties surrounding Washington, D.C. (which are among the wealthiest in the entire Nation—Montgomery County, Md., in the last census had the nation's highest median family income). We proposed that payments for the category "3(b)(2)" children—whose parents work on Federal property but live in taxpaying residential property—be limited to those children whose parents earned as a result of the Federal employment less than a certain amount. The amount would be $12,000 in fiscal 1970 (8 percent of Federal employees earn more), $10,000 in fiscal 1971 (14.7 percent of Federal employees earn more), and $8,000 thereafter (29.5 percent earn more). The purpose of cutting out payments on account of the better paid Federal employees who live on taxable property is to take account of the fact that higher income families are likely to be living on property which is taxed sufficiently to support the children they have in the public schools. The effect would be to trim the total program by perhaps as much as $50 million, and by between one-third and one-half in the wealthy Washington suburbs.

This amendment was accepted by the majority on one day and rejected on the following day.

IMPACT AID AND PUBLIC HOUSING—"NOW YOU SEE IT—NOW YOU DON'T"

One successful amendment which we support in principle—but not in the illusory form in which it is found in this bill—would count as a Federal impact those children attending public schools who live in federally financed public housing projects. With few exceptions, these children are from very low-income families and are likely to be attending schools which urgently need assistance. The tax-exempt public housing in which these children live makes an in-lieu-of-tax payment to the schools which averages out to a paltry $11.61 per public housing child in attendance. In our judgment, here is a Federal impact more demonstrably real and adverse to the schools than most of that counted under Public Law 874.

Yet the majority added it to Public Law 874 in a way that virtually assures that little, if any, money will be made available in the foreseeable future to the schools involved. Instead of counting the public housing children along with the other "category (b)" children and then sharing the appropriations in whatever amount is made available for impact aid, the majority inserted it into Public Law 874 as a separate category for which a separate appropriation is required. In the existing budgetary situation it is highly unlikely that any such appropriation will be made, and under any conditions the large cities which have most of the Nation's public housing will have to make a separate fight for these funds.

In short, the committee has presented the Nation's 50 largest cities (as well as many smaller ones) with a classical "Now you see it, now you don't" form of assistance. They are not likely to see it.

If there is a sound justification for making payments to the schools on account of pupils from nontaxable public housing—and we believe that there is a very strong justification—then those pupils should be treated equally with the other "federally connected" children. They should share equally whatever amount is appropriated to compensate schools for Federal impact.

The committee bill succeeds only in protecting hundreds of school districts that don't need help against the threat of sharing these benefits with a few districts that need all the help they can get.

A LOST OPPORTUNITY

H.R. 514 is a disappointment to all those who believe that the Elementary and Secondary Education Act of 1965 can be made more effective and more equitable in its impact on educational problems. It represents a lost opportunity for our committee to make a really penetrating analysis of the operation of the act and to make any significant improvements that could be made at this time. Both ESEA and the impacted areas legislation demand such an examination, not with a view to dismantling them or curtailing programs of demonstrable value, but for the purpose of strengthening them. The Federal role in financing education has become one of critical importance to our schools, and may well spell the difference between success and failure in the total national effort to overcome a whole complex of critical social and economic problems. Legislating in this sensitive and vital field demands the best effort we can bring to it. H.R. 514 does not by far represent that kind of effort.

For this reason we voted against reporting the bill from the Committee on Education and Labor. The issues we have discussed in these views will now have to be resolved by the entire House of Representatives, which we regret. They are issues more suitable for determination within the committee.

A LOOK AHEAD

Quite aside from the issues we have raised in these views, with respect to this particular bill, we believe that the entire Federal role in education is overdue for a searching evaluation in the context not only of our total educational needs, but of total national needs for public services of all kinds and the tax structure upon which all this rests.

There is a growing taxpayers' revolt across the Nation which is reflected in the increasing number of instances in which school bond issues and millage increases for schools are rejected by voters. In the decade 1957–67 the average rate of approval in school bond elections was 72.7 percent; the approval rate for 1968 was 62.5 percent, down nearly 7 percent from 1967. Approvals for increases in millage follow the same trend. We should not deceive ourselves by shrugging off this trend as merely a result of local issues affecting local decisions. The feeling is general.

Short of a general overhaul of the present structure of Federal aid for schools there is still much that we can do to assure taxpayers of getting more for every Federal dollar expended. One is to take greater care that such programs are concentrated on the most important needs; another is to make certain that every program is thoroughly and objectively evaluated and modified or discarded as the evaluation shows necessary. Secretary Finch has expressed strong support for this concept, and we applaud him for it; we hope the Congress will give him the tools he needs to do this job.

We believe that if these intermediate steps are not taken, and if a beginning is not made now on the larger and long-range appraisal, the whole structure of education as we know it may be in deep trouble in the years ahead.

BASIC DATA ON PERCENTAGE DISTRIBUTION OF DISADVANTAGED CHILDREN AND TITLE I PAYMENTS

[As a percent of the national total in each category]

	School-age children, families less than $3,000 income, 1959	Total AFDC caseload 1968	School-age children in families receiving over $2,000 from AFDC, 1968	Percentage distribution of title I funds, 1969, 1.123 billions
Alabama	4.34	1.83	0	3.24
Alaska	.09	.10	.05	.17
Arizona	.80	.76	0	.87
Arkansas	2.69	.69	0	2.02
California	4.46	14.50	20.39	7.43
Colorado	.74	.97	.65	.83
Connecticut	.45	1.22	2.14	.81
Delaware	.15	.31	.03	.24
Florida	3.16	3.11	0	2.97
Georgia	4.72	2.34	0	3.21
Hawaii	.20	.35	.41	.22
Idaho	.29	.20	.25	.28
Illinois	3.19	5.57	7.71	4.11
Indiana	1.65	.96	.50	1.39
Iowa	1.52	.89	1.23	1.35
Kansas	.90	.77	1.02	.91
Kentucky	3.51	1.92	.10	2.79
Louisiana	3.85	2.83	0	2.81
Maine	.46	.40	0	.32
Maryland	1.21	2.04	1.61	1.34
Massachusetts	1.10	2.76	4.23	1.55
Michigan	2.65	3.51	5.61	3.00
Minnesota	1.67	1.12	2.04	1.72
Mississippi	4.20	1.99	0	3.38
Missouri	2.56	2.13	.30	2.12
Montana	.31	.18	.11	.33
Nebraska	0.78	0.45	0.34	0.53
Nevada	.07	.15	.05	.10
New Hampshire	.15	.11	.12	.15
New Jersey	1.32	2.92	5.37	2.27
New Mexico	.78	.76	0	.91
New York	4.66	15.84	30.13	11.14
North Carolina	6.07	1.86	.01	4.57
North Dakota	.49	.17	.28	.38
Ohio	3.21	4.14	2.95	3.09
Oklahoma	1.75	1.57	.64	1.55
Oregon	.53	.67	.67	.76
Pennsylvania	4.02	5.48	5.46	4.26
Rhode Island	.27	.54	.60	.33
South Carolina	3.69	.64	0	2.77
South Dakota	.59	.24	.25	.51
Tennessee	4.16	1.87	0	2.96
Texas	8.06	2.74	0	6.79
Utah	.26	.45	.27	.29
Vermont	.19	.17	.17	.17
Virginia	3.34	1.13	.05	2.50
Washington	.81	1.11	1.73	1.07
West Virginia	1.90	1.40	0	1.49
Wisconsin	1.37	1.28	1.73	1.33
Wyoming	.12	.07	0	.14
District of Columbia	.33	.53	.58	.53

Amount allocated for each child counted under title I formula (fiscal 1969)

States by rank:	Amount
50 States and District of Columbia (average)	$154.94
Alaska	234.27
New York	206.80
District of Columbia	202.44
Florida	184.26
Delaware	183.68
New Mexico	182.27
Oregon	180.84
New Jersey	174.36
Wyoming	171.99
Montana	170.78
Arizona	170.27
Minnesota	167.94
Kansas	164.58
Washington	164.05
Connecticut	162.38
Texas	162.26
Illinois	159.01
Iowa	156.76
Wisconsin	156.65
Nevada	154.02
Idaho	153.98
Pennsylvania	153.81
California	151.88
Missouri	150.31
Massachusetts	150.01
Colorado	149.97
Michigan	148.91
Rhode Island	146.76
Indiana	144.12
Louisiana	143.84
New Hampshire	142.80
Arkansas	142.52
Maine	142.05
North Carolina	141.97
Oklahoma	141.95
South Carolina	141.65
Tennessee	141.44
Georgia	141.31
Mississippi	141.21
Alabama	140.81
Virginia	140.52
Maryland	140.46
North Dakota	140.13
Vermont	139.54
South Dakota	139.80
Hawaii	138.19
Kentucky	137.40
Ohio	136.11
Utah	135.15
West Virginia	131.96
Nebraska	123.32

Accordingly, Mr. Chairman, I shall support an amendment for a 2-year extension.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, the gentleman from Wisconsin stated previously he intended to offer on this floor an amendment connected with Public Law 874 category B funds. In response to a comment made by the gentleman from Texas (Mr. TEAGUE), I would like to call to the gentleman's attention, if he has this intent, the necessity of taking into consideration, in the matter of this Public Law 874 category B funds, the situation which exists in many parts of the United States and is typified by a school district in my congressional district. From this district has been taken away recently over 87,000 acres. To the school district has been added approximately 2,000 to 3,000 students. The homes in this district are from $9,000 to $18,000 or $20,000. The only industrial areas we have are small modest shopping centers.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. PERKINS. Mr. Chairman, I yield 10 minutes to the gentlewoman from Oregon (Mrs. GREEN).

Mr. HAYS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Eighty-five Members are present, not a quorum. The Clerk will call the roll.

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

[Roll No. 43]

Annunzio	Fisher	Ottinger
Ashley	Ford,	Powell
Baring	William D.	Purcell
Bates	Fraser	Ronan
Bell, Calif.	Gray	Rooney, Pa.
Blatnik	Hansen, Wash.	Rosenthal
Brooks	Hébert	Rumsfeld
Brown, Calif.	Helstoski	Scheuer
Brown, Ohio	Holifield	Sikes
Camp	Hosmer	Smith, Calif.
Carey	Jarman	Springer
Celler	Kirwan	Sullivan
Clark	Mahon	Taft
Daddario	Mann	Teague, Tex.
Dawson	Martin	Thompson, N.J.
Diggs	May	Watts
Dwyer	Mollohan	Wilson,
Edwards, Calif.	Moorhead	Charles H.
Edwards, La.	Murphy, N.Y.	Wold
Evins, Tenn.	O'Hara	Wright

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 514, and finding itself without a quorum, he had directed the roll to be called, when 374 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentlewoman from Oregon (Mrs. GREEN) had been recognized for 10 minutes.

Mrs. GREEN of Oregon. Mr. Chairman, first of all I should like to pay my respects to the chairman of the committee, who I believe is one of the hardest working Members of the House and certainly one who has the best interests of education very much in his mind and in his heart.

I must say I regret that on this particular occasion I am not able to give my wholehearted support for the bill as it has been reported out of the committee. The chairman and I do have some minor disagreements, though I believe not major in the goals we both seek.

However, I cannot in good conscience vote for this legislation, as it was reported by the committee, without amendments. Therefore, I should like to discuss the proposed changes in the legislation which is before this Committee, and I should like to discuss it first of all from the political standpoint and second from the standpoint of the proposed substantive changes.

I shall have specific amendments to offer later during the time we are marking up the bill. Those amendments would address the problem created by the ever increasing direction of American education from Washington, D.C. For many years I have been committed to the idea that the success of our schools depends upon local and State control of our educational system.

I am also more than ever convinced that we on the committee and we in the Congress cannot sit as one great school board to determine what is the best educational policy in each one of the 2,500 or 2,600 school districts throughout the country, from Florida to Alaska and from Maine to Hawaii.

As a matter of fact, I would say in all honesty that we in the Congress cannot even provide good education for the schools in the District of Columbia. We have classrooms here in the District of Columbia that are turning into battlefields. We are watching the deterioration of the schools in many of our ghetto areas, a deterioration occurring before our eyes.

Mr. Chairman, I intend to offer an amendment to title I of the bill which would allow the funds under title I to be spent for teacher combat pay. I say that in all seriousness. As we witness city classrooms being turned into battlefields it seems to me we ought to give the teachers in especially difficult school areas bonuses in order that the Nation can recruit and retain qualified teachers to engage in what amounts to actual combat duty.

There is also a provision in the bill now, of which I am not sure all Members of the House are aware. Under this provision a school district is required, when it is making its plans for title I funds, to submit its plans to the local community action agency. The local community action agency has endorsed those plans of the school district before the district can present them to the State for funding.

In the case of Portland, Oreg., there was an 8 month delay between the time the Portland School Board actually submitted its plan under title I to the local community action agency, and the time the district received it back. The community action agency is an agency in a small part of the Portland School District. It took that community action agency 8 months to approve the plans of the Portland School Board, which that board, elected by the people of Portland, had already determined were best for all the boys and girls in that school district. I must say, I think this is an outrage.

We elect a school board to determine policy. We elect a school board to use its best judgment and its best wisdom in making plans. For us to pass laws that say we turn this responsibility over to a community action agency is a situation, I believe, where a change ought to be made.

I shall also, at the appropriate time, offer amendments to cut out a couple of other advisory committees which, I believe, will create only chaos and confusion.

Mr. Chairman, let me also say I am opposed to the 5-year extension, which is in fact a 6-year extension, because it would carry the legislation to July 1, 1975.

I do believe that education is too important to be considered on a purely partisan political basis. I long for the day when Federal aid to education at the elementary and secondary levels will be considered on the basis of individual convictions instead of on a party line.

But since political considerations can-

not be avoided this week, then let me say to my Democratic colleagues, from a purely democratic standpoint that it makes more political sense to require the Nixon administration to come up with its recommendations on programs to meet the crisis that is in our schools, rather than to give them the "out" that Congress has spoken in passing a $25 billion education bill extending not only through the 4 years of the Nixon administration but also 2½ years beyond.

I also say to my Republican colleagues that I am more confident than some of my Democratic colleagues, because I think there will be a change in the White House in 1973; and we will have a Democratic administration. Therefore, I am unwilling to cast my vote this week for a 6-year bill which not only extends through the life of the Nixon administration, but 2½ years into the life of the next one. I wish to say that I want my Democratic President in 1973 to have the chance to, and be required to, submit his recommendations to this House.

Beyond these purely partisan considerations, Mr. Chairman, I cannot stand here today and say to anyone that this bill even begins to meet the serious crisis facing this country and our schools.

In the Journal of Secondary Education for October 1968, we read:

ABOUT STUDENT UNREST

(By William N. McGowan)

It was inevitable that the unrest that has become status quo in this troubled twentieth century find its way into public schools. It was inevitable that student unrest take forms already tested on the general public. It was likewise inevitable that the problems created would have a dramatic effect on school business.

School trustees face demands to reorganize school districts and alter curricula, shift personnel, close schools. Teachers are attacked in classrooms and in halls. Administrators are harassed at school and in their homes. It is getting more and more difficult to find competent teachers and administrators to serve in "inner city" schools. Schools are closed by student protests, and by teachers protesting the conditions that make them the victims of protesting students. Manifestations of student unrest are varied and numerous.

One of the more dramatic manifestations of student unrest is the development of underground curricula. Mimeographed sheets labeled "Urban Guerrilla Warfare" and containing diagrammatic instructions for the construction of Molotov Cocktails are passed from hand to hand by high school students in San Francisco.

Careful instructions are given for making fire bombs. Discussion groups providing information on how to avoid the draft are well-organized and are being conducted in communities across the nation. Seminars to teach techniques for challenging all authority are being conducted in Los Angeles, New York City and other parts of the country.

Then, from an article published by the High School Principals Association of New York City we read this:

THE NATURE AND LIMITS OF STUDENT DISSENT AND PARTICIPATION

(A report of the Committee on Student Unrest of the High School Principals Association of the city of New York. Unanimously approved and adopted at its meeting of Jan. 16, 1969)

Until quite recently, manifestations of student unrest have been largely confined to our colleges. Now there are unmistakable signs that similar kinds of student disaffection have spread into our high schools, expressing themselves in the following forms and strategies:

Student demands for complete, unsupervised, unchecked student control of student government, student newspapers and magazines, student finances.

Student demands for a determining voice in the rating and retention of school personnel.

Student demands for a determining voice in shaping, revising, and modifying present curricula, and introducing new courses.

Campaigns against traditional school regulations governing dress, behavior, use of school facilities, etc. The evidence to hand strongly suggests that outside groups and individuals are providing encouragement and leadership to students involved in these campaigns.

A strong, insistent thrust to eliminate or diminish the present legally mandated policy and decision making powers of the principal and his staff, and to turn these powers over, in whole or in part, to students.

The consistent characterization of all administrators as rigid, authoritarian, unfeeling, insensitive to the needs of youth or "the community".

Deliberate, planned "confrontations" designed to provoke the school authorities into actions that will win adherents and sympathizers for the dissidents.

Underground newspapers and leaflets (frequently anonymous) filled with generally unsubstantiated attacks on school policies and school personnel. The language of these publications is often obscene, the tone strident, belligerent, and arrogant.

Disorders and fears of new and frightening dimensions stalk the corridors of many of our schools. Yet in the face of these obviously clear and present dangers, our Board of Education has virtually abdicated its responsibilities for the safe and orderly conduct of our schools. Preoccupied with the dismantling of a school system it does not understand or care about, our Board of Education seems unable or unwilling to come to the defense of our beleaguered schools. No one appears to be in charge. No one appears to be listening.

It is in this present context that we feel we must make clear to parents, students, our Mayor, our Board of Education, our Superintendent of Schools, and every citizen of this city, what we conceive to be:

The essential mission and responsibility of the school.

The nature and limits of student dissent and student participation in the direction and governance of our schools.

We are deeply committed to insuring and protecting the rights of all students to responsible dissent and to an appropriate role in the life of our schools. We are equally committed to insuring for the non-dissenting student the right not to dissent and the right to uninterrupted, unrestricted access to the education he wants and needs.

We are aware that some of the present student discontent has its roots in very real defects and inadequacies in our educational system. Much of this discontent, however, is based on misunderstanding, some of it fostered by forces with a stake in promoting misunderstanding.

We are encouraged by our students' active interest and concern about their education and about the times they live in. We take their efforts to bring things "nearer the heart's desire" as a heartening sign of their growing maturity.

Through democratically elected student government organizations, our schools are providing significant and constructive channels for responsible student participation in developing fruitful approaches to school problems that vitally affect them. Some of these student organizations are not as alert, as concerned, or as effective as we or our students would like them to be. But there are signs all around us that they are moving responsibly and intelligently to expand their functions, take on new responsibilities, and adapt themselves to changed and changing conditions. Under the leadership of their school advisers, they are creating vital forums and instrumentalities for their meaningful, responsible participation in a healthy and stable school environment.

Implicit in every one of these school councils or similar organizations (which have functioned in our schools for many years) is the unequivocal recognition that students have a right to speak and to be heard. As in the past, they are now speaking in our schools—and they are being heard. And where feasible and possible, their suggestions are being incorporated into school policy and practice. They will continue to be heard—on any matters they feel they have a stake in. And their requests for change and modification in the content, direction, and quality of our educational programs will continue to receive the attention and response they merit. We shall continue to delegate to students those responsibilities and functions which the schools are legally permitted to and can safely delegate, and which students are qualified to assume and execute. We shall, as we always have, continue to meet in our schools with our democratically elected student organizations to consider wtih them their problems, needs, and desires.

A significant amount of contemporary student protest is raw, crude, disruptive—and frequently designed to be so. We deplore this misdirection of youth's essentially idealistic impulses. We will not, however, be party to those strategies and policies calculated initially to keep our schools in turmoil and, ultimately, to render them incapable of sustaining an atmosphere in which students who want to learn can learn. We will not supinely accept programs designed to destroy our schools and the society we are pledged to strengthen and uphold. We do not intend to capitulate to the violence or the threat of violence that will surely take our schools down the road to anarchy.

In the following we have identified some current, persistent, surfacing issues and problems that face our schools. For each we have indicated what we believe to be a fair and appropriate response. Unequivocally implicit in these responses is the inescapable fact that the principal is charged by law with the responsibility for supervising the school's teaching staff and instructional programs, implementing the mandates of the city Board of Education and the State Education Department, providing, under optimum conditions, for the education, safety, and welfare of all the students.

The principal is not an absolutely free agent operating in a vacuum. His duties, responsibilities, and accountabilities are clearly spelled out for him. He may not shirk or neglect them. He may not improperly delegate them. He may not let them go by default.

STANDARDS OF DRESS

Good taste, propriety, sensible restraint are the desiderata here. Dress codes stressing what is proper and fitting for school wear have been promulgated in individual schools by students, faculty, and parents working together. They have proved effective in helping to set and maintain acceptable school tone and appearance. Changing fashions, of course, will call for periodic review of these dress codes.

DEMAND FOR UNRESTRICTED FREEDOM IN CONDUCTING STUDENT GOVERNMENT AFFAIRS WITHOUT BEING SUBJECT TO PRINCIPAL'S VETO

Were he to accede to this demand, the principal would be abrogating his authority in an area where he is precisely charged with

the responsibility for reviewing and approving student government decisions as they apply to the whole student body. It is very much in order for students to suggest that student government broaden its present concerns, that it meet and consult with school authorities on matters vitally affecting student welfare. This is exactly what is now happening in many of our schools. And schools welcome this evidence of constructive student concern and desire for more significant involvement in vital problems. But students must not be allowed to believe that lending a respectful and sympathetic ear to their desires and demands constitutes an automatic mandate on the school. The intensity of student demand is not necessarily a measure of its legality, validity, or practicality. No governing body in this country has the absolute, unchallengeable rights that some student demands seem to be asking for. Our City Council's recommendations are subject to Mayoral veto. The State Legislature's are subject to the Governor's veto. And the acts of Congress are subject to presidential veto. So, in school matters, the principal is in duty bound to exercise his veto over unwise or unsound student proposals governing the expenditure of student monies, the assumption of obligations that the school cannot meet, etc. The principal cannot abdicate his ultimate function as the legally responsible, executive head of the school.

DEMAND FOR A STUDENT SMOKING ROOM

This request would have to be denied. It constitutes a threat to the health and safety of students.

DEMAND TO REVIEW AND SET ASIDE PRINCIPALS RULINGS IN DISCIPLINARY PROBLEMS

Such demands now take the form of student "review boards" or student courts endowed with the power to overrule the judgments and decisions of the principal. The school cannot accede to these demands. The principal cannot legally or ethically delegate to students the responsibility for maintaining school discipline, punishing offenders, official recording of student offenses, and administrative dispositions. Under such procedures, students would have access to confidential records of other students. This would constitute a grave breach of student privacy. Students and their parents may see their own confidential records. Limited access to these records is permitted to specifically designated governmental agencies or individuals—for specific purposes. Teachers, administrators, guidance personnel, of course, are permitted to work with these records, but required to keep them confidential.

DEMAND FOR UNRESTRICTED, UNSUPERVISED STUDENT USE OF SCHOOL MIMEOGRAPH AND SIMILAR FACILITIES

School facilities and school supplies (duplicating machines, paper, ink, etc.) may legitimately be used only for instructional and noninstructional purposes consonant with the legally sanctioned, recognized, and accepted objectives of the school. No other use can be sanctioned. The duplicating of materials for school use must be approved by a responsible school official. Students may and do operate these machines under faculty supervision in carrying on the affairs of student government.

DEMAND TO DISTRIBUTE LEAFLETS (SIGNED AND UNSIGNED), PETITIONS, OR OTHER MATERIALS, ETC. INSIDE SCHOOL

The principal and his assistants are charged with responsibility for all activities that take place within the school. They must, therefore, determine in advance whether materials are pertinent to or have a meaningful bearing on the school's educational program, whether they are inimical to student welfare and safety, whether they constitute a clear threat to the proper and orderly running of the school, whether they are libelous in nature, etc.

We have an inescapable obligation to give our students free and legitimate access to each other while, at the same time, protecting them against exploitation, manipulation, assaults on their sensibilities.

DEMAND FOR INTRODUCTION OF SPECIFIC COURSES OF STUDY

We have always recognized students' right to examine the content of their educational program; and to make specific recommendations designed to improve them. We recognize, too, our obligation to discuss and evaluate with student representatives the soundness, pertinence, practicability of their proposals. We must point out, too, since all suggestions for curriculum revision, whether student or faculty originated, have district and city-wide implications, they must, under our present operating procedures, receive the approval of the District Superintendent and the Local School Board.

DEMAND TO SET UP NEW CLUBS

All school clubs must be chartered, sponsored, and supported by the school's General Organization and approved by the principal or his delegated representative in charge of student activities. Every club must have a faculty advisor who is frequently chosen by the students, but officially assigned by the principal. Clubs may be affiliated with outside organizations provided the purposes of these organizations do not run contrary to the Board of Education's by-laws.

DEMAND TO WEAR BUTTONS, ARMBANDS, INSIGNIA, ETC.

In most instances these requests present no problems. But at times schools have rightly barred the wearing of various kinds of insignia when they were obviously obscene, in egregiously bad taste, racist in intent, and inflammable in effect, provocative of disorder, etc. We shall continue to exclude from our schools emblems that violate community canons of good taste and good manners, that arouse and feed racial antipathies, that pose a threat to the orderly conduct of our schools.

DEMAND TO BRING IN OUTSIDE ASSEMBLY AND CLUB SPEAKERS WITHOUT SCHOOL APPROVAL

We cannot accede to this demand. The principal is responsible for all activities that take place in school during the school day. Since outside speakers, by their very entrance into the school, become a part of the school program, the principal is obliged to judge these speakers just as he would judge any other proposed additions to the school's curriculum or extra-curriculum—for their propriety, their consonance with the purposes of the school's program, their impact on and contribution to students' school experiences.

An essential part of the school program is making students aware of and sensitive to varying viewpoints that are legitimately held and espoused in our society, and training them in thoughtful, balanced evaluation of conflicting views. These highly desirable ends are best achieved in school under responsible adult supervision. Indeed, standing legally as it does *in loco parentis*, the school would be derelict in its duty if it failed to provide such supervision and guidance for its students.

DEMAND TO CALL AND HOLD ASSEMBLIES UNDER STUDENT DIRECTION WITHOUT FACULTY CONSULTATION OR SUPERVISION

The total absence of even minimal adult control and supervision under these conditions poses obvious hazards to student safety and to the proper conduct of the school's program. Further it raises the real possibility that the school might be used to further causes or ends at hostile variance with the educational and social purposes which the school, as an agent of the society, is specifically charged to promote and support.

We welcome student suggestions for vitalizing and improving assembly programs. In some schools students are now serving on student-faculty planning committees in this area. But the request for free-wheeling, unsupervised calling and holding of assembly programs cannot be granted.

DEMAND FOR STUDENTS TO JUDGE THE COMPETENCY OF TEACHERS OR CALL FOR THEIR REMOVAL

The methods and procedures for evaluating teacher performance are clearly spelled out in the State and City education law. The determinations of teacher competency can, by law, be made only by trained, certified supervisors.

DEMAND TO SET ASIDE SCHOOL REGULATIONS

These demands commonly ask for the right to leave classes at any time without official passes, the right to attend or not attend classes at will, the right to leave the school building during lunch periods, the right to spend study periods outside school, etc. Acceding to these and similarly anarchic demands would make the safe and orderly conduct of the school impossible. Such demands obviously cannot be granted.

We have a painful, daily awareness that we do not have the answers to many of our school problems. We, therefore, welcome any suggestions from any source to explore any avenues that may lead us to the development of the more vital, more effective schools we all want.

Meanwhile, as we continue to heighten and sharpen our awareness of and responsiveness to the pressing and unmet needs of our students and parents, we are united in our determination to make and keep our schools places where teachers can teach without fear and harassment, and students can learn without distraction and disruption.

There are limits to the right to dissent—as there are limits to every other right. The right to dissent does not confer on students the right to disrupt the normal school processes. The right to dissent does not entitle any students to deprive their fellow-students of their education if they do not share or wish to join in their dissent. Nor does the right to dissent, by its mere utterance, give instant sanction to student demands that cannot legally be granted or that students are demonstrably incapable of performing. The right to dissent carries with it the obligation to respect the rights and opinions of those who do not dissent. This, we take it, is the essence of democracy. This is what we propose to safeguard in our schools and in our society. And in this we know we can count on the overwhelming support of our parents and students. They see clearly that the disorders planned and executed by small, destructive groups are a menace to their education and security.

The hour is late. Our schools are in peril. It is the ineluctable duty of our Mayor, our Board of Education, our Superintendent of Schools to do what they have sworn to do: protect our schools, our teachers, and our students against the disturbers, the violents, and the enemies of public education within and outside the school system. We call on them to act firmly, quickly, and courageously against the divisive, disruptive forces and individuals loose in our schools working to radicalize, subvert, and poison the minds of our students.

We call on our Mayor, our Board of Education, our Superintendent of Schools to stop surrendering our schools piecemeal to the foundations, the opportunists, the extremists, the unrealists.

We ask the Mayor, the Board of Education, the Superintendent of Schools to stand up and talk up, loud and unequivocally, for our schools. The people of this city, the teachers who man our schools, have a right to know whose side our public officials are on: the side of the parents who want their schools to be places where they can safely send their children to learn, or on the side of those who, by design, capitulation, indifference, or their naivete, are leading our schools down the road to anarchy.

We call on the Mayor, the Board of Education, the Superintendent of Schools to meet, at long last, their sworn commitments to provide a full, meaningful, secure education for "all the children of all the people" all the time—in all our schools.

And, from Education U.S.A. for September 1968, we read:

School vandalism cost New York City nearly $2 million in 1966–67, according to a vandalism survey just released by the Baltimore City Schools. Next was Los Angeles with damage totaling $555,491; Detroit, $515,319; and Cleveland, $449,500. Following in the $200,000 bracket are Baltimore, Newark, Washington, D.C., Philadelphia, Cincinnati, Milwaukee, and Boston. Newark leads the list in vandalism cost per pupil with $3.30. In response to the problem, schools report using various electronic detection systems, window screens, all-night guards, fences, lights inside and outside schools, plastic window glass, and programs to teach student and parental responsibility. St. Louis has planned police training, emphasizing vandalism laws and police relations, for its administrators, and is trying to combat truancy as a means of reducing vandalism. And in Detroit, a former policeman has been named to a new school post, head of security.

Then we find in the San Francisco Chronicle preliminary statistics in San Francisco on violence in San Francisco's 10 high schools since the schools opened on September 4. These were released yesterday. They show there have been 189 reported cases of assault on either students, teachers, or school personnel. They show that there have been 41 reported cases of robbery or extortion with students, teachers, or school personnel as victims.

From the U.S. News & World Report we have another article about vandalism and about these attacks and the fact that teachers today have the threat of physical violence as daily accompaniment to their job.

Here in the District of Columbia what happened? Hearings this year before the Senate District Committee show that the director of an organization dealing with narcotic addicts estimated that in one local high school of 1,400 students, one-third are heroin addicts.

The Director of the Bureau of Narcotics and Dangerous Drugs Office and the FBI uniform crime reports indicate that drug arrests of persons under 18 rose 778 percent during the period 1960 to 1967.

The CHAIRMAN. The time of the gentlewoman from Oregon has expired.

Mr. PERKINS. Mr. Chairman, I yield the distinguished gentlewoman 5 additional minutes.

The CHAIRMAN. The gentlewoman from Oregon is recognized for 5 additional minutes.

Mr. PERKINS. I would like to ask if the gentlewoman would yield to me briefly at this point?

Mrs. GREEN of Oregon. Yes.

Mr. PERKINS. I, of course, want to compliment the gentlewoman from Oregon on her statement.

I do not think the gentlewoman intended to leave the impression that the administration would be locked in in connection with this extension. I know that the gentlewoman last year in the bill which she brought to the floor under her able leadership—the higher education bill—we extended that bill for 3 years and she is now conducting hearings to amend that bill.

I just wanted to make clear at this point that we are only asking for the lengthy extension because of continuing the continuity of the program which in my judgment will enable the committee to be more deliberate and review the programs with greater intensity if we do give these programs some stability and give an extension here to meet a problem which has increased all over this country to the extent of at least 5 percent, I would think, in every local school district in the Nation. That is what many witnesses have said.

Mr. Chairman, I wish to compliment the distinguished gentlewoman on her statement.

Mrs. GREEN of Oregon. I thank the chairman, and I may ask for several additional minutes later in view of his statement.

In reply, may I suggest it is my judgment that if this bill is extended for 5 years, which is actually 6 years, we successfully foreclose the possibility of seriously considering alternatives. Let me tell you why. This is a $25 billion bill. We all know the budget restrictions. The saddest part of all is that even with the authorization today we only have 41 percent funding.

Mr. PERKINS. Well——

Mrs. GREEN of Oregon. Will the gentleman permit me to finish this statement?

Mr. PERKINS. I will yield the gentlewoman some additional time, but with reference to the $25 billion figure I think we all know that 75 percent of the moneys are in title I of this bill and the appropriation for fiscal 1969 is $1,115 million. Now, there are many titles in this bill like title III that carries an authorization of $550 million, but there has been only $42 million appropriated. We are talking about, out of this so-called $25 billion bill, now appropriating $1,375 million.

Mrs. GREEN of Oregon. Mr. Chairman, if I may repeat just briefly, if we pass today a $25 billion bill I do not think that this Congress is going to vote another multibillion-dollar education bill this year. And I do not think that this particular bill meets all the needs. Also, conditions are changing very rapidly in this country. How many of us today would have stood on the floor of the House 6 years ago and made the prediction that we would be facing the kind of school crisis we are facing in this country in 1969? How many of us would have known the seriousness of the situation and, in fact, how many of us really know the seriousness of the situation today?

Mr. LANDRUM. Mr. Chairman, will the distinguished gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Georgia.

Mr. LANDRUM. When we were considering Federal aid to elementary and secondary education several years ago—6 years ago and prior to that—a consideration at that time was to try to give assistance in a field that would bring about real help toward getting teachers' salaries commensurate with what they ought to be in that particular profession.

It would appear to me that the argument presented by the gentlewoman from Oregon would extend over into that area. If we were to pass a bill of this magnitude for the length of time proposed in it we might foreclose the opportunity of giving serious study to writing legislation that would earmark specific sums of this money for classroom teachers.

As the gentlewoman from Oregon has so wisely and vigorously stated here, that is the area in which we suffer the greatest problem today, that of teachers' salaries. And until we do something in my judgment that will channel these funds into helping the classroom teacher meet not only her or his professional qualifications, but to meet the problems they have in the classrooms, I believe we ought to be very, very careful in making long-term programs until we reach the point that we have given ample consideration to this.

The CHAIRMAN. The time of the gentlewoman has again expired.

Mrs. GREEN of Oregon. I would ask the chairman of the committee if I may have 5 additional minutes.

Mr. PERKINS. I can yield only 2½ minutes unless I borrow time from someone else. Therefore I will yield 2½ additional minutes to the gentlewoman from Oregon.

Mr. AYRES. Mr. Chairman, we can spare 5 minutes.

The CHAIRMAN. The gentlewoman from Oregon is recognized for 7½ minutes.

Mrs. GREEN of Oregon. Mr. Chairman, if I may continue—and I believe no confidence is being violated, for I believe the chairman referred to it in the hearings—as soon as this bill is voted upon by the House, the chairman intends to introduce and to put in the hopper the bill which is sponsored by the National Education Association, which has a price tag on it of over $7 billion a year for each of 5 years.

Now, I happen to know that the NEA bill is a very carefully thought out bill, and is a really good bill. I know I will not have my way in that regard, but if I did have my "druthers" I would favor passage of the NEA bill for I believe our schools need a vast infusion of Federal funds.

Mr. PERKINS. Will the gentlewoman yield on that point?

Mrs. GREEN of Oregon. I will yield to the gentleman if I may have an additional extension of time.

Mr. PERKINS. I believe we ought to make it clear that the National Education Association is on record and agrees with the thinking of the committee that this bill should be funded, or that the NEA approach is the second priority, because they say that not at the expense of special educational programs do they want their own bill.

Mrs. GREEN of Oregon. Mr. Chairman, I thank the chairman of the committee for that contribution. But the point that I am making is that in my judgment—and I have said this to some of the people connected with the NEA—I believe that they are foreclosing serious consideration of that kind of legislation. And I believe that kind of legislation is necessary in the United States in the 1970's. To bolster what the gentleman

from Georgia (Mr. LANDRUM) said, the latest figures that I have are that there are 131,000 teachers who left the teaching profession in 1968, not including those who retired. Also 79,000 finished teacher education courses, but did not go into teaching. We are fast reaching the place where we are not even going to have enough physical bodies for each one of the classrooms, and we ought to be talking about this critical need.

HEW released a report not too long ago that said the most urgent education problem in the United States today is the shortage of qualified teachers.

So I ask for the possibility for the consideration of other alternatives, not necessarily this year, but if we extend the act for 6 years, then we will foreclose that possibility entirely.

I believe the testimony that I cited earlier in the articles on the troubles in our schools could be referred to as a catalog of defeats. If we consider this final defeat then we can withdraw, and each of us could help build his own little enclave where he can labor under the delusion that security is provided for his children and his posterity.

But this is an impossible alternative. We must consider these problems today as simply a catalog of problems—problems which must be solved. They will not be solved by high expectations and verbal cheers. It is going to require hard cash and the effort, energy and courage and the will to do something about it.

The conditions in our schools as I said are changing very, very rapidly. We need to be reviewing and reevaluating the legislation each year.

May I also say that to vote $25 billion when we know it is going to be funded only at 40 percent, is a cruel hoax on American educators and on American children.

Reference was made in the last few days as to the necessity of giving some kind of stabiltiy to the program, and that that is what we are going to do by voting for a 6-year extension, and that we are going to provide for long-range planning. The chairman has suggested that on several occasions.

May I ask you how we possibly, by our vote today for a 6-year extension, can guarantee any stability or provide for any long-range planning?

In 1967 under title I my school district of Portland received $1,940,000.

In 1969 with the authorization level still higher, the Portland school district received less funds. They received $1,484,000.

Now this is not the way to get stability. The way to get stability is to pass a realistic authorization bill that will bear some relation to the appearance of the appropriation bill when it is passed. The way to do it also is for every single Member of the Congress who believes in good education to fight as vigorously when the appropriation bill comes up as they did when the authorizing legislation was passed.

So I would say to my colleagues—really make a sincere effort to consider the seriousness of the situation. Let us try to persuade the White House, that while they may deem the deployment of the ABM system be necessary to our security the revision of the ABC system in the United States and the gearing of our schools to the 1970's is going to be far more important for the future of our schools and for the future security of the United States.

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

The CHAIRMAN. The gentlewoman yields back 1 minute to the gentleman from Ohio (Mr. AYRES).

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

Mr. BARRETT. Mr. Chairman, I strongly support H.R. 514, extending the Elementary and Secondary Education Act of 1965 and the impacted area aid programs for 5 years.

The committee, when originally reporting the act, clearly indicated the purpose of the legislation was to meet a national problem because of basic education deficiencies. This was the first major effort on the part of the Government to provide a general education program for elementary and secondary schools. Amendments in 1966 and 1967 expanded the scope of the program and extended the authorizations for the program.

I have repeatedly stated that the greatest asset that this country has is our youth. And, the most prudent investment we can make for their future is in their education. This program is designed for that purpose.

At this point, I believe Chairman PERKINS and the committee are due a special word of commendation for the diligence with which they have pursued this program and its goal of improving the level of education across the board throughout the country. Today, as we look at the financial crisis facing so many school districts we can be thankful that Congress had the wisdom and foresight to enact the program.

The program is now 4 years old, and since the inception of title I, almost $3 billion has been invested in an effort to make schooling more responsive to the needs of educationally disadvantaged children. By 1968, over 9 million children were being served by title I programs conducted in 16,000 school districts across the Nation. Approximately 500,000 children attending nonpublic schools are included in the 9 million. Title I has also sought to reach certain special classes of educationally deprived children, namely children of migratory farm laborers, neglected and deprived children in institutions, children with physical or mental handicaps and Indian children. This is a most commendable record.

The report notes that at present the maximum effective use of Federal funds for educational programs is being impaired by "delays in continuing authorizations and untimely funding." It is indeed most unfortunate that the elementary and secondary education programs have not received full funding.

The practice of the past, short-term extensions of the programs, does not provide local administrators and the personnel they seek with sufficient assurance that Congress will not abandon the program. The experience of 1966 and 1967, when program extensions were not enacted until several months after the school year had begun, placed an undue burden on school administrators.

There is an urgent need for long-term planning and for knowing well in advance what kind of program we will have in education. The 5-year authorization as proposed in H.R. 514 will correct the past failure to give long-term authorization to the program with the incident delays and breakdowns in the machinery.

I strongly urge my colleagues to support the committee and pass the bill.

Mr. AYRES. Mr. Chairman, I yield such time as he may require to the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Chairman, as a member of the Education and Labor Committee, I have consistently supported education. However, if the House fails to limit the bill, H.R. 514, to 2 years, I may be forced to abandon this position and vote against final passage.

A 5-year extension of the Elementary and Secondary Education Act with no more change or improvement than contained in this bill would foreclose any real opportunity for the new administration and Congress to move forward with new ideas and programs. This bill, without amendment, will virtually freeze policy for the next 5 years. This would be unfortunate. Nearly all of the witnesses before the committee testified that substantial changes should be made in one or more of the programs included under this bill. Very few witnesses indicated complete satisfaction with the manner in which this legislation is operating. Many of the witnesses felt that some, perhaps even most, of the programs should be extended but modified. Few of the amendments suggested by the witnesses and by members of the committee were adopted and included in this bill.

The legislation before us would negate anything we have learned in past experience and this proposal would prevent the administration and the Congress from taking advantage of this experience in administering these programs.

The block grant approach is one of the various new, exciting and challenging ideas which have been developed to the point where they should be tested in practice on a pilot basis. I believe the block grant approach is worthy of being tested in actual practice. It has been my experience that most educators in State and local government and other officials responsible for elementary and secondary education would prefer the flexibility of the block grant. Other approaches also should be tried, perhaps in a mix of programs.

Many members of the committee were disturbed by the results of reviews and surveys made of the present Federal educational assistance programs. Dr. J. Galen Saylor, distinguished professor at the University of Nebraska, writing in the journal Educational Leadership, described Federal spending on education as producing "very meager educational results" and as "one of the God-awfullest messes you ever saw in educational administration."

Any claim that a 5-year extension of present programs would permit educa-

tion authorities to plan and budget better is highly misleading. An extension of this nature is not necessary. One thing is certain, Federal aid to education will be continued in one form or another. It has become an accepted responsibility of the Federal Government. In time it probably will expand as need arises. Hopefully it will take such form as will permit the States and localities to meet their educational needs rather than be forced into a mold cast by a Federal school authority in Washington, D.C.

The real test of Federal funding for the schools is not in what is authorized nor for how long. It is in what is appropriated. That is an annual process and is apt to remain an annual process for the foreseeable future.

Furthermore, the provisions of the Elementary and Secondary Act, retained in the pending bill, will produce substantial changes in distribution of funds from present allocations, once the statistics compiled in the 1970 census become available. The Congress, the administration and the educational system of the Nation should be permitted another opportunity to review and modify this act after the 1970 census report is released.

The language of the House Committee on Education and Labor to extend the act for 5 years is excessive. I will support substitution of a 2-year extension and am hopeful, for the sake of education generally, that the 2-year extension will be adopted.

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

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Chairman, there are those in the course of the discussion of this bill who suggest that the question still is, Should we have Federal aid to education? They have intimated, if not outright emphasized, that a vote for anything less than the 5-year extension is a vote against Federal aid to all school districts in the Nation.

Nothing could be further from the truth. The question of whether we are going to have Federal aid to education has long been resolved. The real question facing this Congress this day is, How are we going to develop a structure that will effectively and efficiently distribute funds to the local school districts, emphasizing the areas of highest priority and utilizing fully the real strength of our country's school system, that of the local school districts themselves?

Mr. Chairman, I for one am very much opposed to the extension of this bill for 5 years without substantive amendment. The absolutely capricious operation of the title I formula is alone a major reason for not extending it any longer than we have to in order to assure us of forward funding and program continuity, and a 2-year extension will do this.

Even though I am a member of the committee and have studied the formula, it is difficult to determine how this formula, which is so confusing and inconsistent, could be so vehemently defended. The formula would confound a Ph. D. in mathematics, and probably would drive a professor of logic to the depths of despair.

Michigan is but one State that is supposedly favored in this formula. I cite it as but one example—and not out of provincial interest.

We have a largely urban population with heavy concentrations of disadvantaged students. Our AFDC welfare program is supported at a level high enough to permit us to count over 45,000 welfare children in families receiving over $2,000 in welfare payments. Most States can count relatively few of these children and 12 cannot count any at all. So Michigan should do well under this formula.

What we find, however, is that Michigan only receives $138.45 this year for each poor child counted. Thirty-three of the 50 States do better than Michigan under this formula.

Now, Michigan is a high-cost, high-expenditure State, so one of the chairman's explanations yesterday for this kind of discrepancy—that States with higher school expenditures get more per child—does not make any sense at all when applied to my State. Only 10 States and the District of Columbia have higher per-pupil expenditures this year than Michigan.

Even if this act were fully funded, it would not be fair in the distribution of funds. I submit that it costs just as much to give a disadvantaged child a quality education in Detroit or Ann Arbor, Mich., as it does in New York City or Binghamton, N.Y. Yet, if this act were fully funded right now, the schools in New York City and Binghamton would be getting $165.59 more per child than the schools in Detroit and Ann Arbor. This year the New York advantage is only $61.56.

In short—if we fully funded this act, the discrepancy between our schools and New York schools becomes almost three times worse than it is now.

Mr. PERKINS. Mr. Chairman, will the gentleman yield now?

Mr. ESCH. Mr. Chairman, I would like to finish my statement and then, if I have time left, I will yield. I think we have been very generous with the Chairman. I hope that is all right. I thank the Chairman.

Mr. Chairman, to continue my statement, even that does not tell the whole story, because I doubt that Michigan can ever match New York in welfare payments—so that New York will continue to count a much higher percentage of their poor children than can Michigan.

If a State like Michigan fares badly in comparison with New York, what of all the other States? The fact is that most of them do even worse. The basic assumption of this formula is that the more a State can afford to spend for education, the more it should get from the Federal Government.

I submit to you that this is a strange assumption which defies commonsense.

If what we are really talking about is the cost of equalizing the educational opportunities of extremely disadvantaged children—of giving them a genuine chance to overcome all the handicaps with which they are burdened—then I suspect we are talking about approximately the same order of costs whether the child is in New York, Detroit, Los Angeles, Denver, Birmingham, Atlanta, Dallas, or some isolated hollow in Appalachia. Title I of this act does not even approximate equal treatment in different places for children with similar needs.

That is why we must not extend this act indefinitely—or for any longer period than absolutely necessary. We should extend it no longer than 2 years, and then our committee should get to work immediately on devising a new formula and a new approach that will mean equal treatment for all disadvantaged children in every State. We should not wait for the 1970 census results to commence this task.

If we in our committee, and in this Congress, cannot put aside questions of who gains or loses how much in any formula change, and in the name of the welfare of impoverished children, approach this matter with a degree of disinterested statesmanship, then we shall have made a further contribution to making "politics" a demeaning word in our society.

Mr. Chairman, it is also important for us to recognize that the bill before us today does not really attack the major problems faced by urban education. The central city school system is in a state of crisis. With a decreasing tax base and an increasing population of disadvantaged schoolchildren the systems are simply not able to offer quality education to those students who need it most.

This is a crisis which can no longer be ignored. Last year I joined with my colleagues, Congressmen BELL, DELLENBACK, HORTON, and OGDEN REID, to study the problems of urban education in detail. Our study took nearly a year and the results were included in the CONGRESSIONAL RECORD last year.

Our conclusions were clear. The present system of Federal aid to elementary and secondary education is simply not adequate to deal with the special problems faced by urban education. The multiplicity of separate programs under present arrangements makes it impossible for an urban system to organize its programs on an overall basis and apply Federal funds where they are needed most. Categorical grants tie school systems to programs which are not of highest priority for their system and encourage a shotgun approach.

Mr. Chairman, I think it would be extremely unwise for the House to take action today which would tie us into a continuation of this system, unchanged, for 5 years. When Secretary Finch testified before the Education and Labor Committee he endorsed our study and indicated that the special problems of urban education are receiving utmost consideration in the Department and that the administration hopes to make full recommendations for improved Federal programs in this area. I understand that a task force has been established in HEW to make specific recommendations in this field. Congress should not take action today which would make it impossible to make constructive and innovative changes in the years ahead. Allow me to summarize for you the conclusions of our study:

First. Item by item, the urban youth, especially the ghetto resident, have fewer physical facilities for education which are up to date and in good condition, fewer curriculum aids, a less com-

pelling academic curriculum and learning environment, and slightly lower quality in teaching.

Second. Recognizing that some of these differences obviously restrict educational opportunity, the level of differences could not alone account for the vast gap in the results of the students in the cities versus those in the suburbs.

Third. Data from achievement scores, from progress reports, from armed services entrance tests, and from dropout rates and college attendance rates demonstrate explicitly that each student in America is not now being given the opportunity to acquire the basic tools of speech, writing, reading and mathematics, tools without which he can neither continue learning nor compete effectively.

Fourth. The kind of individual who enters the urban school system and the kind of environment he comes from leads to the conclusion that urban education has failed in not responding effectively to the challenge of teaching culturally deprived students.

Fifth. Urban education, then, must be made superior to suburban education if the graduates of both are to have equivalent skills.

Sixth. The recent Federal effort to promote better education across the board has been extraordinary, with Congress having passed over 49 pieces of legislation dealing with education over the past 4 years and spending some $9 billion a year to implement 111 programs, twice what was being spent 4 years ago. Nevertheless, the Federal effort has failed to produce the results in urban education which are needed.

Seventh. The very multitude of education legislation and the numerous programs implementing it put the local school in a position where it can, at best, only adjust to its desperation within the administrative nightmare imposed by the segmented bureaucracy of Washington. Such a plethora of programs prevents the one thing the local education agency must do—devise a comprehensive plan to provide real education to the urban children.

Eighth. The "something for every thesis" approach to Federal aid deprives the Congress of the opportunity to concentrate on the desperate urban need for education in the basic learning skills.

Ninth. Congressional preoccupation with the legal formula by which Federal aid is extended has obscured the real issue of improving education. It is wrong for Washington to run every school district in the Nation, not just because Congress forbids it, but because it would not produce good education. But it is equally wrong for this, the best educated nation in all history to force the least fortunate and skilled among us to find their own wisdom and initiative and optimism to better their own education system before we can help them. The Federal Government must be bold enough to tie its aid to the States with strings that demand action in the crisis in urban education.

Our study then recommended the following:

First, a recognition that priority attention to be given to urban education as one of the keys to solving the urban dilemma;

Second, revision and consolidation of the Federal support programs to direct a single education payment to the cities;

Third, providing the opportunity for each city to undertake a total revision, restructuring, and revitalization of their entire local educational system;

Fourth, Federal aid to education which requires only that a local program be comprehensive in nature and that in planning, attention and consideration by the local area be given to teacher training and recruitment, facilities construction and use, curriculum aids and supplemental services, preschool programs and year-round school, use of technology and provision for adequate nutrition and medical care;

Fifth, Federal support which encourages consideration by the urban center of the fundamental questions of the adequacy of existing control over education and the question of decentralization, the existing financing of local education, and the existing administrative management of education;

Sixth, Federal support which encourages consideration of the value of a synergistic curriculum based on planning which considers each and every aspect of education and its effect on every other aspect, including basic skills, vocation/technical education, recreation and extracurricular activities, remedial programs, and a wide range of academic subjects. The support programs would encourage the urban center to use relevant cultural background material and to include programs for the development of personal creativity and self-reliance.

Seventh, Federal support which requires community participation in the development of education plans and utilizes the talents of officials of private independent schools, private industry, higher education institutions, and local citizens;

Eighth, the appointment of an Associate Commissioner for Urban Education in the Department of Health, Education, and Welfare; and

Ninth, a massive increase in teacher training programs emphasizing instruction designed especially for the urban area.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Chairman, I rise in support of H.R. 514. At the outset I want to express my admiration and congratulations to the great chairman of our committee, the gentleman from Kentucky (Mr. PERKINS), who, I think it is fair to say, has contributed more than any Member of Congress, either in the House or in the Senate, to the passage of legislation to improve the elementary and secondary schools of our country.

Mr. Chairman, I also would like to take a few minutes to express several concerns I have with respect to this measure and the elementary and secondary education programs generally and with respect to some of the amendments that have been suggested to H.R. 514.

First, I want to say something about money. I am much concerned about the funding, as I know Members on both sides of the aisle must be, for education programs.

I speak in no partisan sense when I observe that President Nixon in his budget message of a few days ago proposed—and I believe my figures are correct—approximately $370 million less for education than did President Johnson in his outgoing budget message for fiscal year 1970; and in all candor, I did not think President Johnson proposed adequate funds for education in his recommendation.

For example, President Nixon would, in his budget, completely eliminate all funds for title II of the Elementary and Secondary Education Act, which is the title that has provided funds for library resources in our elementary and secondary schools, a program which has meant a great deal to schools throughout the United States which have been short of funds for library materials.

President Nixon also proposed that we invest no money at all for title VI of the National Defense Education Act, a program for guidance, counseling, and testing.

He would cut the title III elementary and secondary education program, which provides for supplemental centers and services by a very large amount of $56 million.

The distinguished gentlewoman from Oregon, quite rightly, I believe, expressed her concern that we are not doing enough to provide for the education of elementary and secondary schoolteachers. I regret to report that President Nixon asked for $10 million less, approximately—$9.5 million, to be exact—for the Education Professions Development Act than had President Johnson.

Mr. Chairman, let me here cite another authority to which reference has been made in this debate, which has also come to be a council considerably respected by members of our committee on both sides of the aisle. I refer to the National Advisory Council on the Education of Disadvantaged Children, which has won a reputation for independence of thought because of the ability of its members and because it is independent of the Department of Health, Education, and Welfare in putting together its judgments and recommendations. The Advisory Council on the Education of Disadvantaged Children warned in its report this year about what, to quote it, "appears to be a weakening Federal commitment to the education of disadvantaged children." The report continued:

> This is best evidenced by the $68 million cutback in funding title I, from $1.19 billion last school year to $1.123 billion this school year. This cutback, combined with the continuing increase in the cost of education, results in an estimated $400 million less for disadvantaged pupils in local schools this year than was available the first year of the program.
>
> We are deluding ourselves if we think we can make an impact on education of the disadvantaged without providing the necessary resources.

So, Mr. Chairman, when people say that we keep spending more and more money for title I, ESEA programs, that is not accurate. We have been putting in less and less money.

I was struck also by the recommenda-

tion of President Nixon's Education Task Force, which the President appointed when he was President-elect. This task force, chaired by Alan Pifer, the very distinguished president of the Carnegie Corp., recommended an increase of $1 billion on education for the elementary and secondary schools in the big cities of our country alone. That report even went so far as to propose an Urban Education Act to supplement title I, not as a replacement for it. This is an indication that Mr. Nixon's own advisers, the authors of what I think is one of the best education reports I have seen in a long time, share these concerns about underfunding these important programs.

The point I want to make, therefore, Mr. Chairman, is that the proposals which may be coming before us tomorrow, which would consolidate several of the elementary and secondary school programs, carry with them the very great danger that there would be even less money put into a consolidated program than is presently being put into these several programs when they continue to exist in separate form.

A second concern I have, Mr. Chairman, deals with proposals that would place greater control of the Federal funds in the hands of some of our State education agencies as distinguished from maintaining the present patterns of distribution, whereby the Office of Education often works directly with the local public school systems.

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

Mr. BRADEMAS. Will the gentleman yield me 5 additional minutes?

Mr. PERKINS. Mr. Chairman, I yield the distinguished gentleman 5 additional mintues.

Mr. BRADEMAS. I thank the chairman.

The CHAIRMAN. The gentleman from Indiana is recognized for 5 additional minutes.

Mr. BRADEMAS. I just want to comment from a little experience we are having right now in my State of Indiana, to explain to Members what I mean. The State of Indiana as of this week stands to lose over $6 million in vocational education funds because the chief State school officer, the superintendent of public instruction, is in a fight with other State officials in Indiana.

Mr. Chairman, the Federal Government has sent checks in excess of $1 million in Federal moneys for education which, until a few days ago, State officials had not even deposited in the bank, despite the fact that those checks had been issued months ago.

I will give you a second instance. The Governor of my State during the last campaign promised that if elected he would see to it that 50 percent of the cost of public school education in Indiana would be paid from State funds. He thereupon announced that he would veto any increase in State sales or State income taxes to meet this promise. The result is that after the 61-day session of our State legislature, Indiana has inadequate funds for the schools of our State, and we know that property taxes will be soaring all over Indiana, as a direct result of the Governor's position.

Therefore, I raise certain questions about the wisdom, the advisability, and soundness of taking more dollars voted by Members of the Congress of the United States and putting them into the hands of State officials who have, to be very candid about it, almost completely abdicated their responsibility to provide adequately for State support of education.

Here again, Mr. Chairman, I cite the National Advisory Council on the Education of Disadvantaged Children with respect to proposals to shift responsibility for handling Federal funds for title I programs to the States.

The Council warns that in many States and possibly in all States, such a move would "diminish the impact of this necessary investment in the education of disadvantaged children," and continues:

> The Council's position is not based on preconceived theories but hard data which show that State distribution of funds rarely, if ever, favors those sections of the State with the greater concentration and numbers of educationally deprived children.

Mr. ECKHARDT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Sixty-eight Members are present, not a quorum. The Clerk will call the roll.

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

[Roll No. 44]

Addabbo	Edwards, La.	Ottinger
Annunzio	Evins, Tenn.	Patman
Baring	Flynt	Pike
Barrett	Gilbert	Powell
Bates	Harsha	Purcell
Bell, Calif.	Hébert	Rivers
Brock	Helstoski	Rooney, Pa.
Brown, Calif.	Holifield	Sandman
Brown, Ohio	Horton	Scheuer
Broyhill, Va.	Jarman	Scott
Burton, Utah	Karth	Sikes
Camp	Kirwan	Smith, Iowa
Carey	Lowenstein	Stokes
Celler	McKneally	Sullivan
Clark	Mahon	Teague, Tex.
Cunningham	May	Ullman
Daddario	Mollohan	Widnall
Davis, Ga.	Moorhead	Wilson,
Dawson	Murphy, N.Y.	Charles H.
Diggs	Nix	Young
Dwyer	O'Hara	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 514, and finding itself without a quorum, he had directed the roll to be called, when 371 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its setting.

The CHAIRMAN. When the Committee rose the gentleman from Indiana (Mr. BRADEMAS) had 2 minutes remaining.

Mr. BRADEMAS. Mr. Chairman, I have only two or three other observations to make.

In urging passage of H.R. 514 I was warning against the dangers of proposals like that to consolidate several titles, a move that could result in leading to less financial support for those several categories than they receive when, as at present, they are funded individually.

Second, I was observing that there would be a real danger of shortchanging programs for the educationally deprived if we put more education money into the hands of State agencies.

The last point to which I refer is represented by a phrase used in President Nixon's Educational Task Force report which is printed in the CONGRESSIONAL RECORD of March 12, namely, "The Church-State Issue."

I quote from the President-elect's task force report as follows:

> 2. THE CHURCH-STATE ISSUE
>
> The immense complexities of this issue are explored with great clarity in two special memoranda which were commissioned by the Task Force. These are included as appendices to this report, and we urge that they be carefully studied. While for the moment the Church-State issue is quiescent because of the essentially political accommodations reached over recent Federal education legislation, especially ESEA, there are two distinct possibilities for it to become once again a lively area of controversy that could cause the new Administration a great deal of trouble.
>
> The first of these could result from an unsophisticated effort to rearrange the methods through which Federal aid is channeled to the support of education, either through some general aid plan, a badly designed block grant or a clumsy scheme for the consolidation of legislation. Such an effort could easily upset the present delicate Church-State accommodation.

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

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

Mr. BRADEMAS. And then the members of President-elect Nixon's Education Task Force go on to observe:

> We recommend that neither he [Mr. Nixon] or any high official of his Administration make any further allusions to block grants until the full implications of new methods of Federal financing of education can be fully explored. Since more than 30 States, including three of the largest, have provisions in their constitutions which tightly restrict aid to parochial schools, Catholic officials will in all probability be strongly opposed to any move on the part of the Administration which appears to have the effect of turning Federal educational dollars into State educational dollars.

And, Mr. Chairman, I think the point made by Mr. Nixon's advisers is telling and accurate.

Let me just summarize, Mr. Chairman, because I have only a minute or two left.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. Not until I complete my remarks and then I shall be glad to yield to the gentleman from Wisconsin.

I want to direct an observation or two to my friends on the Republican side. In Mr. Nixon's Education Task Force report there is to be found the following very revealing observation—and these are not Democrats speaking; these are Mr. Nixon's own advisers:

> Speaking candidly, we do not believe that President-elect Nixon, with all his varied and high qualifications for office, would at present by most Americans be considered to have the kind of special concern for education that the times require.

Now, following that observation by the Nixon Education Task Force, I call your

attention to the fact that in his message on domestic priorities which the President sent to Congress and the country last week, although he set forth about 10 different priorities for our Nation, the President did not once mention the word "education."

And further, I remind you that President Nixon in his budget message of last week proposed a tremendous cut of $370 million below the budget request for education that President Johnson had suggested for fiscal year 1970.

Now, I think, and I do not want to make this a partisan issue, but I do want to make an observation. I have been citing from Republican authority and not from Democratic authority. I believe the bill before us today affords a superb opportunity for both the majority and the minority parties in the House of Representatives to make clear whether they are going to make speeches about education and simply write support for education into their party platforms, or whether they are going to really support aid for education, and when the roll is called, and vote in support of education.

Now, Mr. Chairman, I am glad to yield to one of our colleagues on our committee who is interested in education, the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. I appreciate the gentleman from Indiana yielding to me.

Perhaps, by oversight, the gentleman from Indiana did not fully discuss the report which he put in the RECORD so that we could all review it. The Members will note that the gentleman from Indiana mentioned designated block grants, but I would like to insert at this point in the RECORD the following statement concerning block grants:

This approach is fully consistent with the recommendations made to President Nixon by a task force of distinguished citizens which included leading educators—the so-called Pifer report. In recommending what it termed "designated block grants" it took note of and concurred with the "widespread belief, both at the State and local level, that the seeking of funds under this multiplicity of legislation is an unnecessarily burdensome and time-consuming business, and the time has come for a major effort at simplification of the process." The report recommended "a general movement in Federal programs away from categorical aid narrowly defined toward more broadly defined designated block grants * * * as a way of lessening the burden on State, local, and institutional officials in applying for Federal funds—an area in which there is now considerable irritation and frustration—and * * * as an important step toward the urgent task of strengthening the administrative capacity of the States to meet their responsibilities in education."

The amendment we have proposed is an extremely modest step in this direction, but it is vitally important that a first step be taken.

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

Mr. BRADEMAS. May I have 1 more minute?

Mr. WILLIAM D. FORD. I yield 1 additional minute to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I appreciate what the gentleman from Wisconsin is saying, and I myself subscribe to much of what he is saying, but I would call attention to other passages in the Nixon Education Task Force Report. I believe that the best and most honest way to approach this matter, if one is seriously interested in what the Nixon Task Force said, is to read it from start to finish. Then I think you will agree with me that very clearly the kind of people who put that report together would be in support of the passage of H.R. 514.

Mr. STEIGER of Wisconsin. If the gentleman will yield further, I will say to the gentleman that I believe the approach suggested by the amendment to be offered is one which meets the criteria of the Nixon Task Force. In addition to that, and I quoted from it at the time of the hearings, the Nathan Task Force, which also was concerned with this, was recommending this kind of consolidation of programs. This is the effort that we are making on the floor today, not in a partisan vein, but one which will meet the educational needs of the young people of this land.

Mr. BRADEMAS. I would say to my friend from Wisconsin that what he has said flies completely in the face of the testimony we heard from all of the witnesses on this bill, especially the local school superintendents who joined, most of them, in warning us against the dangers of the gentleman's proposals.

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

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I am glad to yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. I should like to rise in support of this bill and to urge the Members to join the chairman, the gentleman from Kentucky (Mr. PERKINS) in resisting amendment to the bill as it has come to the floor.

I wish to associate myself with the remarks of the gentleman in the well.

Mr. Chairman, today, for the fifth time since I came to Congress and became a member of the Education and Labor Committee, the House is debating the merits of the Elementary and Secondary Education Act of 1965.

It has been my privilege and pleasure to have served at the side of the Honorable CARL PERKINS, of Kentucky, who was chairman of the subcommittee upon which I served when this act was originally written and passed. Now, as chairman of the full committee, he comes once more to the floor of the House leading again the fight to continue Federal aid to elementary and secondary education.

If I may be permitted, I should like to join the other members of this committee in paying tribute to the chairman for his untiring efforts in behalf of Federal aid legislation and for full funding of this worthy program.

Mr. Chairman, the fact that we have had to debate this same program every year for each year of its life should demonstrate the need for a 5-year extension.

Here we are, as each year in the past, still discussing the amounts to be authorized, and in fact the very question of whether any or all of the titles of this act are to be continued, while school boards and administrators across the country are trying to plan programs and find personnel for the coming school year.

It must certainly be apparent that we have reached the stage where this House should be capable of adopting a realistic extension of the act to permit the kind of advance planning needed for quality education.

Mr. Chairman, this legislation has, since its enactment in 1965, been more important to the grade schools and high schools of our Nation than any previous education legislation ever enacted. We cannot today calculate its total impact—for that will be felt in the years to come in the increased earning power and good citizenship of many thousands of schoolchildren whose education was in some way significantly improved through the application of funds under the provisions of this act. It may be the Mexican-American child whose enrollment in a bilingual education program enabled him to keep pace with his English-speaking peers; it may be the deaf child who was reached by a teacher especially trained to understand his needs, it may be the potential dropout who was encouraged to continue his education and obtain his high school diploma. All of these individuals and many others whose needs have heretofore not been adequately met by the schools because of lack of funds, of skilled teachers or of relevant materials are, and will continue to be, served by the programs under this act.

If ever Congress was faced with an imperative to enact immediately a piece of legislation, that time is now. Although the present act does not expire until 1970, we cannot afford to let it wait until next year for extension. Repeated testimony and evidence before the Committee on Education and Labor indicate that present late funding means that many schools do not receive their moneys until well after the school year has begun, thus greatly reducing the effectiveness of the legislation. By extending it now, and extending it for 5 years, we make sure that advance funding is possible, and we will give school officials and administrators a chance to prepare in advance for optimum use of the funds they are to receive. What is more, they will be able to plan with certainty on an expected amount of income, and will not be forced to cut crucial programs at the last moment, or exclude children from programs already underway, because the appropriations from Washington fell short of what they had expected.

In addition to extending the Elementary and Secondary Education Act, H.R. 514 also extends Public Laws 815 and 874, the impacted area aid laws. These important laws have been providing assistance to school districts, suddenly and severely overburdened with a school age population to be educated as a result of Federal activities in the area, since their enactment in 1950. Public Law 815 provides assistance for school construction, and Public Law 874 provides funds for operation and maintenance. Payments to local educational agencies are based on the existence of Federal property in or within reasonable commuting distance of a school district where children reside with their parents or on which the par-

ents are employed. These payments are intended to compensate the school district for loss of revenue from untaxed property. Today, there are many school districts which receive a major portion of their budget from the funds allotted under Public Law 874, and thus the law plays a substantial role in providing a good education for the Nation's schoolchildren, many of whose families provide substantial services to their Government in the Armed Forces.

An important amendment to both Public Laws 815 and 874 will make children who live in federally assisted public housing eligibe for being counted for payment purposes to the local educational agency. The great increase in federally assisted public housing which is not countable for State and local taxing purposes has placed a severe burden on many school districts in recent years. Although the Federal Government does provide some payment to the local district in lieu of taxes, the national average of this payment is only $11 per child for each school year, while the national average of estimated current expenditure for pubic elementary and secondary schools per pupil—in average daily attendance—is $680.

Mr. Chairman, at this point I would like to summarize the major provisions of ESEA.

TITLE I—EDUCATION SERVICES FOR DISADVANTAGED CHILDREN

Title I, is designed to help local school districts improve the quality of education offered educationally disadvantaged children. Services provided range from medical care, to special reading programs to cultural exposure field trips. Any educationally disadvantaged pupil in a school receiving title I funds may be eligible to participate, regardless of income. Projects are designed at the local level and approved by State educational agencies.

Since passage of the ESEA in 1965, title I has provided in round figures the following: In fiscal year 1966, $960 million to serve 8.3 million children in 17,500 school districts; in fiscal year 1967, $1.011 billion to serve 9.1 million children in some 16,400 school districts; in fiscal year 1968, $1.070 billion to serve 9 million children in an estimated 16,000 school districts.

Special populations of disadvantaged children specifically provided for in later amendments to ESEA, title I, have been served by projects designed to meet their special needs. Funds spent to serve these special groups under title I amounted to approximately the following:

[In millions]

	In fiscal year 1966	In fiscal year 1967	In fiscal year 1968
Handicapped children	$10.5	$13	$21.7
Neglected children		.205	.922
Delinquent children		1.7	8
Migrant children		8	32.7

Local school districts have elected to spend most of their title I funds on services that touch children directly: improved instructional services, guidance and counseling, food, health care, and so on. Equipment and construction expenditures represent a minor portion of funds spent by local education agencies—13 percent in fiscal year 1967.

TITLE II—SCHOOL LIBRARY RESOURCES

The purpose of title II is to provide nonmatching grants to States for the procurement of school library resources, textbooks, and other printed and published instructional material for use by students and teachers in public and private elementary and secondary schools.

Fiscal year	Authorization	Appropriation
1966	$100,000,000	$100,000,000
1967	128,750,000	102,000,000
1968	154,500,000	99,234,000
1969	167,375,000	50,000,000
1970	200,000,000	(1)

[1] Not yet passed.

Among the three categories of eligible materials—school library resources, textbooks, an other instructional materials, the States have given priority in each year to school library resources. States expended title II funds for acquisitions in fiscal year 1967 in the following proportions:

	Percent
School library resources	92.0
Textbooks	4.0
Other instructional materials	3.4

In fiscal years 1966 and 1967, the States reported a total of almost 8,500 new public school libraries serving approximately 3,800,000 students. More than 70,500 libraries were expanded in fiscal year 1967 alone.

Of an estimated 47,000,000 public and private schoolchildren eligible to participate in the title II program each year from 1966–68, an estimated 44,000,000 or almost 94 percent of those eligible, participated. About 1,800,000 teachers—approximately 89 percent of all those eligible—participated in the program each year.

It is estimated that the 1969 appropriation of $50,000,000 will provide for the purchase of 9,000,000 books and filmstrips or about 1 book or filmstrip for every five children participating.

TITLE III—SUPPLEMENTARY CENTERS AND SERVICES

The title III program is designed to encourage school districts to develop imaginative solutions to educational problems; to utilize research findings; and to create and design innovative educational practices. Grants are made for supplementary educational centers and may be used for the planning of projects, pilot projects, and programs such as guidance and counseling, experimental academic services, specialized instruction and many others.

Fiscal year	Authorization	Appropriation
1966	$100,000,000	$75,000,000
1967	180,250,000	135,000,000
1968	515,000,000	187,876,000
1969	527,875,000	164,876,000
1970	566,500,000	(1)

[1] Not yet passed.

During fiscal year 1969, primary responsibility for the administration of title III shifted from the Office of Education to the States. Currently, the States, under a State grant program, are administering 75 percent of all title III funds with the Office of Education administering the remaining 25 percent. During fiscal year 1970, the States will assume responsibility for all title III funds except those necessary to complete projects begun in prior years.

Persons benefiting from fiscal year 1968 approved projects

A. Preschool	135,000
B. Elementary and Secondary Students	10,000,000
1. Elementary	8,000,000
2. Secondary	2,000,000
C. Teachers	35,000
D. Parents, adults, and others	90,000

Of the 1,587 projects active in March 1969, the estimated precent distribution of the $158 million is as follows:

Activity:	Percent
New curriculums	30
Educational technology, facilities, equipment, and materials	15
Institution or personnel improvement	14
Special education-remediation	13
Research, survey, planning, evaluation, and dissemination	8
Pupil personnel services	8
Community involvement	6
Instructional methods	5
Other	1

Beginning fiscal year 1969, at least 15 percent—about $23 million—of the total ESEA title III appropriation must be spent for projects for the handicapped. In fiscal year 1938, $15 million or 8 percent of the total title III funds went to such projects.

TITLE V—STRENGTHENING STATE DEPARTMENTS OF EDUCATION

The purpose of title V is to stimulate and assist States in strengthening the leadership of their educational agency and to assist them in establishing and improving programs to identify and meet their educational needs.

Fiscal year	Authorization	Appropriation
1966	$25,000,000	$17,000,000
1967	30,000,000	22,000,000
1968	65,000,000	[1] 29,750,000
1969	80,000,000	[1] 29,750,000
1970	80,000,000	(2)

[1] Includes funds formerly appropriated for Public Law 85-564, the National Defense Education Act, title X ($2,250,000) and title III ($5,500,000)
[2] Not yet passed.

In fiscal year 1938 funds were distributed as follows:

	Percent
Strengthening leadership, consultative and technical assistance to local educational agencies	31
Planning, development, and research coordination	16
Strengthening States' internal management capabilities and data processing services	36
School and teacher accreditation and other services to local educational agencies	17

Originally, 15 percent—$3,300,000—of the appropriation was reserved for special project grants to State education agencies to pay part of the cost of experimental projects. Beginning in fiscal year 1969, 5 percent—$1,487,500—is now reserved for this purpose. The 1967 ESEA

amendments require that 10 percent of the State educational agency's entitlement, under section 503, be distributed to local educational agencies for use in directly strengthening their programs.

Virtually all the States and outlying areas have been involved in the 41 interstate special projects which were funded through the 15 and 5 percent reserve.

State educational agencies have added over 4,260 professional personnel since the program's inception. More than 1,000 professional personnel and a similar number of nonprofessionals have been added to their staffs in 1968 alone.

TITLE VI—EDUCATIONAL SERVICES FOR HANDICAPPED CHILDREN

Title VI, added to the ESEA in 1967, is a three-part program for the improvement of special educational services for handicapped children.

Part A is a State grant program; over its 3 years of operation VI–A has supported a great diversity of projects for school-aged handicapped children. These include work-study programs, special transportation arrangements, mobile units to carry services to handicapped children in rural areas, and diagnostic services. It is estimated that by the end of this fiscal year, almost one-quarter of a million handicapped children will have benefited from the program.

Appropriations for the program have steadily expanded to provide for more children. In VI–A's first year, fiscal year 1967, approximately $2.5 million was appropriated for planning grants. In 1968, $14,250,000 was appropriated, and this year the figure reached $39,250,000.

Part B authorizes the establishment and operation of regional resource centers devoted to improving the education of handicapped children. This year will mark the initiation of the program. Applications are yet to be approved, but it is expected that four planning grants will be approved by June, at about $125,000 each. Appropriations for fiscal year 1969 are $500,000. For each child referred, centers will offer diagnostic testing, individual analysis of each child's learning problems, and a specially developed educational program to assist his teachers in meeting his special needs.

Part C, also new this year, provides for the establishment and operation of a limited number of centers to serve deaf-blind children. One million dollars has been appropriated for fiscal year 1969, and grants were recently made for eight centers for amounts ranging from $36,260 to $189,000. Each center is to serve a multiple-State area, providing diagnosis and evaluation, family consultation, and adjustment services for these severely handicapped deaf-blind children.

TITLE VII—BILINGUAL EDUCATION PROGRAM

The purpose of title VII is to provide grants in support of programs designed to meet the special educational needs of children 3 to 18 years of age, who come from environments where the dominant language is other than English. Three million school-age children are deprived of equal education opportunity because of their limited communication skills. The concern is for these children's desire and need to develop greater competence in English, for the realization of their full potential as speakers of two languages, and for their educational advancement.

Fiscal year	Authorization	Appropriation
1968	$15,000,000	0
1969	30,000,000	$7,500,000
1970	40,000,000	(1)

[1] Not yet passed.

The Office of Education received 312 preliminary proposals requesting over $41 million for projects beginning in fiscal year 1969. Of these, 78 were selected for funding. These projects will serve some 139,000 pupils, 64 percent of them in urban communities.

The majority of projects will deal with children from Spanish-speaking backgrounds; five deal with American Indian dialect backgrounds, four deal with students from Portugese-speaking families, and two deal with students from French-speaking backgrounds. The projects are located in 22 States, and include preschool storefront centers, the development of special curriculum materials, inservice education in bilingual methodology for bilingual staffs, and summer bilingual programs.

Mr. BRADEMAS. Mr. Chairman, I yield to the gentleman from New Jersey (Mr. DANIELS).

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in strong support of H.R. 514 and wish to commend the gentleman in the well, the gentleman from Indiana (Mr. BRADEMAS), for a very fine statement and associate myself with his remarks. I know he has worked hard and contributed immeasurably to this legislation.

Mr. Chairman, the Elementary and Secondary Education Act has been described as a widening door to opportunity for the development of talent and skills. In 1965 enactment of ESEA provided the key which opened that door for the first time. Both the 1966 and 1967 amendments to the act further expanded the chances of each and every American for equal educational opportunity. The bill which we are considering here today—H.R. 514—would extend the programs of ESEA through 1975, thus insuring that the door to excellence in our schools would remain open wide.

When President Johnson signed the Elementary and Secondary Education Act in 1965 he stated his belief that:

No law I have signed—or will sign—means more to the future of America.

ESEA has already sparked great changes in our schools, but due to limited appropriations and the ever-present specter of late funding, it has not yet lived up to its full potential.

Considering the budget cuts which have been sustained in recent years by many of the programs included in H.R. 514, the returns on the Federal investment in education have been most gratifying. According to one big-city school superintendent, Dr. Norman Drachler:

The Elementary and Secondary Education Act has provided the only significant funds that the Detroit Public Schools have had for program improvement since the bill was enacted.[1]

[1] House hearings on H.R. 514. Pt. 1: p. 418.

This statement is typical of the sentiments expressed by the educators who testified in hearings before the Education and Labor Committee on H.R. 514.

The accomplishments of ESEA in its first 3½ years merit more than a quick catalog. A rundown of some of the major breakthroughs for which it is responsible, however, may serve to convince you of the urgent necessity for favorable action on this bill. As a result of ESEA—

An average of 9 million children in low-income areas receive each year extra help they need to overcome the cumulative effects of poverty and educational deprivation;

The purchase of over 70 million books and instructional materials has provided 88 percent of our schoolchildren with the basic tools essential to learning;

More than 10 million students have benefited directly from programs designed to release the creative potential inherent in our schools. The education of countless other young people will be enriched as a result of the knowledge generated by these programs;

Some 250,000 handicapped children have received the extra services which they require to surmount their mental or physical disabilities;

More than 275,000 teachers each year have improved their skills through the various inservice training programs offered under the act;

State departments of education, the key to effective coordination of Federal, State, and local efforts, have been strengthened through the addition of more than 4,000 professional personnel;

Adult basic education has brought the gift of literacy to over 1 million Americans who were trapped in a twilight world of ignorance. In the words of one expert:

This program has given them hope, dignity, and a start on the road toward productive citizenship—at a cost of approximately $100 per year per student.

In addition to the extension of the Elementary and Secondary Education Act, H.R. 514 will also insure that the impacted area programs authorized by Public Law 815 and Public Law 874 will continue to assist those schools impacted by Federal activities. During 17 years of its operation, Public Law 815 has helped to finance the construction of over 62,000 classrooms and other facilities housing nearly 1,900,000 pupils. In fiscal 1967, Public Law 874 contributed to the education of more than 2,300,000 children. These are programs for which we in the Congress bear a direct responsibility, for we can hardly expect the local schools, hard pressed as they are for funds, to absorb the additional financial burdens placed upon them by federally connected children.

Unprecedented legislation, such as ESEA, always requires a few years in which to mature. The amendments proposed by H.R. 514 represent a distillation of the experiences of those countless educators who have been called upon to implement this act. The major contribution of the bill before us will be the continuity provided by the certainty of continuing authorizations. In addition, however, it will also refine and improve the provisions affecting institutionalized,

neglected, delinquent, and Indian migratory, children. The evaluation process so essential to successful programs will be substantially altered. The invaluable National Advisory Council on the Education of Disadvantaged Children will be reestablished and strengthened. Equitable participation in title III—supplemental educational centers and services—programs will be insured.

Just as recent legislation must be altered in the light of newly acquired experience, so older laws must be changed in response to changes in the society they serve. H.R. 514 will accordingly amend Public Laws 874 and 815 to compensate for the crushing burden placed upon many school systems by the growth of public housing projects.

The bill which we consider here today will insure that the Nation we bequeath to our children will be in good hands. As H. G. Wells once reminded us:

> Human history becomes more and more a race between education and catastrophe.

Education can win that race, but not without the help and foresight of both the people and their Government. I call upon my colleagues to display their foresight by providing that help.

Mr. BRADEMAS. Mr. Chairman, I yield to the gentleman from Maine (Mr. HATHAWAY).

Mr. HATHAWAY. Mr. Chairman, I join my colleague from New Jersey in commending the gentleman from Indiana (Mr. BRADEMAS).

Today we are considering the extension of ESEA. In my mind the Elementary and Secondary Education Act of 1965 is the most fundamental and most important piece of Federal legislation in the field of education. Of course legislation in higher education and vocational education is important, but it is elementary and secondary education that provides the necessary foundation. Without adequate elementary and secondary education no further or additional education is possible. So today we are considering the essentials; the foundation not only for our educational system but for our society. It is incumbent upon us to create an elementary and secondary system adequate for all. Even in our complex society a person graduating from secondary school should be able, if it is necessary, to intelligently participate in our democratic processes and to lead a productive life without further education. All too often the complexities of our modern life are used to justify the failures of our elementary and secondary education. Truthfully too many of our young men and women are receiving an education that would be considered inadequate even 200 years ago. This is particularly true of children of minority groups and children from schools in the inner cities. These students frequently have not mastered the elementary skills of reading and writing.

Recognizing the desperate need and the urgency of the situation Congress passed in 1965 the Elementary and Secondary Education Act. This legislation, however, has been plagued by late funding, chaotic funding, and underfunding. In this period of budgetary restraint there is very little we can do about the consistent underfunding of education legislation. We can, however, substantially alleviate the problem of late funding by extending this act for 5 years.

The legislative calendar does not coincide nor is it easily reconciled with the school calendar. The result of much of the education legislation that we have passed in recent years has been to create a permanent anxiety and doubt in school administrators and personnel. They begin programs they do not know if they will finish. People begin jobs that they do not know will continue. We all know dedicated teachers and administrators who for months work without pay while legislators debate. We cannot expect the development of a continuous and cohesive program under such conditions. We must provide more continuity and certainty in our education legislation if we do not want to turn the teachers of this country into a band of hobos and gypsies.

A 5-year extension of this program would rectify this problem. A 5-year extension would allow administrators to plan programs that will really meet our education needs.

Educational programs should be planned to meet long-term needs and should not be a desperate attempt to use suddenly available and unpredictable Federal funds. If we cannot provide adequate funds let us at least provide that the funds will be timely.

While ESEA is a bill drafted to meet the general educational needs of our society there are many commendable provisions tailored to meet a specific educational need.

The assistance provided for various forms of handicapped children is a worthy concern for this body. The handicapped child has special problems that will not be met unless this bill is passed. The training for desperately needed educational personnel in this field is provided by this bill.

This bill continues the bilingual education program which was first established by Congress in 1967. Again children from families where English is not their native tongue have special problems which require special assistance.

The dropout prevention program, section 807 of title VIII of ESEA, is another program that must be extended. The educational system cannot and must not give up on its students. Certainly some children will be poor students and other students will be effected by poor families or environment. A dropout represents not only the failure of a student and his family and environment, but of the school system. We would not think much of a doctor who excused his constant failures by asserting that his patients were sick. It is the duty of the doctor to heal the sick and of the school to educate the ignorant.

While these are all worthwhile provisions I believe our elementary and secondary educational system will rise or fall on the success or failure of three main titles in ESEA—title I, title III, title V. After all the books, television documentaries, campaign rhetoric about poverty there still is only pitifully few Federal laws trying to solve some of the problems of poverty. Whatever the shortcomings and failures of title I it is making an effort in an area of utmost importance to this country. Failure to solve the problem of poverty will mean the failure of this country.

There is a tendency in this area for some to minimize the difficulties while maximizing their demands for success. Education is really a miracle between individuals. It involves not only the imponderable human element of the student but the incalculable human consequence of the teacher. Judging from their criticism there are some who seem to believe that education success can be planned with the precision of a moon shot and that educational problems can be solved by creative bookkeeping. If we are sincere about quality education for all we must be willing to endure a long-term commitment.

Title III to provide supplemental educational centers and services has a twofold objective: First, to stimulate and assist in the providing of vitally needed educational services otherwise unavailable in the local schools in sufficient quality and quantity; and, second, to develop exemplary educational programs to serve as models for regular school programs. Title III has provided innovation, stimulation, and competition in our educational system. Of course, there have been failures but to do nothing or to continue as we were before 1965 would have been the greatest failure of all. The old ways, the old methods were not working. Something new was needed in this area of human imponderables; what was needed, what would work was not clear. Therefore, title III was started as an experiment. It has been my observation that it has been a successful experiment. An experiment that is now up to the State education agencies to continue.

Title V provides grants to strengthen State departments of education. State institutions of education are integral parts of our education system. With the increasing importance of education the function of State educational agencies is of growing importance. It is the purpose of title V to assist the State agencies in meeting this responsibility. It is incumbent upon the State agencies to insure that they are not merely a reward for faithful service or a final resting place for those without inspiration.

For the reasons stated ESEA must be passed. It must be made clear, however, that we will have not fulfilled our commitment to education until we have adequate funding of educational programs. Until there is, adequate funding of the passage of education legislation is like the title of the Broadway musical "Promises, Promises, Promises."

Full funding for fiscal 1970 under present provisions of ESEA requires an estimated appropriation of $648 million. The 1970 budget request, however, is for only $300 million.

Today we provide the home for education. Hopefully in the future we will furnish it.

Mr. AYRES. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, there should no longer be any question

about whether it is proper for the Federal Government to provide assistance to elementary and secondary education throughout the United States. The past few years have shown clearly that the Federal Government can provide this assistance without encroaching unduly upon the autonomy of our Nation's schools. The questions have become instead how Federal aid can be most beneficially and equitably distributed among the States, what shall be the specific areas in which Federal dollars shall be made available, and how many Federal dollars shall be appropriated for educational purposes.

I would point out to the gentleman from Indiana, who has served so ably on our committee, and who spoke from the well immediately prior to my remarks, that he should not continue to confuse several of these distinct questions. When it comes to the questions of what shall be the nature of Federal education programs and what shall be the manner and distribution of Federal funds, we should not mix up these questions with how many dollars should be appropriated. As I believe he and we are both fully aware, we are not today discussing the appropriation of Federal funds. We are talking about the authorization of Federal funding. We are talking about the question of what shall be the nature of Federal education programs and the manner of distribution of Federal funds, and this type question.

Mr. Chairman, ESEA has contributed significantly to the general public acceptance of Federal aid to elementary and secondary education. Since its passage in 1965 ESEA has made possible unprecedented support for schools throughout the Nation and has yielded some fine accomplishments. In my opinion, however, ESEA has the potential to provide even greater benefits. This potential will never be realized if Congress refuses to try to improve the act to make its programs as effective as possible. A 5-year extension, as authorized by H.R. 514, erroneously assumes that ESEA is perfect and beyond improvement in its present form. On the contrary, ESEA as extended by H.R. 514 contains several serious imperfections.

One almost universally recognized imperfection of the present law is the lack of opportunity for forward funding. Under the present funding system of ESEA, schools are often not informed of how much money they will receive until after the administrators have had to formulate plans. A sad pattern emerges from this delay in funding. Encouraged by an act, which seems to promise a great deal in terms of Federal funds for innovations, educators and administrators plan creative, new programs. When the time comes for implementing these programs, the administrators are too often faced with the fact that they have far less funds than they had anticipated. Their plans must either be drastically curtailed or totally abandoned. It is clear to me from this pattern that the lack of forward funding tends to discourage creativity and innovation in our Nation's schools.

While the lack of opportunity for advance funding is surely one of the most serious of the present ESEA's imperfections, it is by no means the only defect in the present law. The multiplicity of programs has caused unwieldly administrative burdens and rigid, confining requirements. The proliferation of programs works a special hardship on small school districts which frequently lack the staff and facilities to cut through redtape and determine what funds are available.

Dr. Dale Parnell, the Oregon State superintendent of public instruction, wrote me last week to urge my support of several changes in ESEA. One of his suggested improvements involves combining ESEA title II and title III with title III and title V–A of the National Defense Education Act. Dr. Parnell feels, and I quote from his letter:

> I am in full agreement with the proposals to consolidate some of the related programs as I believe this could be a step in the direction of a more flexibly administered total aid program.

As one who strongly supports the exact proposed combination of programs advocated by Dr. Parnell, I welcome his expert testimony in favor thereof.

ESEA has obviously been in effect long enough to demonstrate the need for change to educators as well as to Congress. Yet I feel we need further direction to indicate certain of the most constructive specific roads to follow in making changes. In his testimony before the House Education and Labor Committee on March 10, 1969, Secretary Finch stressed the need for additional evaluation of ESEA programs during the coming months. The Office of Education is at this very time in the process of making the very type of evaluation in depth of the provisions of ESEA and programs aided thereunder which is so very badly needed. We have his assurances that the results of this evaluation and his recommendations based thereon will be before the Congress for consideration as soon as possible.

With a 5-year extension of ESEA, these evaluation efforts by the Office of Education run the risk of being virtually pointless. But if, as I hope, we extend ESEA for only a 2-year period, there will be a definite and desirable urgency for Congress to reconsider this act next year and to apply the results of sound and thorough evaluation. Congress will in this way be exercising its essential responsibility of making ESEA as effective as possible. The danger is clear and great that the passage of H.R. 514 with a 5-year extension will lock in ESEA's present weaknesses and imperfections and serve a grave injustice to elementary and secondary school children across the country.

Mr. AYRES. Mr. Chairman, I yield myself such time as I may consume to direct a question to the gentleman from Kentucky (Mr. PERKINS) chairman of the committee.

It is my understanding, Mr. Chairman, that we will finish all general debate this afternoon except for 20 minutes, with 10 minutes to remain for each side; is that correct?

Mr. PERKINS. Yes, that is the understanding.

Mr. AYRES. Then, after general debate is completed tomorrow, we will start reading the bill?

Mr. PERKINS. That is correct.

Mr. AYRES. Mr. Chairman, if it is permissible, I would like to reserve the 10 minutes for tomorrow, and if it will accommodate the gentleman from Kentucky (Mr. PERKINS) I would be glad to yield to the gentleman what time we have, except for the 10 minutes to be reserved for tomorrow, that is if the gentleman from Kentucky would like to use the time.

Mr. PERKINS. Mr. Chairman, we have a couple of additional Members who wish to speak. I do not know how much time they will consume. But we may have to take you up on your offer since we are just about out of time, in order to reserve 10 minutes of time for discussion tomorrow.

Mr. AYRES. I should like to ask the Chairman what time remains on both sides.

The CHAIRMAN. The gentleman from Ohio has 27 minutes remaining; the gentleman from Kentucky has 20½ minutes remaining.

Mr. AYRES. Mr. Chairman, I yield the chairman of our committee 17 minutes, reserving 10 minutes for tomorrow.

Mr. PERKINS. Mr. Chairman, I wish to thank my distinguished colleague for being so generous.

I yield 4 minutes to the distinguished gentleman from New Jersey (Mr. THOMPSON).

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

Mr. THOMPSON of New Jersey. I yield to the gentleman from California.

Mr. TUNNEY. Mr. Chairman, the Elementary and Secondary Education Act Amendments of 1969 is a very important piece of legislation. H.R. 514 is the result of a serious consideration of education legislation and has provisions which are essential to a continuation of our commitment to build a bright future for our country. Education is one of the basic elements in the preparation of youth to take our places in the future.

Education has long been cited as one of the key factors in solving the economic and social problems we have in America today. We must continue to strive for excellence and equality of educational opportunity. Not until we can say that each American boy and girl has had a good education can we begin to feel that our educational system is living up to the expectations we have for it. We in Congress, have played a big part in the fulfillment of educational priorities through passage of the Elementary and Secondary Education Act. Since its enactment in 1965, an amazing success story can be told. It has not been an unqualified success, but with each new year, the pace of progress keeps increasing. And yet, we have only begun to realize the potential it contains.

H.R. 514 essentially provides for the extension for another 5 years of education programs such as the federally impacted areas aid, the Elementary and Secondary Education Act, and the Adult Education Act. Each of these acts covers a separate area of education—all are essential in relation to the whole. When

we consider the accomplishments growing out of each one of the acts, we can see their importance.

Public Laws 815 and 874 more popularly known as federally impacted areas assistance have been in existence since the 81st Congress. They are continually being revised to reflect the needs of the times. Their function is to provide assistance to areas which educate large numbers of children whose parents either live or work on Federal property. In the years since their enactment, they have helped thousands of children. Under Public Law 815, help has been given for the construction of over 62,000 classrooms and other facilities which now house almost 2 million students. Under Public Law 874, entitlement was made for over 2 million children for fiscal year 1967, the figure will be even higher for 1968 and 1969. Funds given to school districts through these acts are especially useful because they become a part of the overall budget of the education agency and help with the education of all students in the school district.

The Adult Education Act of 1966 has meant that the basic tools of literacy were given to over 1 million adults. Most of them were the product of a now bygone age when education was not considered important. It is estimated however, that an additional 24 million adults are in need of a basic education which would allow them to feel truly a part of this modern age.

The Elementary and Secondary Education Act has made possible benefits for nearly 90 percent of America's schoolchildren. An enumeration of the many programs would be a lengthy but a worthy tribute to this legislation. To mention a few, approximately 9 million disadvantaged children have participated in some way in the new programs; an estimated 43 million children and 1.7 million teachers have utilized library and instructional materials made available under the provisions of the act; and an estimated 10 million students, parents and teachers have benefitted from innovative programs encouraged or begun through the provisions of the legislation.

A 5-year extension of these programs along with the minor administrative changes incorporated in H.R. 514 is essential to provide the continuity which must accompany any Federal assistance. The addition of students residing in low-rent public housing to the provisions of the Federal impact aid is a step forward in equalizing some of the pressures exerted on many school districts by Federal activities. By including these children in a separate category requiring a separate appropriation allotments will not be reduced to those school districts already participating in the program.

Another valuable section of this legislation is the $40 million authorization for bilingual education. This program is vital to the educational needs of millions of children of limited English-speaking ability. There are almost 2 million Mexican-Americans in California. The bilingual education program will hasten equality of education.

A report by the National Advisory Committee on Mexican-American Education says:

> The average Mexican American child in the Southwest drops out of school by the seventh year.
>
> A recent study in California showed that in some schools more than 50 per cent of Mexican American high school students drop out between grades 10 and 11.
>
> Although Spanish surnamed students make up more than 14 per cent of the public school population of California, less than ½ of one per cent of the college students enrolled in the seven campuses of the University of California are of this group.
>
> These facts give tragic evidence of our failure to provide genuine educational opportunity to Mexican American youth; and today there are nearly two million of these children between the ages of 3 and 18.
>
> Money is only one problem. Perhaps an even more serious one is the problem of involuntary discrimination—that is, our insistence on fitting the Mexican American student into the monolingual, monocultural mold of the Anglo American. This discrimination, plus the grim fact that millions of Mexican Americans suffer from poverty, cultural isolation, and language rejection, has virtually destroyed them as contributing members of society.

I am encouraged by the progress of education in my district, in my State, and in the country. The programs which will be extended by H.R. 514 are an integral part of the educational picture. Each has many accomplishments to its credit and has much to offer as we look to the future.

Considering the gains which have been made, I believe that the next few years will be ones of continuing progress and I therefore urge an early enactment of H.R. 514.

However, the enactment of this authorizing legislation is a meaningless gesture unless it is followed by adequate funding. In the past only a little over 50 percent of the authorization has been appropriated.

In 1968 over 55 percent of local and State school bond issues were defeated. The property and other local and State taxes are no longer able to support educational needs. The Congress has an opportunity to act to prevent a crisis in our Nation's educational system. Our children and the future of our Nation called upon us for a decisive and positive response.

Mr. Chairman, the President's budget request for the impact area program is only $202,167,000. This revised budget request is $113 million lower than the previous fiscal year 1970 budget request. Most of the cut has occurred in the maintenance and operation portion of the Impact Aid Program. For this portion of the program the new request is $187 million compared to a previous $300 million.

The revised budget request for the Elementary and Secondary Education Act is $1,415,393,000, a reduction of $110,483,000 from the original budget request.

These budget reductions are intolerable and cannot support our Nation's increased educational needs.

If category B of Public Law 874 is eliminated as the revised budget suggests, schools in my district will lose $2,500,000 and many will be unable to operate. The State of California will lose about $75 million in education funds from its full entitlement.

Many school districts throughout the State of California would be in a precarious situation. School districts in California have annually received an average of 21 percent of the total available assistance under Public Law 874. Under section 3 of Public Law 874, 446 districts in 47 of the States 58 counties have received entitlements. California has a large number of Federal facilities and installations and this places a heavy burden on already overburdened property owners. It is clear that the property tax can no longer be the sole vehicle for financing education. Other sources must be found. The impacted area aid program has served as an effective and needed supplement to many school districts. Instead of curtailing this concept of school aid, we should be expanding it.

I would like to urge the approval of H.R. 514 and subsequently the appropriation of sufficient funds to carrry out its provisions.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in support of H.R. 514, a bill to extend programs of assistance for elementary and secondary education. This legislation extends and strengthens the most significant Federal aid program for elementary and secondary schools. I wish to state for the record my admiration for the skill and vision of the distinguished chairman of the Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS), in bringing this bill forward.

ESEA was passed in 1965 to confront a national crisis: the deteriorating quality of many of our elementary and secondary schools. Since 1965, measurable progress in this area has been achieved. H.R. 514 would insure the continuation of this progress.

By passing the recommended extension, H.R. 514 would add stability to this program, would provide more time for realistic and effective planning, and would allow more appropriate budgeting through advance funding, in the same manner that the gentleman from Oregon just requested. I think it is much healthier to extend it beyond the 2-year period for purposes which I just enumerated and those which the gentleman from Oregon just mentioned than for a lesser period of time.

Mr. David Tankel, director of title I programs for the board of elementary and secondary education, Trenton, N.J., testified before the Education and Labor Committee on this point as follows:

> A cutback or cutoff of funds in these times of stress would be a death blow to the efforts of the cities to improve the whole of inner city education. . . . First of all, Congress can help by providing a 5-year extension of Title I funds. Hopefully, more funds will be made available.

The legislation before us implements this suggestion of Mr. Tankel. The need for speedy enactment of H.R. 514 is apparent. In my judgment, Federal money for education represents the most important investment in America's future freedom and security which we can make. I urge my colleagues to support H.R. 514.

I might point out that during his testimony before the Committee on Education and Labor, the new Secretary of Health, Education, and Welfare, Mr. Finch, was extremely candid in recognizing that during the short time in which he has

been in office, he has not had enough time to evaluate the programs in such manner as he would like. This is a completely understandable statement and position. I do not think—and I have been an advocate, either a sponsor or a principal advocate, for more than 14 years of legislation leading to the Elementary and Secondary Act and of the act itself—that a shorter period, a period as short as 2 years, would be enough time for the type of evaluation which the new Secretary indicated he has in mind.

I very strongly urge the adoption of the bill as reported by the committee and ask my colleagues to do likewise.

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

Mr. THOMPSON of New Jersey. I yield to the gentleman from Oregon.

Mr. DELLENBACK. Mr. Chairman, I thank the gentleman from New Jersey for yielding.

For the sake of making clear to the Members present the length of time that a 2-year extension would bring about, am I not correct that the present law already extends this through fiscal year 1970, and a 2-year extension beyond that, so a 2-year extension of the act would be, in fact, at the present time something in excess of a 3-year extension of the law?

Mr. THOMPSON of New Jersey. I believe that is the case. In spite of that, I believe it should be necessary to extend it beyond the 2-year period and beyond the period which the gentleman just mentioned.

Mr. DELLENBACK. That was only to make the record clear that a 2-year extension does not mean 2 years from the present time. The 2-year extension we are speaking of means a 3-year-plus extension from the present time.

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

Mr. THOMPSON of New Jersey. I yield to the gentleman from Oklahoma, our majority leader.

Mr. ALBERT. Mr. Chairman, I take this time to say I concur in what the gentleman from New Jersey has said and to add my note of congratulations to the distinguished chairman of this committee, who has been a Rock of Gibraltar in the great effort he has put into this matter. He has come to be recognized across the Nation as one of the greatest friends of education, and in this House I know of no one for whom higher personal regard is held than the distinguished chairman of the gentleman's committee.

Mr. THOMPSON of New Jersey. Mr. Chairman, I thank the majority leader.

I know Members on both sides of this body recognize the really tremendous contribution, as the gentleman from Oklahoma has outlined, made by our friend, the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS).

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

Mr. THOMPSON of New Jersey. I yield to the gentleman from New York.

Mr. CAREY. Mr. Chairman, I would say to the gentleman from New Jersey, after his splendid statement, that it would seem to me what we are urging on this side is a vote of confidence in this bill for 5 years, to give the new Secretary of Health, Education, and Welfare and the new Commissioner of Education from the State of New York a chance to work with a stable bedrock foundation on which they can build and implement the new Nixon program in education. A vote of confidence of that kind I would think for 5 years, with forward funding for the children of America, would seem to very closely configure to what the administration has been saying about stability and tranquility and speaking quietly and saying what we mean in forward terms.

I do not know why we should short-term the children and shortchange the country by saying that before the 1970 census the bill will expire, before the census takes effect. We need, of all things in the schools of this country, a long-range stable program on which the localities can count, a precise and exact foundation formula in forward education. This is what I have heard all the way from Miami to Washington.

Mr. THOMPSON of New Jersey. Mr. Chairman, I might say to my colleague from New York that he expresses it better than I could. I thank my colleague, and I agree that in this interim period, the new Secretary and the prospective head of the Office of Education, who will not arrive on his job for a month or so from now—in the month of May—may at any time during this period come up with a forward-looking innovative, creative, or changing program, at which time I am absolutely certain, with the depth of interest in education, led by our chairman and shared by a majority of us on both sides, we could revise the entire program; but, at the least, the very least, what we are doing, as the gentleman from New York so very well puts it, is to give a vote of confidence to education and offer to the school districts throughout the land some degree of stability.

Mr. CAREY. The gentleman will agree that the great proponent of Federal funding and advanced planning on our committee has not really been on our side, but it has been the gentleman from Minnesota (Mr. QUIE), who suggested for a long time that we should do forward funding in higher education and give the colleges and other schools of our country an opportunity to plan minimal input and to achieve maximum realization of their plans. I give credit to the gentleman for the idea of forward financing. I do not know why at this time they suddenly depart from their own ideas.

Mr. THOMPSON of New Jersey. I thank the gentleman.

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

Mr. THOMPSON of New Jersey. I yield to the gentleman from Minnesota.

Mr. QUIE. We are not departing from our ideas of forward funding. That is why we are asking for a 2-year extension now, rather than a 1-year extension, because we know that in 1 year we would get caught up with the same kinds of pressures.

Mr. THOMPSON of New Jersey. The gentleman means that 2 years is more forward than 1 but less than 5?

Mr. QUIE. We do not need to go as far as 5.

Mr. THOMPSON of New Jersey. This is a matter of semantics.

Mr. CAREY. There is an old expression around New York City that says, "If you cannot get five take two, but if you can get five take five when you can get it."

Mr. THOMPSON of New Jersey. The New Jersey version of that is, "If you cannot get five take four."

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

Mr. CAREY. Mr. Chairman, I rise in support of the much needed extension of title VI of the Elementary and Secondary Education Act. As my colleagues well know, this title was added to the act in 1966 and is designed to improve both the quality and quantity of special educational services for handicapped children. The day is long past when through ignorance we hide our physically and mentally handicapped children away from the world. We have learned that they can and do serve as complete members of our modern society. But they cannot become participants unless they receive a full and understanding education that helps them to overcome specific handicaps. This law is doing an excellent job in focusing on the educational needs of the handicapped and a 5-year extension of the authority is needed to insure its future success. There are about 5½ million children in this country who could be benefited through this extension.

The needs of the handicapped for a good education are greater than those of normal children, and the education itself is more difficult to give, but this act has been providing special educational services for hundreds of handicapped children who had received no special help before its passage. It has also helped State and local agencies to raise the quality of assistance they had been offering to school-age handicapped children. In addition, the program has had a number of important byproducts. It has prompted a greater awareness of the special needs of handicapped children among school administrators, both regular and special education teachers, and the general public. Title VI has supported administrative personnel at all levels, and it has sparked better cooperation and communication among the many agencies dealing with the handicapped.

The regional resource centers which have been begun this year under part B of title VI will provide a much-needed boost in the ability of educational personnel to offer handicapped children an education specifically designed to meet their individual needs. Services provided in the center will focus, not only on the problems of handicapped children, but also on the problems a teacher has in teaching the handicapped child. This program has only been functioning for a few months. It holds great promise for improving the entire range of curriculum and teaching of the handicapped. We can serve the needs of the handicapped people of this country best by firmly standing behind this program through a 5-year extension of its authority so that

the development of a worthwhile educational program for all handicapped children of this country can be achieved.

Mr. PERKINS. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Chairman, I am happy to have this opportunity to join with my colleagues in the House in offering my enthusiastic support for the passage of H.R. 514, the Elementary and Secondary Education Amendments of 1969.

The chairman and members of the House Committee on Education and Labor are to be congratulated on their excellent work on this legislation, and in particular for the 5-year authorization provision which they incorporated into the bill.

This provision alone will be of tremendous value to the cause of better education in America, because it will allow school administrators to plan ahead in an orderly way, and utilize Federal, as well as local and State funds, in the most efficient and effective manner possible.

At this time, I would like to focus my attention on title VII of the Elementary and Secondary Education Amendments—ESEA—the bilingual education program to assist in meeting the special educational needs of children with limited English-speaking ability.

This legislation is making a significant start toward establishing a system of bilingual education programs for America's more than 3 million limited English-speaking elementary and high school students—to offer them for the first time, a real chance to achieve their full educational potential.

Few persons now would dispute the fact that there is an urgent need to find constructive solutions to the unique bilingual/bicultural education problems faced by these hundreds of thousands of American school children who are members of our many ethnic and nationality groups whose home language is other than English.

The situation is just beginning to receive the long-overdue national recognition it deserves as one of the most critical education problems in the United States—calling for immediate, aggressive, remedial action to help overcome the serious learning difficulties experienced by this important segment of the Nation's school-aged population.

Today, job opportunities, income levels, economic advancement, in fact, all the aspects of personal and family well-being are closely linked to educational achievement and the ability of communicate effectively with one another.

Those of our citizens who are severely handicapped because of language barriers in our modern, predominantly English-speaking society suffer a continuing denial of the opportunity to participate and share fully in the rich abundance of 20th-century America.

What we need, and what title VII of ESEA represents, is a major effort to develop the kind of local-State-Federal cooperative approach necessary to meet the special educational needs of the large number of students in the United States to whom English is a second language.

The compelling urgency for greater attention to this area is graphically demonstrated by the fact that the median of years of school completed for Spanish-speaking in the Southwest is 7.1 years, whereas for the Anglo child in the Southwest, it is 12.1 years, and for the nonwhite child it is 9 years of school completed.

This tragic record of educational disparity and underachievement in the Southwest has been called "the greatest single failure of our system to provide equality of educational opportunity in this region."

However, December of 1967 marked the beginning of a new day in the lives of our citizens with limited English-speaking ability. For, in that month, the Bilingual Educational Act was adopted as title VII of ESEA, and the potential of this new program was widely heralded by Mexican Americans, Puerto Ricans, American Indians, and many other ethnic groups in the United States who spoke a language other than English—as a real breakthrough in their fight for equal educational opportunity.

Unfortunately, the Bilingual Education Act has not yet been given the chance to fulfill its promise. Of the $15 million authorized for fiscal 1968, there were no funds appropriated. Thirty million dollars was authorized for fiscal 1969, and after a lengthy battle, $7.5 million was finally appropriated.

By December of 1968, more than 300 preliminary proposals from some 39 States, seeking $41 million, with projects involving seven different languages—Spanish, French, Portuguese, Chinese, Japanese, Cherokee, and Navajo—had been received by the U.S. Office of Education.

Of the many deserving projects submitted, however, 81 have now been invited to prepare formal grant proposals to serve about 140,000 students in 22 States.

There is simply not enough money to go around.

The programs established next year can serve as the vanguard for those to follow—training the personnel, providing the research, developing the materials, and demonstrating the new teaching techniques necessary to the success of every innovation in education.

The knowledge which these programs generate, however, will be of little value if the Bilingual Education Act is not extended beyond its present 1970 expiration date. To raise the hopes of so many non-English-speaking communities only to dash them once again to the ground would be a cruel blow indeed.

H.R. 514 would extend the Bilingual Education Act through 1975, authorizing an appropriation of $40 million each year. It would also amend the act to include Indian children attending Federal schools run by the Department of the Interior's Bureau of Indian Affairs.

I urgently enlist your support for H.R. 514. We have made a promise to all the children of America—to the disadvantaged and the child of limited English-speaking ability, as well as his more fortunate classmate. A vote for H.R. 514, and for title VII, is a vote of confidence in the future.

I trust that you will join me in my efforts to safeguard the promise we have made to equal educational opportunity for all by giving the programs included in the Elementary and Secondary Education Amendments of 1969 the time they need to accomplish the purposes for which they were designed.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, as we reach the end of general debate on this very important bill I believe we can congratulate both sides on the manner in which the debate has been handled. It has been informative. It has been a good discussion. It has been most helpful to all of us.

I think it is important at this point perhaps to put in perspective the genesis of this bill.

Earlier one of the Members suggested combat pay for teachers in the ghettos. There is no question that the teachers in some of the ghettos have tremendously difficult assignments, and it is becoming more and more difficult to hold these teachers. I saw over the weekend a report of the New York situation, where 20,000 teachers are not expected to come back to their assignments after the school holidays.

Certainly all sorts of efforts have been made to provide additional compensation to teachers who take on these difficult assignments.

I should like to remind the House this can now be done within the framework of title I. Any local school administrator who has tried it has always been opposed by the local teacher unions and various other organizations that have opposed a dual standard of salaries. This is a decision the local administrator must resolve.

I do not believe the Congress of the United States wants to inject itself into these policy questions at the local school level; at least, I hope we do not want to.

There was also some talk today about the formula being unfair. This is perhaps the most important single aspect of the debate.

I agree with the distinguished chairman of the committee as to the fairness of the present formula. We have gone to a great deal of time and effort over many, many years trying to find an equitable distribution formula to bring assistance to the areas of the greatest need.

Let me remind my colleagues of what is the main thrust of this legislation. For years and years and years, for decades, the Congress of the United States has tried to get through some form of a Federal aid to education bill. At one time we came pretty close. We got the bill as far as the Rules Committee, and it got tied up in the Rules Committee.

Finally, in 1965, under the leadership of the gentleman from Kentucky, we evolved a concept of legislation for Federal aid to areas of proven need.

I agree with the gentlewoman from Oregon about all the horrible things that are happening in the schools today. There is no question; there is a serious

problem. We have to deal with this problem. But title I is primarily designed to bring to local school districts Federal funds to provide compensatory education to disadvantaged children who need this help to bring them up to an acceptable academic norm.

That is the main thrust of title I.

We have other bills. We have the Vocational Education Act, which this House passed last year unanimously, without a dissenting vote, to deal with some of the other problems of education. We have before my subcommittee, of which I am chairman, a school construction bill to deal with construction needs. Last year we passed a bill on juvenile delinquency hopeful that we could move forward into the problem of solving the marihuana problem and other social problems. But H.R. 514, the bill before us today, is primarily designed to continue this program of Federal aid to areas of proven need, namely, compensatory education in the disadvantaged communities of this country where we have to try to bring these children up to the norm so that they can join the mainstream of other young people in this country in our educational process. That is the main purpose of it.

For us to try to divert ourselves from this purpose is to invite disaster for the whole bill. I remind the House that for years and years we tried to get a general education bill through the Congress. Every time we did we were rolled back. So I say it is through the great wisdom of this chairman that we have a formula which proved acceptable to the Congress of the United States.

As far as the distribution formula is concerned, it is very simple. We first determine how many children are in every school district who come from families that earn under $2,000 a year or who are on public assistance. After we have ascertained the number of these children we decide the average per pupil expenditure by the State for education. After we have ascertained how many children there are in this school district that qualify for this help, we take the State formula and the State average and take the national average, whichever is the greater. If the State average is, then we get one-half of the State average for every one of the children counted in that school district to provide compensatory education to bring the youngsters up to a norm.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. PUCINSKI. If he comes from a very poor school district, as many of our school districts are, where one-half of the State average is below the national norm, then we apply the national norm and use one-half for that.

I submit to the good sense of the Members of the House on both sides of the aisle that this formula is honest, equitable, and recognizes the poor school districts of this country. It also recognizes the fact that when a district like New York or Chicago or some other district does indeed spend more money per child, that we ought to be able, in meeting half of the cost, to meet the extra expenditure.

Mr. Chairman, I submit that this bill is worthy of our support and I hope it will be approved by the House in its present form.

Mr. EDWARDS of California. Mr. Chairman, the Elementary and Secondary Education Act Amendments of 1959 represents the continuing commitment of this Congress to the goals of providing a better education for every child living within the borders of the United States.

The amendments have been carefully considered by the House Education and Labor Committee. Hearings have been held and controversies explored. The amendments proposed are based on past experience with this act and they carry the stamp of approval of the vast majority of the Nation's educators.

In the past few weeks we have seen the erosion of this Nation's basic commitments to its citizens as program after program vital to the welfare of this country has been cut. We in this House have little or no control over this erosion, but we do have the ability to make known our commitment and our determination to do the necessary work of this Nation.

It is in this context that I think it is vital that these basic education programs be extended for 5 years. The Nation's educators have told us they need a foundation on which to build. That they can not plan when programs are changed and distorted on a year-by-year basis, according to the changing political tides. The representatives of school districts within my area have come to me and said, "These programs are working. We need them. Why change now?" Some of them, shaking their heads, have even asked, "Is this a plot to cut our support?" I cannot answer that question. But I can urge that this House offer to the educators and children of the United States a long-term, workable program, clearly spelled out.

The administration already has cut vital educational programs and is proposing further cuts. The stark example of the closing of Job Corps centers throughout the Nation, including the one at Camp Parks in California, demonstrates its disregard for the needs of the disadvantaged. The administration also has sliced deeply into the work-study programs at the colleges, $200,000 alone from San Jose State College, programs designed to help the disadvantaged to work their way through college. These are programs which should be expanded, not made smaller. I believe we can expect similar fund cuts in support of elementary and secondary education support.

Secretary Finch, for example, has proposed the elimination of an important part of aid to school districts flooded by Federal installations. The proposal to eliminate funding for children whose parents work in Federal installations and live off the installations, would work a real hardship in California, the Santa Clara Valley, and the Ninth Congressional District.

For the State of California the elimination of these funds will cost the schools $75 million a year and in my congressional district the cuts will cost $1.5 million.

Two of the school districts within the Ninth Congressional District illustrate the problems facing California school districts. The Eastside Union High School District would lose an estimated $100,000 in funding, forcing an increase of 3 cents on its tax rate, and the Alum Rock Elementary School District would lose $80,000, 10 or more cents on its tax rate.

Both of these districts, as well as school districts throughout the Ninth Congressional District, already face tremendous funding problems. They, like districts throughout the State and Nation, are in the midst of the present crisis of education. These cuts hurt them rather than help. These cuts take away not so much from the haves, but from the have-nots.

I am afraid that the philosophy of many of the other proposed changes in the committee's recommendations will produce the same result in our efforts to improve education—hurt rather than help. By combining the titles, it would be easier to cut the total program. By seting up block grants to the States, the results of those cuts could be hidden.

Those who are harmed by these cuts are not the haves, but the have-nots. Those who most need help are being denied help.

We have clearly seen the intent of the present administration in its so-called economies already inflicted. I believe this House must make clear to the Nation its commitments, and that can be done best by approving these amendments as proposed by the committee.

Mr. LEGGETT. Mr. Chairman, the annual battle to provide an adequate educational system for our children is with us again. H.R. 514, extending the ESEA program and the impacted areas program is now up for our consideration on the floor after having gone through 22 days of committee hearings and 3,000 pages of testimony. This is a good bill. It has gone through the markup mill and has emerged as a tight, fiscally responsible proposal with only one marked deficiency—it does not provide enough authorization for some of the most necessary and valuable programs. Impact aid is an example of one underfinanced section. I will get to the impact aid problem later, however.

One major feature—the extention of the basic ESEA and impact aid programs for 5 years is outstanding. School districts must be able to plan their programs over a long time span. Educational programs are inherently a long-term operation, they cannot be cut and pasted on a year-to-year basis if the students are to receive the type of education that we expect in the latter half of the 20th century. A 5-year program is the minimum that we should consider for these basic educational necessities.

I cannot agree with the suggestion of Secretary Finch made before the committee that the extension of ESEA be limited to 2 years. It is all well and good that HEW is conducting a review of the existing programs. I support these

studies and hope that HEW does, indeed, come up with the proposals for substantive changes that will strengthen the federally supported education programs. This is no reason, however, for cutting the extension to 2 years. If the new proposals do, in fact, come out of the Department the act can always be amended, but cutting the extension on the basis of the promise of future studies is educational suicide. I fear also that the pending amendments relating to a 2-year extension are in some ways a ruse by the antieducation factions to gut the existing programs with no thought of new and better proposals.

The committee report—No. 91–114—clearly indicates that ESEA "is doing a successful and effective job in carrying out the congressional purposes for which it was enacted." The hearings and letters from school administrators, teachers, and educational experts have convinced the clear majority of the committee that the No. 1 priority education need from the Federal level is a 5-year extension of ESEA with adequate and timely funding. I repeat—adequate and timely funding. While I do not sit on the Committee on Education and Labor, I can certainly vouch for the statement that school administrators are in full support of the 5-year extension. I have received numerous letters from school superintendents in my congressional district urging my support of this measure. I have personally spoken with a number of these superintendents, and have been very impressed by their arguments for a long term program under which they can adequately plan for our future education needs.

At the present time a number of the school districts in my congressional district are in deep financial trouble as a result of delays in allocation of the presently funded programs. A number of the school districts will have great difficulty in meeting their payrolls by the end of the school year, and many of them have resorted to borrowing measures to keep the doors open up to now. I would stress that these school districts are having trouble meeting salary commitments. These are not frill programs, or experimental projects that are debatable on the basis of cost effectiveness or educational necessity. These are the basic costs for the operation of any school.

On the question of the Public Law 815–874 program I want to clearly stress my view that this title must be fully funded on an adequate basis from the view of those persons included. There is an almost continual murmur of criticism directed toward impact aid. Critics are always deriding the program, but I use the word "murmur" because the criticism never seems to get beyond the general complaining stage. Impact aid may not be the perfect answer to the educational financing problems of the affected areas, but it is the best program that has been devised thus far, and at all costs should be continued. I eagerly await the much-heralded new proposals that we hear will be coming out of HEW on this subject, but in the meantime I will paraphrase Winston Churchill and agree that while impact aid is a terrible form of subsidy, it is far better than any other program yet devised.

Full funding for Public Law 874 with the housing amendment would require an estimated $875 million appropriation for fiscal 1970. The 1970 amended budget request is only $185 million. Funding at less than one-third the authorization is not to my mind a sensible solution to the problems of the impacted areas, especially after this year's problems with the withholding of allocated funds. For this reason I want to concur with the views of my colleagues, the gentlewoman from Hawaii (Mrs. MINK) and the gentleman from Washington (Mr. MEEDS).

While I support the theory of aid to areas affected by public housing, I cannot see the advantage of tacking on another $235 million to a program which is already underfunded.

If we are going to provide the necessary aid for these children, we must fund the existing programs at an adequate level before we can consider adding new categories of students to an already overburdened system.

Mr. MINISH. Mr. Chairman, I rise in support of H.R. 514—the Elementary and Secondary Education Amendments of 1969. The education of our Nation's youth is one of the most important challenges we must face. We have long ago made a firm commitment to education in this country and we must continue to back it up in every way possible. We have passed various pieces of legislation over the last decade which have contributed largely to the efforts of the State and local educational agencies in whose hands the responsibility lies. Our Federal assistance must be in the form of dependable support to allow programs to begin and then grow and expand as our educators learn from experience. Some of the legislation which we have passed must now be extended. H.R. 514—the Elementary and Secondary Education Act Amendments of 1969—is the bill which provides for these extensions.

The most comprehensive act which H.R. 514 will extend is the Elementary and Secondary Education Act of 1965. The effects which this one piece of legislation has had on education are even now just beginning to be measured. Title V has helped State departments of education refine their administrative techniques and in almost every State turn to automated data systems to assist them in their evergrowing responsibilities. Title II has made library materials available to students who attend any type of school—large or small, urban or rural, public or private—materials which enrich the curriculum and help to spark an enthusiasm for learning which is so important. The great good already accomplished by this title fully justifies its extension at the present annual level of authorization—$200 million—as recommended by the committee. I hope that the inadequate budget estimate for 1970—less than 25 percent of the authorization—can be raised to the authorized level so that the critical needs for library books and other instructional material can be met more adequately. Title IV has helped to expand innovative research in education. Together with title III for supplemental education centers, it has allowed some of the miracles of the computer age to be utilized in one of our most important concerns—education.

Other titles of the ESEA are for programs aimed at helping specific types of students. Title VI helps children who are handicapped. Title VII will provide programs for those who must learn English as a second language and have unique problems which the average teacher is not equipped to handle.

Possibly the most dramatic results have been achieved through title I for the educationally disadvantaged. In 1966–67, over 9 million children participated in programs of compensatory education—services over and above what schools normally supply. Reading projects were carried out in various grades spanning prekindergarten through the twelfth. Title I programs throughout the Nation have made it possible for youngsters who could see no future for themselves in school, to take a second look and become more a part of the educational system which is such a basic part of our society today.

In a conference with the New Jersey congressional delegation on April 15, the New Jersey Association of School Administrators reported that our State's experience with title I has been excellent. This year these funds are providing vitally needed educational programs and services for nearly 130,000 children from low-income families in public and private schools. However, the Association warned that New Jersey is faced with a crisis in its program as indicated by the following chart. As noted in the chart, in the first year of the program, local districts received $287.79 per eligible child based upon a total of 85,309 children. In the current year the local districts received $106.75 per child based upon 137,857 eligible children. The increase in eligible children is attributable to an increase from 25,464 to 71,813 children in the AFDC category.

School year	Number of eligible children					State allocation	Amount available per child
	Foster	Neglected delinquent	AFDC	Census	Total		
1965–66			25,464	59,845	85,309	$24,551,083	287.79
1966–67	5545	1,271	42,106	59,845	108,767	22,865,002	210.22
1967–68	5545	1,271	58,213	59,845	124,874	22,865,209	191.49
1968–69	5051	1,148	64,696	59,845	130,740	21,035,992	160.75
1969–70 [1]	5051	1,148	71,813	59,845	137,857	18,932,393	137.60

[1] Projected.

The reduction has necessitated the elimination of over 100 districts from the program and a curtailment in valuable summer programs. For example, Newark, the largest recipient of title I funds in New Jersey, has been able to operate summer programs since 1966 utilizing approximately $1,000,000 of its annual allotment. Because of the increased cost of providing services, increased numbers

of children to be helped, and a decrease in title I funds, Newark will have a substantially reduced summer program this year.

The impact of these cutbacks on children in urgent need of these services is illustrated in the following letter from the South 11th Street School Parent Teacher Association, Newark:

Are human needs to be sacrificed in the interests of balancing the budget? We, the undersigned, are a group of parents of trainable mentally retarded children at the South 11th Street School in Newark, who are deeply concerned about the severe curtailment of the Title I program contemplated for the coming summer months and for the next school year.

To abandon a program that has paid such high dividends in human response and values solely in the interest of so-called economy seems to us callous and unconscionable.

A recurrent rationale for indiscriminate slashing of worthwhile projects such as Head Start, remedial reading, and summer programs for disadvantaged children is the tired cliche of "balancing the budget." Well, we would like to say, "Please don't balance the budget at the expense of human pride and dignity and service." Our children, who are trainable mentally retarded, not only need at least the same type of summer program they had last year, but if possible, one with services even expanded.

We urge you as our elected representative to restore the Title I program to its former status. We believe that our most important commodity is our children. They deserve the best that we can give them.

I urge Congress to respond compassionately to the needs of these unfortunate children.

The experience of my State with title I and other programs under the Elementary and Secondary Education Act is shared by many States. We cannot permit our economically and educationally disadvantaged children to suffer the loss of these enriching services. Are they not entitled to qualified education as much as the more fortunately situated suburban children? Quality education should be the birthright of every child in a democratic society, not only the well-born.

H.R. 514 will also extend Public Laws 815 and 874—Federal impact aid. This program has been in effect since the 81st Congress. Under Public Law 815, assistance has been given for the construction of over 62,000 classrooms. Under Public Law 874, over 2 million children were eligible for entitlement during fiscal year 1967.

The Adult Education Act will also be extended by H.R. 514. The purpose of this act is to help to provide a basic education for adults who do not possess the skills of literacy. It is estimated that 24 million adults in this country are lacking these skills—skills which are essential in this modern age.

It is important that these programs are extended at this time as provided in H.R. 514. An early enactment of this bill will allow appropriations to be made for fiscal year 1971—before school administrators begin planning for the 1970–71 school year. This advanced funding eases the burden of program planning, because administrators can secure a competent staff with the assurance that the funds have been allocated.

One outstanding change is included under the provisions of H.R. 514—that of including public housing children in Federal impacted areas assistance. This is a change which is designed to keep the programs in line with the reality of the situation of today. Large numbers of children residing in public housing have created economic problems for school districts and including them in the programs will offer some relief. At the same time, they should be included as a separate category thereby eliminating the danger that districts already participating in the program will suffer a reduction of funds.

The provisions of H.R. 514 extend some of the most important education programs for elementary and secondary education in effect today. The 5-year extension period will allow a continuity which cannot be achieved with a shorter period of extension. We cannot afford to shirk our responsibilities to education. We can see the progress being made through our elementary and secondary education programs and an early enactment of H.R. 514 will assure that this program continues. I urge passage of this bill as reported by the committee so that we can continue to advance toward the goal of high-quality education for every American child.

Mr. BIAGGI. Mr. Chairman, I rise in support of H.R. 514, the Elementary and Secondary Education Act Amendments of 1969. The provisions of this bill will extend three essential components of Federal aid to education for an additional 5 years. Each of these programs—the Elementary and Secondary Education Act, the Federal Impact Aid Act, and the Adult Education Act—have been major contributions to the shape of education in this country. Each can be termed successful and each has a role to play in education for the next decade.

I have spoken with school administrators in my district and I am encouraged by the enthusiasm they display for Federal aid programs. The progress that has been made under the Elementary and Secondary Education Act was cited particularly and the many possibilities it has opened up for the schools of my district and the State of New York speak clearly of its accomplishments. As school administrators they are in a particularly good position to evaluate the success of a program. Their remarks are comparable to those of the many school superintendents who traveled to Washington to testify at the hearings on H.R. 514. Their vote of confidence makes it clear that the programs are working at the local level.

An extension of 5 years is particularly important for these programs. The uncertainties associated with shorter funding periods tend to lessen the impact of the programs. Highly skilled and qualified personnel—so essential to the efficient operation of any program—generally prefer to work for programs which are assured of continuity from year to year. If the legislation must be reworked every 2 years it makes it difficult for our administrators to secure the best possible personnel. These programs need the 5-year extension.

H.R. 514 is the result of an examination of the three programs and their results. The changes which are contained in the bill reflect a streamlining of the administrative aspects and will improve the operation of each program. On substantive change will allow children who live in low-rent public housing to be counted as federally connected children for the purposes of Public Laws 815 and 874—a change which updates this legislation to meet the needs of our modern day. Since this legislation was passed in the 81st Congress, it has been periodically reviewed and changes made which reflect changes in our situation. The inclusion of low-rent public housing students is just such a change offering additional relief to school districts which are burdened with large numbers of children whose parents either live or work on Federal property.

The importance of Federal aid to education programs for this country is a fact. We cannot allow them to fall by the wayside. H.R. 514 will extend three of these programs for an adequate period. We have seen the success of these programs and can look to the future for additional progress. For these reasons, I am in favor of the passage of H.R. 514.

Mr. RYAN. Mr. Chairman, H.R. 514 extends the Elementary and Secondary Education Act which is one of the most vital Federal programs in existence. The Federal Government has a responsibility to provide educational assistance to school-age children, and the approval of the 5-year extension of this program is critical to that effort.

However, in approving this extension, we should not delude ourselves that it is an adequate response to the challenges posed in elementary and secondary education today. Despite the fact that the programs of the Elementary and Secondary Education Act have proven themselves effective within the limitations of their resources, the programs continue to be badly hampered by a lack of funding. In order to continue an effective program which can perform on more than a limited basis, it is necessary for this Congress to significantly increase the appropriations. For adequate funding is perhaps the greatest single cause of the failure to meet the needs of our Nation's school-age children.

The discrepancy between the authorizations and the appropriation requests made for fiscal year 1970 is in itself enormous. While the authorization is $4.37 billion, the appropriations request is $2.78 billion.

Many school systems are presently overburdened by large numbers of children enrolled in their schools who reside in tax-exempt low-rent public housing. While this housing is essential to the basic welfare of the children, the fact that the school systems which they attend are deprived of sources of revenue through tax exemption has an adverse effect on their education. Existing Federal payments, in lieu of taxes, to schools confronted with this problem now average only $11 per public housing child. The result of this inadequate support is an inferior education for the children living in the districts involved. H.R. 514 would provide authorization for increased

payments to these districts. But, as in the case with other vital Federal programs, that authorization will bring little relief unless adequate appropriations are voted.

Approximately 3.3 million, or 60 percent, of all handicapped children do not now receive the special educational training required to lead productive and meaningful lives. Again, although $162.5 million was authorized for aid to these children, only $29.25 million was actually appropriated in fiscal year 1969. Even so, the program was able to reach some 100,000 handicapped children.

The dropout prevention program, which is urgently needed to provide counseling and assistance to potential high school dropouts, was also deprived of an appropriation which would have stepped up its effectiveness. Of the $65 million authorized for the program, only $5 million was appropriated in fiscal year 1969. As a result, only 20 of 369 proposals for the establishment of dropout prevention programs could be approved by the Office of Education, and only 10 of these proposals are expected to be put into operation in the near future. Once again, inadequate funding is sabotaging creative and necessary programs for dealing with some of our most significant educational problems.

The approval of the extension sought for the Elementary and Secondary Education Act is clearly a prerequisite to meeting the educational needs of this Nation's elementary and secondary age children. It is also imperative that the House reject amendments which would undermine the school desegregation effort which must continue if racial balance in our schools is to be achieved. With almost 80 percent of school-age black children in the 11 States of the Deep South still attending segregated schools, it is obvious that the 1954 Supreme Court desegregation decision is still being defied. To approve any amendments which would diminish efforts to achieve school desegregation or nullify title VI would be a betrayal of the policies and ideals adopted by Congress in the Civil Rights Act of 1964.

Let me repeat that a 5-year extension of the Elementary and Secondary Education Act cannot be viewed as more than a minor victory. For the needs of our Nation's schoolchildren remain unmet. To meet them, we must do more than approve programs. We must provide sufficient funds so that the programs are able to meet effectively the educational needs of our Nation.

Mr. EILBERG. Mr. Chairman, I rise today to give my support to H.R. 514 as reported to the House by the distinguished chairman of the Education and Labor Committee, Mr. PERKINS. The committee spent many long hours in the hearing room and in executive session hammering out this legislation. I believe all viewpoints were carefully considered, and the legislation we have before us today reflects this excellent work.

While I would like to comment on many provisions of the legislation we are now considering, I will only address myself specifically to the matter of how long we should extend the authorization for the Elementary and Secondary Education Act programs. I believe we should adopt the 5-year extension contained in the committee bill. In this regard, I am reminded of one particular section of the report of the National Advisory Council on the Education of Disadvantaged Children which states that we must recognize "that a successful attack on poverty through improving the education of poor children will be measured in terms of decades and not congressional sessions." This is why we should extend the ESEA programs for 5 years.

Not only must we act to extend the authorization for the ESEA programs for 5 years, but I believe we must also act to provide for advance funding. In the city of Philadelphia, public school officials begin planning their operating budget in considerable detail 10 months before the fiscal year begins. Their planning is guided by a 5-year budget projection. But, they never know how much ESEA money they will receive or whether a given program will be continued, redirected, funded at 80 percent of the authorization, or at 100 percent. Sound planning and management are impossible under these conditions. It becomes necessary for Philadelphia school officials and others across the country to practice a kind of fiscal roulette.

In terms of the mission that Federal, State, and local school officials have, they need as long a commitment in terms of program authorizations and appropriations levels as possible. They need at least as long as the space program. The nature of the educational problems which the ESEA programs are designed to help solve are at least as complicated and complex as those of the space program. Under the current authorization and funding system, ESEA programs have started and stopped due to delays in processing the legislation. School districts have not known in some instances until the year is half over whether the authorization for these programs will be extended or at what level they will be funded. As a result, each year school districts have been forced to gamble and play this game of fiscal roulette. But, this gamble has not only been with dollars and cents but with the needs of children who desperately need the help these programs provide.

Year-to-year authorizations have aggravated the ability of school systems using these funds to secure topflight educational specialists. In many instances, arrangements must be made by the systems to provide special training and to upgrade personnel. These arrangements must be made in a timely fashion with institutions of higher learning and other educational agencies. The systems' ability to perform any effective long-range planning has been seriously impaired by these year-to-year extensions. A 5-year extenison such as that proposed in H.R. 514 will provide school systems with the assurance that the Congress intends the ESEA programs to continue. Such action as on our part will enable administrations to secure dedicated and specialized personnel and will enable them to make the most effective use of Federal dollars.

Mr. Chairman, if we yield to those who will argue that this legislation should only be extended for 2 or 3 years, we will renew fears on the part of State and local educational officials that these programs will be phased out or abandoned.

School administrator after school administrator, who testified before the Education and Labor Committee, stressed that we are at a critical point in the history of Federal support for education, and that ESEA has enabled the educational system to begin structural changes within the schools which will release the talents of students and teachers alike. They said that the system itself has begun to respond more readily to the individual needs of students, and that not to put the ESEA programs on a stable 5-year authorization would produce chaos in the schools. The need for this extension of 5 years is particularly critical for the schools in our large cities. It takes time to formulate plans to attack the educational problems of the Nation's needy children and it takes time to implement these plans. We must begin to think more in these terms as we consider education legislation in the 91st Congress and hereafter. Therefore, I urge all my colleagues to support the 5-year extension, reject debilitating amendments to H.R. 514, and pass the bill as reported by the committee.

Mr. PERKINS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may extend their remarks and include extraneous matter on the bill H.R. 514.

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

There was no objection.

TO AUTHORIZE APPROPRIATIONS FOR PROCUREMENT OF VESSELS AND AIRCRAFT AND CONSTRUCTION OF SHORE AND OFFSHORE ESTABLISHMENTS FOR THE COAST GUARD

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 369, Rept. No. 91–151), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4153) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour,

to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

REMOVING THE SOCIAL SECURITY INCOME LIMITATION

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

Mr. KOCH. Mr. Speaker, I am certain that most, if not all, of my colleagues in the House have received a wide expression of discontent with the present Social Security System. One of the most common concerns is with the income limitation placed on those who, at 65 or earlier, enter compulsory or voluntary retirement.

Today, I am introducing legislation to completely remove the income limitation for those receiving social security benefits.

The present law, as amended in 1967, sets a minimum income of $1,680 a year for those eligible for social security benefits up to age 72. Further income earned up to $2,880—the maximum income—reduces the benefits by $1 for each $2 earned. This limitation applies regardless of how many dependents the individual has.

Consider for a moment how this compares with the poverty levels of income as determined by the Office of Economic Opportunity. For an individual, the poverty line is $1,600 a year; for a married couple, or family of two, $2,100; for a family of four, $3,300. By writing such low income levels into our social security laws, we are committing our elderly citizens to a standard of living no better than the poverty level. Is this their just reward after so many years of gainful employment?

The bill I am introducing today is designed to correct this unfair situation—unfair for two primary reasons. First, money which is included within this income restriction under social security is limited only to wages. It does not include income received from nontaxable earnings, such as bonds and other investments. So a retired person who has no investment portfolio is prevented, under the present law, from receiving the income which exemptions allow to an investor. He is penalized if he goes out to earn money to supplement his meager allowance.

So this restriction on individuals who have paid into the System throughout their working years and who are entitled to the benefits of their long-term investment and who want to live a little better than the substandard level provided under social security, penalizes them by reducing their social security benefits. Incentive to work is stifled.

This is not only demoralizing for the individual, who may have many good years of service to offer and who does not want to simply retire from the pleasures which come from meaningful work, but it is also a loss to the American economy which loses the benefits of his many years of experience.

Mr. Speaker, my bill, if enacted into law, will completely remove this income limitation for those individuals who retire and who are eligible for social security benefits. It will, I believe, correct a grossly unjust provision applying to our senior citizens who deserve better than they are receiving from our Government.

CURBING INFLATION

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

Mr. HANNA. Mr. Speaker, I noted two items in the Wall Street Journal this morning that have a juxtaposition that interests me in terms of the administration's desire and our great hope for doing something about inflation.

One item indicated that the President hopes to be able to take off at least half of the 10-percent surcharge by the first of next year.

The other items referred to the possibility of bringing back the Committee of Advisers on Labor-Management Problems.

These items set me thinking of the interaction that occurs between the major, dynamic factors that effect inflation.

It suggests to me that you might turn your eyes for a moment toward England where you see the interaction between taxes and wages. When the English faced the crunch that followed devaluation, they made a brave move in substantially increasing taxes. It was loudly and proudly proclaimed that this "belt tightening" gave full assurance to the outside world that Britian was going to stabilize its economy and curtail imports. However, and unhappily, shortly after the tax rise a series of wage increases nullified the tax influence on domestic consumption and internal inflation. Since devaluation, the negative effects of wage policies have been canceled out the positive effects of tax increase. Additionally, wage and price increases canceled out effects of program reduction in Government spending.

England is just about to get on the merry-go-round the second time with a new tax increase proposal that will come out soon.

Think on that for a moment.

I would also suggest you turn your eyes to another phenomenon and that is the counter productivity of high interest rates. Certainly, it ought to occur to us somewhere along the line that interest rates become a part of the price of commodities and that just as sure as taxes and wages interact, the interest rates and prices also come in and get tied up in one flow.

If the interest rates get to the point where they are effective simply in pushing up higher prices, they become part of the total inflation.

Any business which can recapture higher interest rates in higher prices will pay the higher interest and go on with inflation. I think it is about time that we think of this very carefully because you cannot operate the economy by looking just at the taxes. You cannot operate the economy just looking at the interest rates or monetary policy and fiscal policy alone. You have to look at all these plus wages and prices. If we are not grown up enough to face that, then we are not grown up enough to fight this battle against inflation.

We need a fiscal policy. We need a monetary policy but just as sorely we need a wage policy and a price policy. Where all are not working then none will ultimately work.

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

Mr. HANNA. I yield to the gentleman.

Mr. GERALD R. FORD. Mr. Speaker, I am sure some are impressed by the remarks of the gentleman from California, but I did not hear him make this speech during the last 4 years when interest rates under the Democratic administration went soaring up to the point as high as they are today. We in the new administration are trying to do something about it, and we are going to do something about it, but you cannot in 100 days overcome and solve the problems that we inherited from the last 4 years.

Mr. HANNA. I am sure the gentleman is familiar with the salutary release process that comes when you are no longer handicapped or tied up with the administration. The gentleman has had more experience with that delightful state than I have had.

HICKS URGES ACTION TO INCREASE THE TIMBER YIELD IN OUR FEDERAL FORESTS

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

Mr. HICKS. Mr. Speaker, less than a year ago I joined other Members in strongly urging that limitations be put on the export of timber from Federal lands.

I did this at some peril. The largest city in my district is also the largest log exporter in the United States. Export of logs to Japan is of substantial importance to many of my constituents.

But my district also is a major producer of lumber and plywood, and includes substantial areas of national forests.

I did not believe, and I do not believe, that it makes sense to export raw material that is badly needed at home. That belief left me no way to satisfy the strong voices in my district that spoke out in favor of exports.

The limitation was imposed, and I support it.

However, I did not support that limitation in every effect it would have. One of those effects is to make it difficult for the people of Japan to realize their housing goals. But the people of the United States should, I believe, come first in their demands on our resources.

Now there is a way out of that dilemma.

The timber shortage that inspired the limitation has grown worse. But the forest industry, rather than demanding a further limitation, has wisely proposed another solution in hearings in both the Senate and the House, before committees concerned with housing.

That proposal has been incorporated into the National Timber Supply Act, introduced by the distinguished gentleman from South Carolina. It calls for the establishment of a high timber yield fund that would allow the Forest Service to apply the same principles of silviculture to its land that are now used by industry to produce yields almost four times greater than those on Federal lands.

I believe we would be wise to accept this proposal, and I am persuaded it will be successful.

There is no argument over the ability of industry, with its dependable funding system, to outproduce the Forest Service, although there may be some differences on the exact ratio.

I have seen some of these results myself, in my own district. The Weyerhaeuser Co., one of the country's largest timberland owners, has some of the most productive forests in the world. That company's headquarters, and some of its forests, are located in my district.

The purpose of this bill is to make it possible for the Forest Service to bring its practices up to the level of those of the Weyerhaeuser Co. and others in the industry. An announcement a year ago by that company makes me certain that this goal is easily attainable.

The Weyerhaeuser Co.'s board of directors has agreed to the financing of what the company calls a high yield forestry program. The comparisons being made today are not with this program, but with the programs of the past.

The high yield forestry program, which includes the same elements called for in the National Timber Supply Act, increased the yield on the Weyerhaeuser timberlands by a full third over present yields during 1968.

Obviously, the foresters who conceived it have put their professional careers on the line. The company's directors have committed millions of their stockholders' dollars to high yield forestry on the basis of increasing returns on the investments.

No one involved in this program doubts for a moment that it will do what it is supposed to do, and more. The company's stock has held up and increased in value.

The Weyerhaeuser men tell me that the personnel of the Forest Service are fully competent to do the same thing. But only if we in the Congress can make the same commitment to them that this company's directors have made to their foresters.

For that reason I have no reservations about supporting the National Timber Supply Act and, as a Representative of a timber-growing district, about urging all of my colleagues to give it the same support.

The sooner we act, the sooner we can begin to supply all of the timber that we need for our own programs, with more than enough left over to supply the needs of our friends and allies around the world.

TWENTY-SEVEN DEMOCRATS INTRODUCE LEGISLATIVE REFORM ACT OF 1969

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

Mr. REES. Mr. Speaker, today, 27 Democratic Members of Congress are introducing their version of the Legislative Reform Act of 1969.

I am optimistic that this might well be the year in which Congress finally decides to make much-needed changes in its organization, bringing this venerable institution into the realities of the 20th century.

I believe that the reform effort this year will be a genuine bipartisan effort and that there is considerable agreement among a majority of Congressmen as to what is needed to make us a more functional and responsive body. Although there are some differences between this bill and the Republican bill sponsored by the gentleman from Illinois (Mr. RUMSFELD), the differences are not so substantial as to hinder a united effort.

The bill closely parallels the measure originally recommended by the Joint Committee on Congressional Operations and approved by the Senate in 1967. The reorganization bill affects many of the functions of Congress. The committee process is improved immeasurably. Open meetings of committees are encouraged. Committee votes, in executive sessions, are to be made public. Rights of minority members are protected in committee staffing and on submission of material for minority reports. Reforms are made in proxy voting.

New proposals improving the ability of Congress to cope with its growing duties are proposed. These would include the use of systems analysis in the area of the Federal budget and the strengthening of the Legislative Reference Service.

The reform bill would take some steps toward correcting the antiquated, disorganized business operation of Congress, developing the beginnings of a personnel system based on factors other than patronage. The Capitol Police would be removed from patronage. Also, postmasters and rural letter carriers would be removed from congressional patronage.

The bill also tightens up the current restrictions on lobbying. The oversight functions of committees are emphasized so that this process will be constant in examining Government functions under a committee's jurisdiction.

Many of us are concerned about the ability of the legislative branch to cope with the responsibilities that face us in the year 1969. Each day we see a further erosion of our capacity to deal with the executive branch of Government. We simply do not have the facilities and the expertise to adequately analyze the complexities of the Federal budget and the multitude of agencies and programs we must face on a day-to-day basis. At times it seems as if the legislative branch is playing only a minor role in the governing of this Nation.

For example, in order to deal with the $195 billion Federal budget, every Member of Congress is in need of far more comprehensive information than we now receive from the Comptroller General and the Appropriations Committees. The reform bill proposes to strengthen the position of the Comptroller General so that his office might act more as a legislative budget bureau using the most modern techniques of data processing, analysis, and program budgeting to give us reports on current and future trends of budgeting for all the departments of Government.

The bill we are introducing differs from the Rumsfeld version in several aspects. Additions provide for a revision and printing of House precedents at the beginning of each new Congress; the printing of a bill digest with every newly introduced bill; and the printing of new bills in such a manner as to indicate additions and deletions in present law. All amendments over 25 words introduced to bills during floor debate would be required to be printed and made available to Members.

Changes deal with the use of proxy voting, the composition of the Joint Committee on Congressional Operations, and the method of meeting the staff needs for minority members of committees.

I include at this point a summary of the bill and the list of cosponsors:

SUMMARY OF "THE LEGISLATIVE REORGANIZATION ACT OF 1969" INTRODUCED BY MR. REES

Title I improves and contributes to the democratization of committee procedures in Congress by providing for:

(1) Open meetings of committees, and public disclosure of votes taken in committee meetings;

(2) Prompt filing of committee reports;

(3) Standardization of proxy voting procedures in committees;

(4) Public statement of the permanent and temporary authorizations available to standing committees;

(5) The right of minority committee members to call witnesses, and to file additional views to committee reports;

(6) A prohibition against Floor consideration of a bill until the committee report has been available to members at least 3 days;

(7) Public notice of committee hearings, and provision for live telecasting and broadcasting of open committee hearings;

(8) More equitable procedure whereby committees may obtain permission to hold hearings while the House or Senate is in session;

(9) Better performance by all committees of their legislative oversight functions, i.e. review of the administration of existing laws;

(10) Annual authorization for additional committee staff, with fair consideration for staff needs of the minority; and

(11) Allowing additional explanatory views in conference reports, and equal time for both parties in the debate on conference reports.

Title II strengthens the resources and procedures of Congress for dealing with fiscal matters, by providing for:

(1) The use of automatic data processing of Federal budget information;

(2) Involvement of the General Accounting Office in the establishment of a standard classification code of activities and expendi-

tures, and more efficient location of budget information, provision for expert assistance in the analysis of cost-effectiveness studies, and preparation of tabulations of budget data;

(3) Improvement of the budget document to provide Congress with information about its long-range fiscal implications;

(4) The annual appearance before the full Appropriations Committee of each House of the Director of the Bureau of the Budget, the Secretary of the Treasury, and the Chairman of the President's Council of Economic Advisers within 30 days after submission of the Budget to discuss the budget as a whole;

(5) Closer examination of multiagency programs;

(6) Open hearings of the Appropriations Committees of both Houses;

(7) Mandatory roll call votes on all appropriations bills, including the adoption of conference reports on appropriation measures;

(8) More comprehensive reports on supplemental and deficiency bills; and

(9) Greater participation by the legislative committees by having them provide projection of costs on new legislation, and by having them regularly review grant-in-aid programs.

Title III enhances the sources of information available to members and committees of Congress, by providing for:

(1) Additional professional staff for committees, including staff for minority members;

(2) Comparability of pay for House and Senate committee staffs;

(3) Use of consultants by committees;

(4) Specialized training for professional staff of committees;

(5) Improvements in the Legislative Reference Service of the Library of Congress, including authorization for obtaining automatic data machinery;

(6) Annual updating of a compilation of relevant precedents of the House of Representatives;

(7) Summaries to accompany each House bill when it is introduced, and clear explanations of the changes such bills seek to make in existing law; and

(8) The printing of every Floor amendment over 25 words before it may be acted upon.

Title IV deals with some of the institutional problems of Congress by providing for:

(1) A permanent Joint Committee on Congressional Operations;

(2) An office to assist members and committees in securing trained personnel and office management advice;

(3) Greater authority for the elected officers of each House to supervise employees under their jurisdiction;

(4) Improvements in the Capitol Police, Senate and House pages, and the Capitol guide service;

(5) An August recess;

(6) Removal of postmasters and rural mail carriers from the patronage system;

(7) A quarterly accounting by every member of his employees and their salaries, to be reported to the House Administration Committee and published annually by the Clerk of the House.

Title V provides for improved administration of the Lobbying Act by providing for:

(1) Transfer of the Act's administration to the General Accounting Office;

(2) Broadening the Act's coverage to require registration by individuals and organizations who solicit or receive funds for the "substantial purpose" of influencing legislation;

(3) A more complete disclosure of lobbying expenditures, and disclosure by individuals and organizations not currently covered; and

(4) The disclosure of contingent fee arrangements for purposes of influencing legislation.

LIST OF COSPONSORS ON CONGRESSIONAL REFORM

1. Thomas M. Rees (California).
2. William Hungate (Missouri).
3. Andrew Jacobs (Indiana).
4. Brock Adams (Washington).
5. William Hathaway (Maine).
6. Lee Hamilton (Indiana).
7. Sam Gibbons (Florida).
8. William L. St. Onge (Connecticut).
9. James J. Howard (New Jersey).
10. Joshua Eilberg (Pennsylvania).
11. Richard Ottinger (New York).
12. Robert L. Leggett (California).
13. Charles C. Diggs, Jr. (Michigan).
14. James H. Scheuer (New York).
15. Benjamin S. Rosenthal (New York).
16. Edward P. Boland (Massachusetts).
17. George E. Brown, Jr. (California).
18. Abner J. Mikva (Illinois).
19. Jonathan B. Bingham (New York).
20. Bertram Podell (New York).
21. Adam Clayton Powell (New York).
22. Allard K. Lowenstein (New York).
23. Mrs. Shirley Chisholm (New York).
24. Peter N. Kyros (Maine).
25. John C. Culver (Iowa).
26. Glenn M. Anderson (California).
27. Edward I. Koch (New York).

REPEAL OF THE EMERGENCY DETENTION ACT OF 1950

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

Mr. MIKVA. Mr. Speaker, there is a law on the books which many people do not even know exists, and which those of us who know of it find hard to believe. This law is the Emergency Detention Act of 1950. The law provides that in the event of invasion of the United States or its possessions, of declaration of war by Congress, or of insurrection within the United States in aid of a foreign enemy, the President may declare an internal security emergency and may authorize the Attorney General to apprehend and detain any person "as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or sabotage." As part of that act, emergency detention camps were authorized. This law is an anachronism and an abomination.

I feel quite certain, Mr. Speaker, that if it were possible to test the provisions of this law, it would be found unconstitutional. Because of the limited situations in which the emergency detention power can be invoked, however, there has never been a real challenge mounted to the act.

There are stronger reasons, however, for repealing the Emergency Detention Act. As unlikely as it is that any President would ever invoke the authority he has under the act, that authority still exists—the act is still on the books.

The very existence of this authority is subject to misunderstanding and to gross distortion. Unfortunately the existence of the emergency detention authority has been used by some to distort the intentions of the U.S. Government toward some of our citizens. Thus, a recent report written by Phillip Luce for the House Committee on Un-American Activities referred to the emergency detention camps authorized by the 1950 act as a good place to keep black militants and other "radical" political groups which, the report said, advocate guerrilla warfare. It was not clear from the report whether the camps existed or not.

Despite the fact that emergency detention centers have not existed since 1957 when the original appropriation ran out, nevertheless some Americans believe that the Government does have and intends to use emergency detention facilities. I had this forcefully brought home to me last week, Mr. Speaker, by a group of young men who actually believed that "concentration camps," as they called them, exist in America and that they are intended for blacks.

The Emergency Detention Act has never been used. Even when there was money to establish such centers, only six were ever in existence, and these have since been abandoned. Three of the sites are no longer even under the control of the Department of Justice. As my colleague, the gentleman from Iowa (Mr. CULVER) noted last year on the floor of the House, assurances have been received from the Assistant Attorney General for Internal Security that the emergency detention program is now inactive.

But having the program inactive is not enough. This was recognized by the distinguished Senator from Hawaii, Senator INOUYE, last Friday when he introduced a bill in the Senate, S. 1872, to repeal the Emergency Detention Act. Congressman CONYERS and I take pleasure in introducing a similar bill in the House today. A copy of the bill follows:

H.R. 10396

A bill to repeal the Emergency Detention Act of 1950, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the Internal Security Act of 1950 (50 U.S.C. 811–826) is hereby repealed.

SEC. 2. (a) Section 8312(c)(1)(C) of title 5, United States Code, is amended by striking out ", 822 (conspiracy or evasion of apprehension during internal security emergency), or 823 (aiding evasion of apprehension during internal security emergency)".

(b) Clause (4) of section 3505(b) of title 38, United States Code, is amended to read as follows: "(4) in section 4 of the Internal Security Act of 1950."

DRUG ABUSE EDUCATION AND INFORMATION PROGRAM

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

Mr. ROGERS of Florida. Mr. Speaker, at 4 p.m. this afternoon, a briefing session will be held in room 2123 in the Rayburn Building, the Interstate and Foreign Commerce Committee room, during which Dr. Stanley F. Yolles, Director of the National Institute for Mental Health, and his associates will present to Members of the House the activities of NIMH in research, training, service, and public education in the area of drug abuse.

I strongly urge my colleagues to attend this session as I am sure they will find it most interesting and informative.

In fact, Mr. Speaker, I might suggest that attendance is imperative in light

of the frightening increase in drug abuse which we have witnessed in recent years.

A recent study of five California campuses shows that marihuana use has almost tripled in the 18 months ending December 1968. The survey shows that 57 percent of students at the schools had smoked marihuana at least once, compared with 21 percent a year earlier. About 14 percent were regular users, against 4 percent a year before.

In 1963, Federal Government officials seized 6,432 pounds of marihuana at the borders of the United States. In 1966, 23,260 pounds were confiscated.

LSD, marihuana, "speed", hashish, STP, and DMT are the most frequent names which appear in the expanding subculture which has developed with the increase in the use of drugs. These are the names of the drugs which are reaching more and more of the young people of our Nation. Recent studies indicate that such drugs are as near as the neighborhood schoolhouse, and that more and more young adults are "tuning in, turning on and dropping out" of school, society, and the conscious, rational world.

Estimates of high school and college administrators of drug abuse range anywhere from 5 to 35 percent of the students in a given institution are using "speed", LSD, or some other drugs. Students themselves claim use runs as high as 80 to 90 percent among their peers. Accurate statistics are hard to obtain, but it is undeniably clear that abuse is on the increase.

We have laws, Federal, State and local, which make possession, sale, and manufacture of depressant and stimulant drugs a criminal offense. These laws, in part, act as deterrents.

In November 1967, I introduced legislation to make the possession of LSD and other related hallucinogenic drugs a Federal offense. That bill, H.R. 14096, is now Public Law 90–639, and provides, in part, that possession of LSD and related hallucinogenic drugs shall be a misdemeanor on the first offense.

During hearings on this legislation in the spring of 1968, the committee was concerned, after the testimony which we received, that not enough was being done to educate the public, and particularly the young people about the disasterous effects of drug abuse.

For that reason, the committee provided the following language in section 5 of the law:

> It is the sense of the Congress that, because of the inadequate knowledge on the part of the people of the United States of the substantial adverse effects of misuse of depressant and stimulant drugs, and of other drugs liable to abuse, on the individual, his family, and the community, the highest priority should be given to Federal programs to disseminate information which may be used to educate the public, particularly young persons, regarding the dangers of drug abuse.

Mr. Speaker, I am today introducing legislation to further implement the intention of that provision of Public Law 90–639.

This legislation would amend the Public Health Service Act by adding a new section on "Drug Abuse Education and Information Programs."

The sum of $3 million would be authorized for the fiscal year ending June 30, 1970, $7 million for fiscal year 1971, and $10 million for fiscal year 1972.

The thrust of this legislation that I am introducing is to mount an educational offensive against the growing menace of drug abuse which is damaging an increasing number of young lives.

The Secretary of Health, Education, and Welfare, under this legislation, would assist projects designed to educate the public on the problems of drug abuse by:

First, making grants to or entering into contracts with public or private nonprofit institutions of higher education and other public or private nonprofit agencies, institutions, or organizations for the development of curriculums on the use and abuse of drugs, for the testing of the effectiveness of such curriculums, and for pilot projects to correct ineffective curriculums;

Second, making grants to public or private nonprofit institutions of higher education and local educational agencies to help educators, law-enforcement officials, counselors, and community officials attend short term or summer institutes on drug education; and

Third, making grants to local educational agencies for community education programs on drug abuses—including seminars, workshops, and conferences—especially for parents and others in the community.

In order to assist the Secretary in carrying out the provisions of this act, the legislation also provides for the creation of a 14-member Advisory Committee on Drug Abuse Education. The Advisory Committee shall consist of persons familiar with education, mental health, and legal problems associated with drug abuse.

Mr. Speaker, I believe that this section of the bill I am introducing will carry us many steps forward in our efforts to bring order out of chaos that is encroaching on the lives of many young adults as the result of drug abuse.

There is, however, another section of my bill which I feel is also important, and relates to this basic problem of drug abuse. Section 2 of the bill that I am introducing would transfer to the Secretary of Health, Education, and Welfare the functions, powers, and duties of the Attorney General under Reorganization Plan No. 1 of 1968 to designate a drug as a depressant or stimulant drug under section 201(v) of the Federal Food, Drug, and Cosmetic Act, and to make a finding that a drug or other substance is an opiate under section 4731 of the Internal Revenue Code of 1954.

On April 2, 1968, when Reorganization Plan No. 1 was before the House for consideration, I expressed reservation concerning the transfer from the Department of Health, Education, and Welfare to the Justice Department of the clinical and pharmacological determination of what drugs should be controlled.

Since passage of Reorganization Plan No. 1, I have talked on numerous occasions with HEW officials concerning the wisdom of the decision to transfer this determination of what are dangerous drugs.

The officials expressed increasing concern that the Department of Justice cannot properly meet the problem with its present pharmacological facilities. Moreover, I do not feel it is desirable to expand the pharmacy facilities for the Department of Justice thereby duplicating the expertise and facilities which already exist in the Department of HEW.

Rather, I believe that we should permit the Department of Health, Education, and Welfare to reassume its proper responsibility to make the determination of what drugs should be controlled and continue to permit the Department of Justice to exercise its proper responsibility of enforcement of the laws.

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

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

Mr. KOCH. Mr. Speaker, last week I introduced a bill to create a Presidential Commission to determine what the effects of marihuana are. As the gentleman knows, a British panel recently brought in a report indicating that marihuana was not addictive; that there is no connection between the use of marihuana and violent crime; nor, reported the panel, did the use of marihuana lead to heroin addiction. That British panel answered many medical, sociological, and legal questions.

The intent of my bill is to have an American commission make a definite investigation into all of the questions relating to the use of marihuana in this country so that the American public could be better informed. Would the gentleman agree that we need such a commission?

Mr. ROGERS of Florida. Mr. Speaker, I think we need more research, there is no question about it. I think it is well, also, to point out there has been a recent study which shows marihuana developed psychological dependence and also brings out latent psychotic personality traits, so there is great danger.

SUSPENDING FEDERAL AID TO COLLEGES UNWILLING OR UNABLE TO COPE WITH STUDENT UNREST

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

Mr. KUYKENDALL. Mr. Speaker, I introduced last week a bill that would suspend Federal aid to colleges that proved themselves unwilling or unable to cope with the wave of student unrest that has grasped our Nation by the throat.

I have been told that the bill is unnecessary, that it fails to go to the roots of the problem, that it is oppressive and would punish the innocent along with the guilty.

Mr. Speaker, I could want no more graphic illustration of why I think this bill is necessary than the weekend events at Cornell, when a proud center of learning was disgraced and humbled by armed rioters, and its administrators were forced at gunpoint to capitulate to the

demands of a radical minority. They gave them everything but the clock tower.

Punishing the innocent along with the guilty, Mr. Speaker? Nonsense. What is happening now, and who is being punished? How many thousands of students are being deprived of an education, cheated out of the learning they have paid their tuition to get, blocked from their classrooms, because 2 percent of their classmates want to study basket weaving instead of military tactics?

The rights of the minority are precious to me, but so are the rights of the majority. And the majority of the students want their campuses returned to normalcy, so they can go about the day-to-day business of learning how to become the leaders of tomorrow. Instead, they are being taught graphically, that might makes right, that you can get what you want by force, and that college administrators will give you the world with a fence around it if you are loud enough and rowdy enough.

Is this the lesson we want burned into the minds of the young people who will be the Senators and Representatives of the U.S. Congress in one short generation? Is this the legacy we want for our children and our grandchildren?

On today's university campuses, there is usually an office near the office of the president or the chancellor, in which one person has no duty except to coordinate the spending and acquisition of Federal funds for his university. Federal funds are big business, running into more than $3 billion annually. Make no mistake about it, it is our only avenue of attack on this most vital social problem, but it is a highly vulnerable area. Faced with a complete cutoff of the Federal spigot, and the knowledge that the spigot will be turned off if he does not act, the administrator will act. He cannot afford to do otherwise.

The bill is designed for one purpose only: to stiffen the backbones of those men who would rather see their colleges closed down, their professors held captive and their files ransacked than to see one student arrested or one policeman on their campuses.

It is bad, Mr. Speaker, to have to use the carrot-and-stick tactic in order to force some of our educators to do what should have been done already. But we must do something, to remind these men that it is they, and not the sophomores who can yell the loudest or block the door with the broadest shoulder, who are running the college.

So far, many of them have only acted in a manner designed to make us all ask, "Who's in charge here?"

TREASURY TAX REFORM PROPOSALS

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

Mr. CONTE. Mr. Speaker, I would like to commend President Nixon and Secretary of the Treasury Kennedy for their latest tax reform proposals. They reflect the administration's genuine desire to enact fair and equitable tax laws.

The time for tax reform is long overdue. The hearings before the House Ways and Means Committee are an excellent first step in this direction. I had the pleasure of testifying before that committee on the subject of tax-exempt foundations. Among other things, I advocated stricter surveillance of exempt organizations. I am particularly pleased to see that this is one of the latest reform proposals.

The proposed repeal of the investment tax credit would bring in, in added taxes, an estimated $1.8 billion for the 14 months following its removal. But equally important, it should play a major role in helping to bring under control the very dangerous inflation problem which we are presently faced with in this country. This recommendation required a great deal of courage. I congratulate President Nixon and Secretary Kennedy for exercising such courage.

I was impressed by the entire package. The "low-income allowance" will help not only our families in poverty but also our young people. These young people need the relatively modest amounts they earn to further their education and to get their feet on the ground.

I hope that recommendations to reduce the oil depletion allowance also will come forth at a later date. This, to me, certainly is one of the major tax loopholes which should be corrected in any tax reform legislation. However, I am happy to see that they attack certain mineral transactions. I support this effort as a first step toward the realistic taxation of the oil industry.

The proposed limits on farm losses should eliminate another tax gimmick employed by the wealthy. I strongly support this measure.

I also support the liberalization of moving expenses. For several years I have introduced bills to this effect. It is gratifying to see such measures given serious consideration.

The reform proposals are characterized as much for their individual merit as they are for their balance. The low-income allowance is offset by the imaginative "minimum income tax." In addition, the investment credit repeal is offset by a proposed reduction in the surtax.

Finally, these proposals will permit the administration to fund two high priority programs. These are the revenue sharing program and the tax credit program.

President Nixon's recommendations certainly form the basis for much-needed change in our tax structure. The need for an all-out effort, including new ideas, to remedy our domestic ills is obvious.

I thank the Speaker for this opportunity to comment on the latest tax reform proposals.

A LETTER FROM A CONSTITUENT

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

Mr. TEAGUE of California. Mr. Speaker, I call to the attention of my colleagues the following letter I received from one of my constituents, Mr. Bernard J. Goldmann, of Santa Paula, Calif.

DEAR CONGRESSMAN TEAGUE: If the idea of representative government is sound, then most letters to Congressmen are unnecessary. Telling a good man how to vote on a particular issue after sending him to Washington violates the whole principle. Writing him a short deserved note of thanks occasionally may be a nicety but is inconsistent with human nature. What is left? Griping, of course! This only wastes the Congressman's time, increases his office costs, and keeps him from more important legislative matters.

Perhaps letters can only be condoned if Congressmen, thousands of miles away, like to know what their constituents are thinking. You have received more than enough of these from me, all promptly, courteously, and calmly answered. On this end, pressure builds up, and the theme is always the same—increasing discontent with our federal government, namely taxes and waste. We have created a monster in Washington.

As two Californian neighbors who love to grow citrus, we could compare the problem to a giant, old, eucalyptus tree growing in the middle of a potentially fine orange grove. It is soaking up every bit of moisture and nutrient for a hundred feet around. Also it is now malformed with unsightly dead limbs everywhere. Surprisingly, not a single foreman or worker seems to notice it, much less has the initiative to prune it, or plans to take it down.

Theoretically, the new Nixon Administration should give us Republicans comfort. What happens? Continued welfare programs but without fanfare, continued 10% surcharge, continued depletion allowances, continued agricultural subsidies, continued raising of the debt limit, and possible added expense of an ABM system. As a teacher, I wonder how long it will be before any administration checks to see that much federal aid to education is only establishing many little nests of privilege at the expense of the many. Money siphoned out of the state does not come back in a way to help the regular classroom. No wonder schools are in trouble.

However sad, my purpose now is to plead that our government is no longer the friend of the small, honest, industrious, law-abiding citizen. Let me return to another domestic illustration:

My grandfather, dissatisfied with the German army, bought a steamship ticket to the United States of America in 1900. He had nothing but a grade school education and a short apprenticeship as a carpenter. America was such a land of opportunity in those days that he retired in 15 years. He adequately raised seven children and accumulated so much money and real estate that his last surviving daughters were still spending it until they died a few years ago.

My own father had only one year beyond grade school and he supported six children as a machinist. Despite the big depression and five years of unemployment without welfare or aid, he arrived at the age of 70 with a proud $3000.00.

I began working under social security and the federal income tax. My starting assets would be adequate in some countries: a college degree, journeyman skill as a machinist, auto and airplane mechanic (4 years in the Navy as a volunteer), tool maker foreman, tool and production planner in an aircraft factory, and now as an elementary school teacher. I had zero time lost to sickness and unemployment, a genuine passion for work and only three children to care for. I send three annual checks to IRS in addition to withholding tax, send one to the state beside gas and sales tax, and deliver two plump ones to cover property taxes. At

the age of 54, after an entire working career, I now have $110.00 in the bank!

In order to accomplish this, our family has had to practice unbelievable economies. I have not once taken my wife and family out to a restaurant in 26 years. I fix every radio, T.V. (1953 black and white), washing machine, or car that we have ever owned. All autos have been purchased used, overhauled, driven, and junked. Our present one is of 1955 vintage. My wife cuts my hair and paints the house alone while I grow fruit trees. The reason we own a house is because three little kids and I spent 9 years building one from scratch, including plumbing, electricity and stucco. We own no stocks, securities, nor a penny's worth of insurance. This is not a land of opportunity to me.

Therefore letters to you are of the complaining kind. Who else can I tell that a horribly sloppy bureaucracy and excessive taxation is aimed at exterminating the middle class? What amazes me is that no force in our nation—newspapers, radio, T.V., books, elections, rebel or statesman can check this giant from crushing the will of the little people who honestly try. If representative government no longer serves the industrious common man what will happen?

Just mentally reviewing the series of letters to you, I note degeneration of spirit: first hope, then puzzlement, shock, frustration, bitterness. Projecting this I am beginning to understand how governments age, how orderly protest is ignored, discontent spreads, undergrounds develop, riots appear. Some rather fine men joined a cause in 1776.

There comes a time to choose. Our country has noisy mouths who love violence as well as quiet folks who love to work. But remembering my grandfather's remarkable luck with just one skill, I think emigration has a virtue or two."

Very truly yours,

BERNARD J. GOLDMANN.

COMMENTS ON THE INTERNATIONAL SITUATION BY ROTHWELL H. BROWN

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

Mr. SCOTT. Mr. Speaker, a retired general, Rothwell H. Brown, writes a weekly column in the Rappahannock Record, a weekly newspaper published in my congressional district at Kilmarnock, Va.

Last week he endeavored to analyze the international situation and our relationship with the Communist nations. He referred to a report recently published by a British strategic study group stating that the United States had lost the will and ability to compete with Russia diplomatically, economically, and militarily, and stated that one of the most important items for national existence is the will to survive.

It is a very thought-provoking article and I insert it at this point in the RECORD for the information of the membership:

NOW LET'S SEE

(By Rothwell H. Brown)

A British Strategic Study Group recently published a report stating that the United States has lost the will and the ability to compete with Russia, diplomatically, economically and militarily. This report should not be dismissed lightly simply because of its British origin.

The report may come as a shock to many Americans who are blindly inclined to believe that Russia is still 50 to 100 years behind this country in practically every respect—a belief not eradicated by sputnik.

Far too many Americans consider this country to be omnipotent without actually understanding the true sources of and the manifestations of power.

Russia does indeed appear backward if one considers millions of miles of concrete highways, millions upon millions of automobiles, millions of electric dishwashers, the heights and numbers of skyscrapers, the millions of tons of detergents produced, or even the millions of tons of steel produced as standards for the measurement of national power.

Unfortunately, while many of these things are measures of affluence they cannot be considered as accurate gauges of a country's ability to cope with the ambitions of an aggressive nation.

The British report points its finger at the two most critical and salient criteria which must prevail if this country is to assure its survival in spite of Russian designs for our destruction.

First, and rightly so, the most important is the will to survive. Without this everything else is naught. And this will to survive presupposes an understanding of and widespread knowledge of the threat to survival.

It is here that the British report points out our greatest weakness. Except for a few voices which are almost drowned out by the loud-mouthed shouting of disputatious liberals and out-and-out communists, there seems to be no one who dares to alert the American people to the fact that Russia is our mortal enemy.

While it is true that President Eisenhower and Secretary Dulles created strong barriers against Russian expansion, this sole attempt at containment was permitted to wither away without the American people ever being aware of the serious results flowing from our abandonment of this worldwide system of alliances.

Our lack of will to compete with Russia diplomatically goes way back to President Roosevelt who failed to see through the evil designs of Stalin and paved the way for the enslavement of central Europe.

Truman exhibited the same fundamental weakness. He sold out Chiang and the Chinese to communism. He then refused to carry the Korean War to a victorious conclusion. Then Eisenhower, who should have known better, closed out the war by negotiation, but by no means reduced our casualties from those which would have occurred had Truman permitted MacArthur to push on to victory. President Kennedy continued this evil trend and supinely permitted the Russians to establish a stronghold in Cuba.

Vietnam has now disclosed not only the weakness, vacillation and lack of will in our leadership but the disintegration of patriotism, love of country and faith in God throughout our country. The communists—Russian, Chinese, Vietnamese—can see our lack of will which is going to result in another abject withdrawal by President Nixon without having achieved victory.

Finally the British report concludes that since we no longer have the will to survive, we have lost our ability to compete in the power struggle in which we are engaged.

This may surprise those who judge our capabilities versus the Russians in terms of our successful moon orbits and outer space programs. Unfortunately, while we may get to the moon first, the Russians have developed such formidable and awesome weapons for delivery through outer space that our astronauts might not have any America to return to from the moon.

When one listens to the shouting in our universities, the oratory of appeasement, detente and defeat in our Congress and the weasling words from most of our leadership, it is no wonder that the British have concluded that this country is doomed from lack of will and lack of ability to defend ourselves.

Once the countries of the free world get this message they will strip us of our gold and desert us like rats leaving a sinking ship.

MEETING OUR NATIONAL HOUSING GOALS

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

Mr. DELLENBACK. Mr. Speaker, with a steadily increasing and highly mobile population we have a great need for new residential construction. Congress recognized this need last year when it set a goal of 26 million housing units to be built during the next 10 years. It is now predicted that we will fall short of this goal by 200,000 units in even this first year under the Housing Act of 1968.

Recent congressional hearings have shown us that present practices and procedures in the management of our national forests will not yield sufficient lumber and plywood in the right places and at the right times and at the right prices to make possible the attainment of our essential national objectives.

Congress must make additional funds available to those who manage the national forests in order to make possible the construction of an adequate system of forest roads, reforestation of current cut-over lands, and other nonstocked or poorly stocked lands, thinning of the forests, increased salvage of timber killed by fire, insects, or disease, and enhanced research to develop new ways to grow timber faster, use wood more efficiently, and reduce the cost of production. We of the Congress cannot justifiably expect even the able and dedicated persons serving the national interests in the employ of the Forest Service and the Bureau of Land Management to accomplish what it is possible to accomplish with our national timber resources unless we give them the necessary tools and funds which are within our power to make available to them.

The distinguished chairman of the Forestry Subcommittee of the House Agriculture Committee, the gentleman from South Carolina (Mr. MCMILLAN), and the distinguished gentleman from Ohio who serves on the House Banking and Currency Committee which recently held extensive hearings on the lumber and plywood problem (Mr. ASHLEY) yesterday were principal sponsors of the National Timber Supply Act of 1969. This act calls for the creation of a high-timber-yield fund which will assure that timber sale receipts will, for a period of time, be used for intensified management of our national forests.

The bipartisan cosponsors of this measure are Members who are concerned that the Nation provide the necessary building materials to meet our growing consumer needs, including Members from the producing areas that can make those materials available. All of us are working together to make sure that the Nation will not fail its commitment to provide more and better housing for its citizens.

The Fourth District of Oregon has roughly 10 percent of the standing commercial softwood timber in the United

States. The vast public and private land holdings from which our timber resource is harvested account for a very significant share of the economy of southwestern Oregon. Most of the people in my district derive their livelihoods, directly or indirectly, from caring for, harvesting, and replacing the timberland stands as well as converting logs from the forests into useful consumer products.

I am pleased to cosponsor the National Timber Supply Act and I commend its careful consideration to my colleagues. I offer my full assistance in bringing the full promise of our Nation's housing goals—through the intensive and creative management of our national forests—to reality.

HOGS ARE BEAUTIFUL

The SPEAKER pro tempore (Mr. MATSUNAGA). Under previous order of the House the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 60 minutes.

(Mr. SCHWENGEL asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, I arise today to set the record straight in a matter of very great importance to the constituents of my district, to Iowa, and this country. The record which I desire to set straight is the record of the contribution made by the pork industry, the producers of pork and the importance of pork to our economy and the importance of pork to the nutrition of our people. I have no quarrel with other producers of protein and other meat producers. They are making significant contributions to a more wholesome and healthy life. My purpose here today, is to set the record straight with respect to the pork industry and the maligned pig.

The need for correcting the record arises in part from a dialog which has been in progress among certain Members of the other body. It seems that some of the Members of that body are engaged in a contest to determine whether Virginia, Tennessee, or Kentucky, produces the best ham. Their efforts to point out the savory flavor of ham products is to be commended. It is wonderful food. However, they are terribly misguided in one sense, for the States which they represent may produce very good ham, but they lack sufficient capacity among the three States to produce more than a merest percent of the total ham produced in this country. Iowa alone produces over 24 percent of all the hams produced in this country. In addition, anyone with a discriminating palate knows full well that Iowa ham has the best flavor of all. Besides this well-known fact, we boast of delicious and nutritious pork chops, protein rich and tasty bacon, palatable energy giving loins—this plus 70 other products such as a delicacy like pickled pigs feet.

A second source of error in the record, is a series of television clips in the "Keep America Beautiful" campaign. These films depict the hog as being stupid, and an animal of unclean habits. This is a serious error which I hope to correct here today. The National Pork Producers Council has spearheaded the drive to correct this image by their distribution of bright green and yellow buttons proclaiming, "Hogs Are Beautiful." My purpose here this afternoon is to further correct the record and the general image of that much maligned animal, the "picked on porker."

I like pigs, and I honestly believe that most pigs like me. Hogs are beautiful. Some of my best friends are hogs.

Like Patrick Henry, I care not what—unfortunate—remarks others may make, but as for me, I like pigs. Against all those who would besmirch them, I stand ready to speak in their defense—even on the floor of the House of Representatives of the U.S. Congress.

The pork industry in America is disturbed about the bad image that my countrymen are creating for this lowly farm animal. Last year the promotion agents for "Keep America Beautiful" came out with this slogan:

Don't be a *pig* in the park.

Long before this slogan was coined, there were other expressions in common use that the advertisers suspect have somehow cooled the market for pork products. And that is not hogwash—to use just one such expression.

To keep pace with the litterbug campaign, National Pork Producers Council has launched a counteroffensive with slogans and buttons proclaiming that "Hogs Are Beautiful." And I understand that already they are sold out of buttons.

To amuse ourselves, let us take a look at some of the uncomplimentary terms and phrases being heaped upon the poor pig. Consider these imagemakers, for example:

She is *pigheaded.*

Her apartment is as dirty as a *pigsty.*

On weekends, she goes *hog wild.*

She knows as much about politics as a *hog* knows about Sunday.

She is always *hogging* the show.

What's more, she is a *road hog.*

Her Congressman is nothing but a *pork-barrel* politician who feeds at the Government *trough.*

I've never met her, but they say she is as *fat as a pig.*

Who wants to buy a *pig in the poke.*

Maybe she is all *lard,* who knows?

I've heard rumors that she casts her pearls before *swine.*

Does she have a cute little *piggy* bank?

Yes, I know, but you can't make a silk purse out of a *sow's ear.*

On the dance floor, she is as awkward as a *hog on ice.*

Now that we have a pig's eye image of this girl, how would you like to go whole hog and hire her as a member of your congressional staff?

So much for the scintillating sematics of swine slang. Now, I want to pay tribute to the noble pig for its 9,000 years of loyal service to mankind. In doing so, I shall quote in part from "The Story of Pork" published by the American Meat Institute:

Americans have special reason for paying tribute to the hog. He's contributed greatly to pioneering, settling and building this land. Supposedly at Queen Isabella's urging, Columbus brought eight pigs with him on his second voyage to the New World. Cortez' excursion into Honduras in 1524 included a drove of swine. But it was on May 25, 1539—almost a century before the arrival of the Pilgrims—that the hog was introduced to mainland America.

On this date, Hernando DeSoto, who was determined to conquer Florida and establish colonies in the interior, landed at Charlotte Harbor, Florida, with 600 soldiers, 350 horses and only 13 hogs. The Indians along his route learned just how good roast pork can be, and DeSoto's records show that the whole Spanish encampment was completely burned a couple times because of the Indian's craving for pork.

When the encampment in Arkansas was burned in 1541, "more than 400 pigs were lost in the fire and only about 100 remained." A year later, when survivors of the expedition built boats for the voyage down the Mississippi, they killed 700 pigs to provide meat for the journey. Fifty years later, when the French explored the Mississippi, the Indians fed them pork raised from the descendants of DeSoto's party. The 13 hogs had made a sizable contribution to the formation of a new land.

Pork was a staple of the Pilgrim diet. Supplies had to be locked up because the Indians on the East Coast liked pork, too. Pork packing was the chief business of William Pynchon, the first American meat packer. Yankee trade with the West Indies sprang from barreled pork; and before 1700, packers had made Worcester, Massachusetts, a center of flourishing export trade. The American Revolution was in part possible because of the strength that the pork trade brought to the colonies.

During the trying days of Valley Forge, pork chunks in brine became a saving provision to the tattered Continental Army. Sow-belly (salt pork) in the Civil War and canned K rations in World War II were later instances when pork was on the winning side.

PIGS, PORK, AND PROGRESS

When the covered wagons went West, the hog went with them. He was a hardy traveler, able to hold his own against the animals of the forest where he had to forage for food. Small hams and stringy bacon were the yield of these "razorbacks" and "stump rooter." Pork as we know it was not available until settlers used the abundant Indian corn as feed and changed the hog from a scavenger to a standard farm commodity.

As river towns sprang up, small packing plants and slaughter houses were built where farmers could get cash for the swine their families did not consume. The canals that brought such color to American history were built primarily to provide dependable transportation for pork products and live hogs. The three routes colonial drovers used to take their hogs to market later became the routes of the New York Central, the Pennsylvania and the Baltimore and Ohio railroads.

Cincinnati became known as "Porkopolise" and packed more pork than any other place in the world in the mid-1800's. Packers perfected the assembly-line ideas of Eli Whitney and made important developments in food refrigeration. Shortly after the Civil War, the first refrigerator car appeared. This invention played a major role in enabling the entire nation to enjoy the nutrients and flavor of pork.

THE HOG TODAY

Grandmother and her mother depended heavily on the hog as a source of fats, and yesterday's hog was obliging plump and jolly. The fats in lard, produced from pork, was particularly important during the effort for World War I. Today's homemaker is diet conscious, and the hog has again been adjusted. With the help of researchers, breeders, and farmers, a "meat type" now offers the more-lean-less-fat combination which the homemaker prefers. Once again the hog has condescendingly agreed to change its form just to meet (no pun intended) our needs. The hog is one of our most efficient convert-

ers of feed grain to meat. We can produce one-hundred pounds of pork from two-hundred and fifty pounds of feed. This is a real feat! It serves to further demonstrate the flexibility and the adaptability of the hog to our economy over the years. The true versatility of this noble animal can be seen more clearly by reviewing the many products which the "porker" provides us.

List of products that contain only pork

FRESH OR FROZEN

1. Boston butts.
2. Brains.
3. Cheek meat.
4. Chitterlings.
5. Hams.
6. Head meat.
7. Heart.
8. Jowls.
9. Kidneys.
10. Knuckles.
11. Link sausage.
12. Lips.
13. Liver.
14. Loins.
15. Loin end roast.
16. Lungs.
17. Melts.
18. Neck bones.
19. Patties.
20. Picnic.
21. Pigs feet.
22. Pork chops.
23. Rib end loin roast.
24. Shoulder.
25. Shoulder steaks.
26. Snouts.
27. Spare ribs.
28. Stomachs.
29. Tails.
30. Tongues.

PROCESSED (CONDIMENTS AND CURING AGENTS INCLUDED)

1. Bacon squares.
2. Canned hams.
3. Coppa.
4. Copicola.
5. Cottage butt.
6. Chopped ham.
7. Chopped pork.
8. Hocks.
9. Pickled pigs feet.
10. Sliced bacon
11. Smoked ham.
12. Smoked ham, butt half.
13. Smoked ham, butt end.
14. Smoked ham, shank half.
15. Smoked ham, shank end.
16. Smoked ham slices.
17. Smoked picnic.
18. Smoked pork chops.
19. Spiced pork.
20. Sweet and sour pork.

List of products with pork and other ingredients

1. beans with bacon.
2. beans with ham.
3. blood pudding.
4. blood sausage.
5. bologna.
6. braunschweiger.
7. breakfast sausage.
8. canned pork and gravy.
9. chili with pork.
10. chow mein with pork.
11. deviled ham.
12. frankfurters.
13. German style potato salad.
14. ham a-la-king.
15. ham hash.
16. liver.
17. liver sausage.
18. liver spreads.
19. luncheon meats.
20. margarine.
21. meat loaf mix.
22. meat spreads.
23. metwurst.
24. nonspecific loaves.
25. peperoni.
26. pickle and pimento loaf.
27. pork and beans.
28. pork pot pie.
29. potted meat food product.
30. salami.
31. sausage pizza.
32. scrapple.
33. shortening.
34. souse (head cheese).
35. split pea soup with ham.
36. sulze.
37. summer sausage.
38. smoked sausage.
39. thuringer.
40. tamales.
41. tongue spreads.
42. vienna sausage.

The hog's years of service continue as he offers palate-tempting eating, variety in cooking and high quality proteins, plus iron and niacin. Pork is especially important for thiamine, both because it is one of the most valuable sources and because there are fewer food sources of this vitamin than of other known B vitamins.

BYPRODUCTS

By-products of pork can be found in all facets of everyday living. Pigskin is a light and durable leather used for gloves, insoles, wallets and various novelties. Of course, some of the most important pigskins are those which we use so much on Saturday and Sunday afternoons in the Fall—the football! Hog hair is used for bristle brushes, upholstery, insulation and felting. Hog casings are used for sausage. Gelatin, cosmetics, roofing compounds, defoamer and cleaning emulsions come from pigskins and fats. Glue, animal feeds and industrial greases are other useful by-products.

PHARMACEUTICALS

Pharmaceuticals are by-products of which the meat industry can be justly proud. Hogs have circulatory, respiratory and digestive systems similar to man but do not suffer from the "bodily imbalance" diseases of man. Packers' long-range research has uncovered many medical potentials in hog glands and organs.

The thyroid gland of the hog is used as raw material for thyroid extract. The diabetic patient depends on the meat industry for insulin; the pancreas glands from 120,000 hogs are required for one pound of insulin powder. The pituitary glands of 25,000 hogs are needed to produce one ounce of ACTH, and the extraction process is a skilled and intricate one. Cortisone, pepsin, mucin and epinephrine are a few more of the lifesavers that originate in the packing plant.

THE WONDERFUL PIG

The most intelligent domestic animal in America, according to a study made by Cornell University;

Adaptable to the extent that he will accept an environment forced upon him through ignorance, although he prefers a clean lair;

A perfect conservationist, will eat whatever his master provides; and

A prolific meat-making machine.

Surely these are qualities enough to warrant esteem and gratitude.

Praise to the pig for 9,000 years of service and the thousands of years to come!

IMPORTANCE OF THE HOG INDUSTRY

The hog industry is big business. The $3.8 billion received by farmers last year from the sale of hogs accounted for 9 percent of the Nation's $44.1 billion of cash receipts from farm product sales. Iowa's $1 billion in 1967—latest available—from hog marketings was tops in the country and was 28 percent of the State's total farm sales. Of the 85 million hogs slaughtered commercially last year, almost 21 million—one-fourth—were killed in Iowa packing plants—more than three times as many as slaughtered in the No. 2 State—Minnesota. Iowa has led the Nation in the number of hogs on farms in every one of the past 80 years.

WHO SAID HOGS ARE DUMB?

Yes, Sir; pigs are versatile creatures—and smart, too. Sometimes they are smarter than we think. For example, I recall a story I heard as a boy on my father's farm in Franklin County, Iowa, about the city slicker from Boston who bought a farm near ours. He wanted to get rich quick raising hogs. For a start he had one sow. He wanted some baby pigs so he loaded his sow into the wheelbarrow and pushed her up the road a couple of miles to the nearest neighbor to visit a boar. Then he wheeled the sow home again. Next morning he went to the barn bright and early, but to his surprise there were no little pigs. So he hoisted the sow into the wheelbarrow and repeated the journey. Next morning he went to the barn again—and still no little pigs. But there was the sow sitting in the wheelbarrow.

Yes, sir; pigs are smart. Even Abe Lincoln thought so, for he once said:

A pig won't believe anything he can't see.

HOG DRIVES IN THE EARLY DAYS

I am sure you are aware that Iowa and other Midwestern States are famous for corn and hogs. But perhaps you are not aware that the area was also once famous for its great hog drives.

In pre-Civil War days, the early settlers herded their pigs across the countryside to eastern assembly points for shipment by rail or water. Madison, Ind., and Cincinnati, Ohio, were both known as "porkopolis" about 100 years ago. In those days, hogs had different names, too, They were commonly called elm peelers, alligators, land-pikes, razorbacks, and prairie rooters. They ran at large until 2 or 3 years old, living mostly on acorns, beechnuts, and whatever they could scrounge. But before the drives began, they were fattened out on corn.

The droves often contained 2,000 to 3,000 hogs. They traveled hundreds of miles from Illinois, Kentucky, Indiana, and surrounding States. These hog drives were similar to the famous cattle drives of the early West. But the men were not called cowboys; they were called drovers. The trail boss was usually owner of the drove. He brought up the rear, seeing to it that his drovers—usually on horseback—kept the hogs moving. At night the crew would make camp in the beech forest and sit around the campfire, singing ballads and telling stories, just like in a western movie.

This bit of forgotten history gives me an idea for a new TV series to help brighten the image of pork. Perhaps we could promote a "Gunsmoke" type of program centered around the romance of the famous hog drives of the early Middlewest. All we would need is a sponsor, a good script writer, a Matt Dillon, and a few thousand razorbacks.

WHY IS THE USE OF PORK FALLING OFF?

Today Americans are eating more meat but less pork. In 1879, per capita pork consumption was about 73 pounds.

By 1966 the consumption was down to 58 pounds per capita.

What are some of the possible explanations for this unsettling change? According to a study published in 1968 by Iowa State University entitled, "The Pork Industry, Problems and Progress" there are four factors involved:

First. Proliferation of alternatives.

Second. Increased protein competition.

Third. Changes in consumer attitude toward obesity.

Fourth. The image of pork.

More choices are available to the housewife today when she goes shopping for food. A century ago the general store carried fewer than 60 different products for all consumer needs, including food. Today's supermarkets carry more than 35,000 coded items, and that is enough to confuse any housewife.

Competition has also increased. Since 1953 the American consumer has been eating more beef than pork. He now eats 79 percent more beef, and the lines plotted on the graph continue to diverge.

Popularity of other forms of animal protein has also increased sharply.

In absolute pounds consumed by civilians during the last decade, for example, poultry increased 85 percent; breaded shrimp by 120 percent; fish sticks by 53 percent; beef by 47 percent; but pork actually showed a 3-percent loss during this period when the U.S. population had increased by 19 percent. In its most recent biennial review of 10-year growth patterns in the food industry, Food Processing & Marketing magazine showed substantial increases in 39 of 42 categories of food products, topped by an 822-percent growth in frozen potato products and a 679-percent growth in noncaloric sweeteners—with cane and beet sugar also up by 20 percent. During the past decade, only three of the 42 categories lost ground—pork, with a 3-percent loss, butter—down 11 percent—and citrus fruit used fresh—down 13 percent.

But the threat to pork from increased competition from alternative protein sources is clearly not limited to other animal proteins such as beef and poultry. Within the past 2 years a technological breakthrough has been achieved in isolated spun soy protein products, and there is every indication that these will play an increasingly important role in the consumer diet within the very near future. With a source of protein that is roughly half the cost of animal protein, and with the ability to provide a very wide range of texture, flavor, and appearance, it seems reasonable to suppose that vegetable proteins will make further inroads into the market for pork producers. An interesting recent development is a patented process which combines soy protein with animal protein to yield an entirely new kind of product.

The third cause for pork's decline was listed as "changes in consumer attitude toward obesity." This is a strange paradox. For almost since the beginnings of recorded history, overweight has been a prestigious sign of affluence. Only the prosperous could afford enough food to provide the caloric surplus that results in obesity. And this is still so throughout much of the world. But the United States, as Charles Slater once pointed out, is "the first nation in history to be seriously threatened by mass obesity." It is well within the reach even of those who subsist on public funds to become grossly overweight.

Regardless of the extent to which people actually are overweight—and it is doubtful that two-thirds of the adult population would really qualify as medically obese—it is still a fact of enormous significance that two-thirds of the population consider they are fatter than they would like to be. The ratio of women who considered themselves to weigh too much was even higher than that of men, and it is obvious that women have a disproportionate influence on the choice of foods that are purchased and served.

With the proper selection and trimming, pork can be among the leanest of meats. But does the consumer perceive pork to be lean? Just how much of an effort is actually being made by the producer, the packer, the retailer to encourage the consumer to think of pork as a lean meat?

The fourth cause, the image of pork, has already been mentioned in my introduction. To the extent that people associate "pork" with the pig, there is some reason to believe that its consumer image is less than shining bright. Such phrases as "dirty as a pig," "this place looks like a pigsty," and so forth have conditioned the consumers mind since childhood. Add to this vague fear about diseases such as trichinosis and even hog cholera, and then top it off with publicity about the role of saturated animal fat in arteriosclerosis, and it would be strange indeed if there were no negative ruboff on pork and pork products.

I would like to close with a brief quotation from Charles Lamb. In his "Dissertation Upon Roast Pig," he gives one of the most glowing tributes to pork in all literature.

> Pig, Let me speak his praise, is no less provocative of the appetite, than he is satisfactory to the criticalness of the censorious palate. The strong man may batten on him, and the weakling refuseth not his mild juices.
>
> Unlike to mankind's mixed characters, a bundle of virtues and vices, inexplicably intertwisted, and not to be unravelled without hazard, he is—good throughout. No part of him is better or worse than another. He helpeth, as far as his little means extend, all around. He is the least envious of banquets. He is all neighbours' fare.

If we can only get more consumers to thinking about pork and pork products in this way, the future for pork would indeed be bright.

Some pertinent correspondence follow:

DAVENPORT, IOWA,
April 16, 1969.

Mr. FRED SCHWENGEL,
House of Representatives,
Washington, D.C.

DEAR FRED: As a Pork producer and a promoter of improving the image of Pork, I am pleased to know of the tribute that you and your colleagues are planning to give to the swine industry. As you know I am presently serving in the capacity of Vice President of the National Pork Producers Council which has the largest paid membership of any commodity group in the country today. We have started the voluntary check off program to help in the promotion of our own product. Naturally an occasion such as the one you are promoting April 22nd makes me especially proud to have you representing this area of Iowa. As you know, Iowa in general is where hogs are "King".

Iowa has 25% of the Grade A land in the U.S. Land that produces some of the best yields in corn, and as you know Fred, hogs are the best converters of corn to red meat. This is why Iowa raises about 30% of the hogs in the 10 corn belt states. Last year 19,493,000 hogs were slaughtered in Iowa to produce 5,041,866,000 lbs. of pork, more than any other State. The processing of pork also contributes to the employment of many people in and out of Iowa.

Pork, fresh, cured, pickled, smoked or canned sets the pace for a wide selection of delectable dining and has an impressive nutritive value for the homemaker when planning family menus. Todays pork is superior due to better breeding and feeding and closer trimming by meat packer and retailers. Among other things pork is a major dietary source of the B vitamins, especially thiamine, riboflavin and niacin, essential to food utilization, appetite, skin and oral health. With less fat and fewer calories, pork plays a particular role in the diet of weight control. Whether it is barbecued pork roast, ham, bacon, or left-over pork in a sandwich, you can be sure of the same outstanding nutritive values that mean so much to the health and well being of old and young alike.

I will be thinking of you, Fred, on April 22nd with pride, knowing how well you will be representing Iowa. Thanks again for your support of the hog industry. Enclosed please find a pig tie tack that I hope you will wear proudly that day.

Sincerely,

ROY B. KEPPY.

NATIONAL LIVE STOCK AND MEAT BOARD,
Chicago, Ill., April 8, 1969.

Hon. FRED SCHWENGEL,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE SCHWENGEL: The management of this organization commends your intent in saluting U.S. produced pork and the agricultural industry that brings it to our tables. Pork producers in your constituency and across the land will be applauding this public recognition. We join them!

Very sincerely,

DAVID H. STROUD,
President.

IOWA SWINE PRODUCERS ASSOCIATION,
IOWA PORK PRODUCERS ASSOCIATION,
Des Moines, Iowa, April 11, 1969.

Hon. FRED SCHWENGEL,
U.S. House of Representatives,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE SCHWENGEL: The pork producers of Iowa are pleased to have this opportunity to inform the House of Representatives in our United States Congress of the importance of the hog industry to our great state and nation.

We believe that hogs are truly beautiful in this state because they furnish most of the livelihood for the 80,000 farmers who raise them. These same hogs furnish jobs for thousands of other Iowans who work in packing houses, drive trucks, build tractors, produce and sell feed, and work in the other agricultural related jobs.

The average Iowa pork producer raises 250 head of hogs. The average American eats 65 pounds of pork per year. The Iowa pork producer markets his hogs at 220 pounds, and if this hog dresses out at 70% he will furnish 154 pounds of pork which will feed more than two Americans each year. It figures out that the average Iowa Pork producer provides

enough pork for more than 500 hungry Americans each year.

Iowa is the largest pork producing state in the nation. We raise a few over 20,000,000 head each year, one-fourth of the nation's total pork supply. It then follows that Iowa provides enough pork to feed between 40 and 50 million Americans.

In Iowa we know that the hog is one of our most efficient converters of feed grains to meat. Here we can produce 100 pounds of pork from 250 pounds of feed. We feel that pork will be one of the best and more efficient sources of protein in a world where the need for protein is ever increasing.

Hogs are not only beautiful—they're just plain wonderful.

Sincerely,

MIKE FORD.

DERWINSKI'S POLISH SAUSAGE WITH SAUERKRAUT

2 pounds Polish sausage	1 cup diced bacon
2 pounds sauerkraut, drained	½ cup onions, diced
½ cup diced carrots	1 cup grated raw potato
2 apples, peeled & diced	1½ cups soup stock
	½ cup sauterne

Place all vegetables in a 3-quart casserole in layers. Combine soup stock and wine and pour over vegetables. Cut Polish sausage into 4 to 6 pieces and put on top of vegetables.

Bake in foil-covered casserole in preheated 350 degree oven 2 hours. If after 2 hours, there is too much liquid, remove cover and cook an additional 15 minutes. Serves 6 generously.

SWEET AND SOUR RED CABBAGE

1 medium size red cabbage (1½ pound size), shredded	¼ cup cider vinegar
	¼ cup butter
	1 green apple, peeled & sliced thin
3 tablespoons granulated sugar	1 teaspoon salt
1 tablespoon flour	2 cups boiling water
½ teaspoon ground allspice	

Melt butter; add hot water, sugar and flour and blend well. Bring to a boil. Add all other ingredients. Cover saucepan and cook about 20 minutes over low heat until cabbage is cooked. Stir occasionally. Drain liquid when ready to serve. Serves 6.

NATIONAL PORK PRODUCERS COUNCIL,
Des Moines, Iowa, April 16, 1969.

Hon. FRED SCHWENGEL,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN SCHWENGEL: I personally wish to thank you for your efforts in giving the pork industry recognition among the members of Congress.

The pork industry plays a vital role in our economy, providing approximately one third of our nations meat supply. Consumers are spending 8¼% of their food dollar for pork products which represents a 7 billion dollar annual expenditure.

It is important that members of the congress be kept informed of factors affecting the pork industry.

Sincerely,

ALBERT E. GEHLBACH,
President.

IOWA SWINE PRODUCERS ASSOCIATION,
IOWA PORK PRODUCERS ASSOCIATION,
Des Moines, Iowa, April 15, 1969.

Hon. FRED SCHWENGEL,
U.S. House of Representatives,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE SCHWENGEL: Iowa's hog producers, some 80,000 of them, are delighted that you've decided to stress the importance of one of the nation's most important food products.

As you must know, politically-inspired efforts to appeal to the consumer vote have left the impression that bad meats would flood the market unless there is an inspector hovering over every carcass.

Nothing could be more in error. We're not objecting to adequate inspection, of course. But the simple fact is that producers are doing more to protect the health of the American consumer than 10 million inspectors could do.

I'm the third generation to raise hogs on the family farm where I live. Neither my Grandfather, my Dad nor I are stupid enough to think that we can make a living from the production and marketing of sick hogs. On the contrary, hog producers know that we simply cannot stay in business unless we keep our hogs healthy. A sick hog costs us money, and we're in this business to develop profits.

So I would say, and you could say in public, that if people were one-tenth as disease free as are our hogs, we could forget about all kinds of medicaid programs. They simply wouldn't be needed. We raise in excess of 20 million hogs in Iowa each year . . . and we haven't had a single case of cholera in five months. Compare that with the flu, cancer, heart trouble and other human ills. We have more than 200 million people in this nation . . . and not a single American died of trichinosis last year. Less than 100 cases of human trichinosis was diagnosed—nearly all of these having been caused by handling hogs, not by eating pork. Compare this and you'll find it is about as rare as leprosy.

So what? So if there is one sick hog in each 150,000 marketed, we hog farmers want it intercepted and removed from human consumption. But when you "have your say", tell the world that our pork supplies are clean and wholesome because farmers raise healthy hogs. We can't afford to do otherwise, because disease bankrupts us in the growing process, and because we're pretty consumer-conscious and we refuse to scare off our customers with questionable quality.

There are many major problems facing the nation. Isn't it fortunate that every American can enjoy his daily "fill" of clean, wholesome, safe, fresh red meat at a price level well within even limited budgets. This kind of high-protein diet will give us strength to resolve the other problems . . . and when human health and human behavior comes up to that of the American hog, this will be nothing short of Utopia.

Sincerely,

JOHN SOORHOLTZ,
President.

AGGRESSIVE YOUNG LEADERS BRIGHTEN FUTURE OF HOG INDUSTRY

"The hog industry is in the soundest hands it has ever been in," declares Rolland "Pig" Paul, hustling executive vice president of the National Pork Producters Council.

He explains, "Our breeding and production come closer to providing the desired product than ever before. And I don't think we'll see much resistance to future changes as they become necessary."

A big reason: The "youth movement" in the business. Paul stresses that the "young" thinkers building and leading the industry include many heads sprinkled with gray. But he thinks that these men deserve real credit for stepping aside to let men also young in years shoulder some of the responsibilities of actual leadership.

"The boards of state organizations in the Midwest average under 40 years of age," he points out. "We're electing young men as state officers, too."

Paul adds, "We've got a lot of good, solid young people in the business. They're going to make it because they *have* to make it—they've invested their money and their lives in it—and because they're prepared to do whatever it takes to make it."

Don't talk to Paul about "deserving" to make it, however. Here's how he feels about that: "Hogs will be raised by whoever can handle and produce them the best and the cheapest—and that's the way it ought to be."

With the industry sound, some speculators and money will move into hog production, he says. So there's no room for complacency. But he believes an individual or "family" producer will stick in there as long as he can do a better job. "And he shouldn't be there a minute longer," observes the outspoken Paul.

Paul has kept a little dirt on his shoes, raising 35 to 40 litters of purebred Durocs a year with a partner, Jack Moran, on 160 acres in Dallas County, Iowa. Paul's wife, Donna, did her share, too.

"That's been my balance-wheel," he says. "It's easy to talk about accrediting, validating, testing—someone else to do it. When you open a door some morning and smell TGE, when you call the rendering truck—when you pay feed bills—it keeps you closer to the men you work for."

As indicated, "Pig" presently plans to leave his NPPC post this summer to go into production fulltime. He'll continue the purebred herd he began developing as a youngster, and also raise feeder pigs.

"Hogs have been good to me," he says. They've been his life. He was on the show circuit at 11, an award winner in 4-H, worked in the hog barns at Iowa State University, livened up the Iowa hog industry as state secretary, then directed the industry effort that gave real life to NPPC and its check-off.

"Something was stirring in the industry," he says. "I just happened along at the right time." Well. . . . when something stirs in the hog business, you can look for Pig Paul's hands on the paddle some place. And you can bet that "Pig" and his trademarks—big grin, the two-cylinder chuckle and the cigar—will continue to show up "where it's happening" in the hog industry.

DICK SEIM.

THE SENATE, STATE OF IOWA,
Des Moines, Iowa, April 17, 1969.

Hon. FRED SCHWENGEL,
House Office Building,
Washington, D.C.

DEAR FRED: I am informed that you are having a program to recognize the pork industry. I most highly commend you for your efforts in this area.

It is most fitting that you should do this. The State of Iowa produces twenty-five percent of the hogs produced in the U.S. Thus it has a large impact on the economy of our state. The First Congressional District of Iowa produces a large portion of the hogs produced in our state. Thus the economic impact of the pork industry is reflected directly or indirectly on most of your constituents in the First Congressional District. This impact is very great, is also felt by all of our Iowa citizens.

As a producer of both commercial and purebred swine, I am particularly proud of the progress we have made in the last fifteen years on upgrading the quality of pork, and pork products. We have come a long way and hope with the determined effort of our pork producers, we will be able to continue to upgrade the quality for all pork consumers.

We are hopeful that we can continue our existing state-federal program for the eradication of hog cholera. This is a very important program to the pork industry. To the farmers it will mean saving the cost of vaccination. It will further and more importantly open up many foreign markets for our pork products which are now closed to us because we do use the Cholera Vaccination.

Through the years, Fred, hogs have been known as the mortgage lifter for Iowa farmers. This has been true because with our relatively low capital investment, farmers have been able to realize a relatively high return. I feel that the future will hold that pork production will continue to be most

important as an economic factor to our Iowa farmers and to our Iowa economy. Thus I find it most refreshing, Fred, that you should bring to the attention of the Congress and the people of the U.S., the importance of the hog and it's resultant product of nutritious, wholesome pork.

I much appreciate your efforts.

Sincerely,

RICHARD L. STEPHENS.

AMERICAN MEAT INSTITUTE,
Chicago, Ill., April 17, 1969.

Hon. FRED SCHWENGEL,
Member of Congress,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN SCHWENGEL: The American Meat Institute is deeply appreciative of your good efforts to bring to the American public a better understanding of pork, one of our most important, most nutritious, and most economical foods. We particularly welcome this opportunity to join with you and others in a salute to the National Pork Producers Council and its many thousands of members throughout the land.

Pork has always been a staple of our national diet. It is one of the finest sources of proteins, vitamins and minerals needed by everyone, every day.

The meat packing industry is indeed optimistic about the future market for pork. Pork quality is continually on the upgrade. And the nation's pork packers and processors are turning out a vast variety of pork products in various forms, shapes and sizes which are meeting with high popularity among consumers. I doubt that there is any valid reason why pork cannot continue to be moved into consumer markets at something in the magnitude of 60 to 65 pounds per person per year at prices that will maintain a healthy swine industry. The swine industry's potential for future production efficiency coupled with the creativity of the modern meat packer bring promise of a bright future for a progressive swine and pork business that can and will capture and hold an even stronger place in the consumer market.

With every good wish.

Sincerely,

HERRELL DEGRAFF,
President.

Mr. ROLLAND PAUL,
National Pork Producers Council,
Des Moines, Iowa

DEAR MR. PAUL: My first graders are partial to pork! Most of them come from families who raise hogs. One boy's father manages the Wilson hog station, here, and another boy's father has the sale barn. All the children agree that pork is *delicious!* Enclosed are some illustrated letters from them.

I have been reading in the Des Moines Register about your "Hogs Are Beautiful" campaign. If the buttons are available again, we would be very grateful to receive about 30 of them. Thank you very much.

Keep up the good work.

Sincerely,

Mrs. J. W. CUSACK,
First Grade Teacher, Our Lady of Good Counsel School.

Yes, pigs are beautiful. My daddy sells them in his sale barn. May I have some buttons for my family, please? Thank you.

BARRY HAMMEN.

Yes, pigs are beautiful. My daddy raises them. May I have some buttons for my family, please? Thank you.

LINDA LYNCH.

Yes, pigs are beautiful. My daddy raises them. May I have some buttons for my family please? Thank you.

PATRICK WITTROCK.

Yes, pigs are beautiful. My daddy raises them. May I have some buttons for my family, please? Thank you.

DENNIS HESS.

Yes, pigs are beautiful. My Daddy has a hog buying station. May I have some pins, please? Thank you.

MIKE CHETTINGER.

Yes, pigs are beautiful. I like them. May I have some buttons for my family, please? Thank you.

LUANN MARIE TEGELS.

Yes, pigs are beautiful. My Daddy raises them. May I have some buttons for my family, please? Thank you.

ANN PEIFFER.

Yes, pigs are beautiful. My Daddy raises them. May I have some buttons for my family, please? Thank you.

GLORIA.

Yes, pigs are beautiful. I like them. May I have some buttons for my family, please. Thank you.

MARIA.

Yes, pigs are beautiful. My Daddy raises them. May I have some buttons for my family, please? Thank you.

MARILYN MOHR.

Yes, pigs are beautiful. My Daddy raises them. May I have some buttons for my family, please? Thank you. Love.

RITA TOLAN.

Yes, pigs are beautiful. My daddy raises them. May I have some buttons for my family, Please? Thank you.

KATHLEEN.

Yes, pigs are beautiful. I like them. May I have some buttons for my family, please? Thank you.

CRAIG ALAN FITZGERALD.

LA CROSSE, IND., *April 18, 1969.*

Congressman SCHWENGEL,
House Office Building,
Washington, D.C.

HON. CONGRESSMAN SCHWENGEL: For years cornbelt farmers have long referred to hogs as mortgage raisers, because they play an important part in farm income. It is well known that the byproducts of the pork industry have helped win wars and fight disease.

Millions of Americans have been awakened since childhood by the sizzling aroma of bacon. American tradition almost dictates that each family enjoy the tantalizing taste of the Easter ham. The new generation of cookout kings recognize the outstanding quality of pork for outdoor cookery. Budget-conscious space-age housewives always pick pork for protein, pep, and price.

Certainly, no doubt people of all walks of life agree with you Congressman Schwengel that "Hogs Are Beautiful."

Root'in for pork.

CLAUDIA ARNDT,
National Pork Queen.

FRANKLIN PARK, ILL.,
April 20, 1969.

Hon. FRED SCHWENGEL,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE SCHWENGEL: I saw a brief article in Chicago's American on your planned tribute to pigs. I'm glad to see someone standing up for this maligned animal. Although I'm a city girl who has seen few pigs in person, the pig is my favorite animal. From what I have read this animal is quite intelligent and is not as dirty as is generally believed. I collect all sorts of pigs—stuffed animals, salt and pepper shakers, banks, figurines, pictures, etc. And Arnold of "Green Acres" is one of my favorite TV stars. Keep up the good work.

Sincerely yours,

PATRICIA DEE HANEY.

RADIOBIOLOGY LABORATORY,
UNIVERSITY OF CALIFORNIA,
Davis, Calif., April 20, 1969.

Hon. FRED SCHWENGEL,
Republican-Iowa:

While in the city this weekend I read with interest a news release that you will lead a tribute to pigs in Congress this coming week.

I share your enthusiasm re. pigs & thought you might be interested in the enclosed article.

Respectfully submitted,

E. O. BUSTAD,
Professor and Director.

PIGS IN THE LABORATORY

(NOTE.—*Similarities between the physiology of swine and of men suggest that if pigs were smaller, they would make excellent experimental animals. The problem of size has now been solved by breeding miniature pigs.*)

(By Leo K. Bustad)

The pig is a greatly underappreciated animal. For thousands of years it has been a mainstay of civilization and a versatile servant of man. It is easily domesticated, and it can be raised in pens or allowed to fend for itself in the field or the woods, since it will eat almost anything, including man's leavings. The pig is the world's most bounteous supplier of meat and fat. What is not commonly realized is that it is capable of serving, and has served, in many capacities besides providing food. It was long employed as a beast of burden. In ancient Egypt it was used for treading seeds into the ground, its small hoofs planting them at the right depth in soft soil. The Polynesians, making use of the pig's sensitive nose, employed it to search out lost burials; other cultures trained the pig to grub for truffles and to retrieve game. In England pigs became popular substitutes for the hunting dog. A celebrated sow named Slut developed such proficiency in hunting that her accomplishments were recorded in 1807 in the periodical *Rural Sports:* "Slut was . . . trained . . . to find, point and retrieve Game as well as the best Pointer. . . . When called to go out Shooting, she would come home off the Forest at full Stretch, and be as elevated as a Dog upon being shown the Gun."

The subject of this article is not, however, the pig's aptitudes or its domestic history; it is the pig as a servant of science. In anatomy and physiology the pig is remarkably like man. Its heart and circulatory system, its diet, its alimentary tract and even its teeth are very similar to those of human beings. Like man, the pig has comparatively little hair on its body. It has a tendency to be sedentary and fat. It develops stomach ulcers and cardiovascular diseases resembling man's. In almost every way the pig offers a closer analogy to man than do those laboratory favorites, the rat and the dog.

The potential usefulness of the pig as an experimental animal was recognized in a general way centuries ago. Leonardo da Vinci studied the cyclic motions of the pig's heart. The 18th-century investigator John Hunter, one of the most brilliant men of medicine Britain has produced, declared the pig to be the most useful of all animals for physiological studies. An anecdote in John Kobler's recently published biography of Hunter (*The Reluctant Surgeon*) has a pig as its hero. The Margrave of Baden Dierlach was stricken with an apparent heart disturbance, and his court physicians decided a poultice should be applied over the heart. They fell into dispute, however, about exactly where the heart was located in the chest. "To settle the issue to the Margrave's satisfaction, they dissected

a pig before his eyes in the belief—and it is true—that the situation of a pig's heart is the same as that of a prince's. The Margrave finding this logic admirable, they applied a poultice accordingly a little to the left of his median pectoral line."

Notwithstanding such recommendations, until recently the pig had won no enthusiastic admittance to laboratories. The great Russian physiologist Ivan Pavlov tried experimenting with pigs but gave it up when he found that as soon as a pig was placed on the table it began to squeal at the top of its lungs and squirm so that work was impossible; Pavlov concluded that pigs were inherently hysterical. Work with pigs was handicapped by a general lack of knowledge about the care, feeding and handling (including anesthesia) of these animals in the laboratory. Most forbidding was the pig's size (pigs weigh as much as 800 pounds); there simply was not room for such a subject in most laboratories.

All of this has now changed. Over the past decade several laboratories have succeeded in breeding miniature pigs that grow little larger (150 to 200 pounds) than the average weight of a man. These animals not only are more manageable but also make possible more significant physiological investigations, because they are more closely scaled to the human body. As a result the pig has at last come into its own in biological research. A report by the United Kingdom Agricultural Research Council lists 3,094 publications and current research projects with pigs as the subjects, and the Battelle-Northwest Laboratory of the Atomic Energy Commission has issued a selected list of more than 1,500 articles that have been published in the past five years on studies of pigs in biology and medicine alone.

My interest in pigs goes back to my boyhood on a farm in a Norwegian community in western Washington. I never ceased to be amazed at how much pigs resembled people. They were temperate at the trough, neat and clean if given a chance, dignified in courtship and conjugality. It was as a graduate student at Washington State University in the late 1940's that I developed an enthusiasm for the pig's research possibilities. There, working under Tony J. Cunha and Eugene Ensminger, who introduced me to the use of the pig as an experimental animal, I began with studies of the effects of vitamin deficiencies. In the course of these investigations I attempted the difficult task of raising pigs from birth without their mother, so that we might have subjects uncontaminated by colostrum (the milk secreted immediately after delivery). I learned a great deal about pigs as I lived with them night and day for weeks, feeding them around the clock every two or three hours. When I returned some of the piglets to their mother after a few days, they embarrassed me somewhat by squealing and running to me in preference to their mother (in consequence of their early imprinting) whenever they heard me approaching. The experiment, however, succeeded only in breaking up happy pig families (besides putting a severe strain on my own); under the given conditions and in the time allowed I did not manage to keep viable any litter that had been removed at birth from its mother.

Much as I would have liked to continue my work with infant pigs, exploring problems in nutrition, I was more strongly attracted to the field of radiation biology, and so I joined the Hanford Laboratories of the General Electric Company (now the Battelle-Northwest Laboratory); there investigations of the effects of ionizing radiation were being carried out on experimental animals. These studies began with sheep, but we soon extended them to swine, anticipating that the effects on the pig would provide a firmer basis for extrapolation to man. We used a standard breed of swine, called Palouse, that was developed at Washington State University. These animals grew to a weight of between 600 and 800 pounds, even on a restricted diet. They were costly to feed and maintain, were unwieldy and developed arthritis; moreover, their size made it questionable that they could accurately be compared with man. As we ran short of feed, housing and patience we began to wish for a smaller pig.

I learned that a friend from my graduate school days, David England, was conducting a project in breeding a small pig for research purposes at the Hormel Institute of the University of Minnesota. He and his associates William E. Rempel and Almut E. Dettmers had started the crossbreeding program with three wild pig varieties: a guinea hog from Alabama, a wild boar from Catalina Island and a hog from the piney woods of Louisiana. Later a fourth variety, a swine called Ras-N-Lansa from Guam, was introduced. Most recently a white domestic pig, the Tamworth, was bred into the line to give it a light color. The Minnesota group's breeding efforts produced a comparatively small pig (adult weight about 180 pounds) called the Hormel miniature. In the 15 years since they first created this breed they have reduced its weight by roughly a third.

The Hormel Institute provided us with some castrated miniature pigs for experiments. It was the institute's policy at the time not to release any animals in its breeding program that were capable of reproducing. Since we wanted to raise our own miniatures we had to look elsewhere for a breeding stock. We found that the Pitman-Moore Company of Indiana, a veterinary pharmaceutical firm, was breeding another strain of miniature swine from a small, wild Florida hog of mixed ancestry; it was descended from pigs Columbus had brought to the New World and that had interbred with Caribbean swine. The Pitman-Moore Company generously presented the Hanford Laboratories with some of its best stock of this breed. With these animals as the basis, my associates—V. G. Horstman, M. E. Kerr and W. J. Clarke—and I began in 1957 to breed a new strain. We particularly wanted white pigs, to facilitate studies of the effects of radiation on the skin; hence we crossed the Pitman-Moore breed with white swine of the Palouse strain. Later we crossed the offspring with a Labco pig, a sparsely haired, gentle swine from Mexico, and so produced an animal that not only is white but also has a smooth skin with very little hair. The weight of the Hanford miniatures at present runs from 150 to 200 pounds.

From the stocks I have mentioned and from others, several institutions are now engaged in breeding small pigs for research; among them are the Battelle-Northwest Laboratory, the Hormel Institute, the University of Nebraska, the U.S. Food and Drug Administration, the Vita Vet Laboratories, Labco and laboratories in France and Germany. One goal is to produce a pig smaller than a man—about 60 pounds or less—that would require no more space or food than a dog and would be a better subject than the dog for many biological investigations.

Let us review some of the recent research in which pigs have served as the experimental animals. It would take volumes to survey the vast field of these wide-ranging studies; I can only report here the highlights of a few particularly interesting investigations.

Chief among the inquiries in which the pig has been used so far is the study of nutrition. The pig's alimentary tract and metabolism are so similar to man's that it has yielded a wealth of information bearing on human nutritional problems. The pig provides a standard for the feeding of infants and young children. It has been found that a young pig has more stringent food requirements than a human baby; consequently one can be sure that a diet that provides healthy growth in a piglet will be adequate for a baby. Experiments with pigs have also shed light on the protein-deficiency disease of children called kwashiorkor. Wilson G. Pond and his associates at the Cornell University Graduate School of Nutrition produced the symptoms of this disorder in young pigs by feeding them a low-protein diet containing only 3 percent protein and 20 percent or more of fat. Curiously they found that on the same low ration of protein young pigs did not develop as severe symptoms and showed normal activity if the fat content of the diet was reduced. On the low-protein, high-fat regime infant pigs suffered severe liver damage, anemia, gross edema and in addition permanent losses of learning ability.

Several investigators, among them Jerome C. Pekas of the Battelle-Northwest Laboratory and Donal F. Magee of the Creighton University School of Medicine, have shown that the pig is a particularly convenient animal for studying the functioning of the pancreas and other elements of the digestive system. An operation on the gastrointestinal tract of the pig is the same as the corresponding operation in a human subject; a given dose of drug or other substance produces very nearly the same degree of response in a pig as it does in a man, and presumably the various digestive juices secreted by the pig are about the same in quantity and composition as those secreted by man. The pig's pancreatic juice is rich in enzymes. Pekas has found that the animal can be excited to a high rate of pancreatic secretion by a continuous infusion of secretin, the pancreas-stimulating hormone. Looking into the functioning of the young pig's pancreas, he has observed that the animal sometimes shows a congenital failing, marked by inefficient metabolism of soybean protein, that parallels a similar disorder in human infants.

Other investigators of the pig's gastrointestinal tract have discovered that it occasionally develops spontaneous ulcers similar to those in man. Experimenters at Purdue University have produced a high incidence of ulcers by feeding pigs gelatinized cereal products.

In the course of the studies at Washington State University in which we tried but failed to raise pigs from birth without the mother we noticed that the pigs usually succumbed to infection. This fact and other observations suggested to us, as it had to other investigators, that the pig might be a good subject for studies of immunology. In recent years a number of investigators have found that the young pig is indeed uniquely suited for studies of the development of immunity.

A newborn pig has very little gamma globulin (the principal antibody protein) in its serum. Apparently it acquires gamma globulin and other immunoglobulins from its mother's colostrum when it begins to suckle. Diego Segrè of the University of Illinois found that baby pigs deprived of colostrum remained deficient in gamma globulin for weeks and showed little of the normal antibody response to antigens. He concluded that colostrum provides the young with the basis for developing the immune mechanism. Experimenting further, he found that colostrum-deprived baby pigs acquired immunological capability when he injected an antigen together with a small amount of a specific antibody or large amounts of gamma globulin. These results supported the theory that the antigen-antibody complex, rather than the antigen alone, is the usual stimulus for the production for an antibody.

Somewhat different results emerged from experiments by Dennis W. Watson, Y. B. Kim and S. Gaylen Bradley at the University of Minnesota Medical School. They took infant pigs from the mother prematurely by sur-

gery and kept them without colostrum and under germ-free conditions. The piglets proved to be completely free of any detectable immunoglobulins or antibodies. Yet these immunological "virgins," unlike Segrè's, showed an excellent ability to produce antibodies against antigens soon after birth.

The development of the miniature pig proved invaluable for our studies of radiation effects at the Hanford Laboratories. These studies were prompted by the need for detailed information about tolerances and treatment for people exposed to radioactive substances. For such investigation the miniature pig has many useful characteristics as an experimental animal. Its body size and skeletal mass are about the same as man's; its general similarity to human beings in diet and digestion permits meaningful tests of experimental diets; its life-span (15 to 20 years) is long enough to allow measurement of the effects of radiation in shortening life and in causing malignancies.

One of the Hanford investigations, still under way, is exploring the effects of strontium 90, a long-lived and potentially hazardous constituent of nuclear fallout, which is deposited principally in the bones. Strontium 90 at various levels of dosage is fed daily to experimental pigs. Leukemias have already developed in animals receiving the very high levels of dosage in the program. No bone tumors have appeared as yet, but this form of malignancy is known to have a long latent period of development.

Roger McClellan and his associates at Hanford's successor laboratory, Battelle-Northwest, extended the strontium-90 studies to other radioactive substances that could be used in power generators with minimal hazard to man. Power generators of the thermoelectric type with radioactive isotopes as their energy source are being developed for small portable units on the earth and in space. An important factor in determining the safety of such devices is the extent to which the radioactive material in them would be taken up by the body if it were accidentally ingested. McClellan found that when strontium in the form of a titanate is ingested into the pig's digestive tract, less than .5 percent is absorbed into the body. This is only about a tenth of the amount absorbed when more common chemical forms of strontium are ingested. Still smaller is the absorption of the radioactive substances cerium 144 and promethium 147: less than .01 percent of the oral dose of those isotopes is absorbed into the pig's tissues.

Our miniature pigs enabled other investigators at Hanford and Battelle-Northwest to examine the toxic effects of plutonium and to test methods of treatment. It was found that certain chelating agents, including DTPA (diethylenetriaminepentaacetic acid), are effective in helping the body to eliminate plutonium that has been absorbed.

Using a standard breed of pig, the U.S. Navy Radiological Defense Laboratory made detailed tests of the results of high doses of radiation. The investigators found that the 50 percent lethal dose resulting in death within 30 days was 400 roentgens. Surprisingly, they also learned that a sublethal dose endowed pigs with considerable resistance to later heavy exposure. After the animals had received a dose of about 265 roentgens and had been allowed three weeks for partial recovery, it took a dose 70 percent greater than the usual one to cause a 50 percent death rate.

The largest study utilizing swine in radiobiology is one that has been conducted since 1959 at Iowa State University with Atomic Energy Commission support. D. F. Cox and his associates are measuring the effects of radiation on the fertility of male pigs and the genetic effects on their offspring. The standard procedure consists in giving the male's testes an X-ray dose of 300 roentgens and breeding the male later after germ cells subjected to the radiation have developed. As was expected, the irradiation reduces the amount of sperm by about 20 percent; this does not, however, significantly impair the pig's reproductive capacity. So far more than 15,000 baby pigs have been sired by the irradiated males. In one of the breeds under test (the Duroc breed) a peculiar result has been noted: the litters fathered by irradiated males tend to be slightly larger than normal. This result was not observed in the Hampshire breed. No explanation of the phenomenon has yet been found.

The Battelle-Northwest group has studied the effects of radiation on the karyotype (chromosome pattern) by examining the white blood cells of miniature pigs fed radioactive strontium. Investigators in other laboratories have found the pig to be an exceptionally useful animal for analysis of the various forms of chromosome in the cell nucleus. The domestic pig normally has 38 chromosomes—19 pairs. Six of these pairs have characteristic, readily identifiable shapes and the rest can be classified in small groups. R. A. McFeely of the University of Pennsylvania is making a detailed study of abnormalities in pig chromosomes. This inquiry carries special interest because pigs have an extraordinarily high rate of embryonic death—about 30 to 40 percent—and it is known that chromosome aberrations are sometimes associated with embryonic death in human beings.

Robert Murphree and A. F. McFee of the Agricultural Research Laboratory of the University of Tennessee have found a distinctive complement of chromosomes in a pig resulting from a cross between a domesticated swine and a European wild sow. The parents have 38 and 36 chromosomes respectively, and the offspring turns out to have an odd number: 37. Apparently it is completely fertile, and its chromosome number should be a good marker for research purposes. This case of an odd number of chromosomes is not altogether unique: a cross between two breeds of European ponies has been known to produce a fertile offspring with 65 chromosomes.

Among the institutions that have used our Hanford miniature pigs for research is the University of Oregon Dental School. There E. B. Jump, M. E. Weaver and their associates have found the animal highly useful for studying dental problems. The pig's teeth are nearly the same size as man's (approximately a fourth larger) and are of the same types, consisting of molars and cutting teeth. Moreover, the general growth pattern is the same: the pig starts with deciduous teeth and sheds them as its permanent teeth develop. Hence the pig's mouth and jaw provide a model that makes possible experimental studies on many of the dental problems of children. Douglas L. Buck and other Oregon investigators have used it to look into the details of tooth growth and development, the basic movements of the teeth in biting and chewing and the functioning of orthodontic appliances.

Probably the field in which the pig will make its greatest contribution to human health and longevity is that of research on the heart and circulatory system. In this area the parallels between the pig and man are striking, to say the least. The pig's rearing as an item for the table has produced an animal that is a counterpart, even a caricature, of the overfed, physically lethargic human population. Coupled with this similarity of nurture and disposition is a porcine cardiovascular system that also is remarkably parallel to the human system. The pig's heart and coronary arteries, unlike the dog's have much the same pattern as man's. Its blood-clotting mechanism is like that of man.

Investigators have found the pig particularly valuable for the study of atherosclerosis. H. C. Rowsell and his associates at the Ontario Veterinary College have used it to examine the effects of diet. Since the pig likes all man's foods (from peanuts and popcorn to a steady diet of eggs), Rowsell's group has tested pigs with high-cholesterol diets, including foods such as eggs, butter and lard. They find that in pigs such a diet indeed accelerates the development of atherosclerosis, and the signs and symptoms of the disorder are like those in man. Rowsell also used the pig to test anticoagulant drugs administered in certain human cardiovascular diseases. He found that a small dose of dicumarol or heparin was worse than ineffective: it actually had a coagulating effect on the blood. The finding emphasized the importance of proper dosage in the use of these drugs.

D. K. Detweiler and Hans Luginbuhl at the University of Pennsylvania have been analyzing the progressive stages of the development of atherosclerosis. For this purpose they had the good fortune to gain access to a herd of 2,000 breeding sows of various ages that have been raised on garbage (that is, essentially a human diet). In these animals, ranging up to 14 years in age, they have made detailed analyses and tests of the atherosclerotic lesions, the blood vessels and the blood. At Iowa State University, Robert Getty, studying the development of atherosclerosis from another point of view, has found that the characteristic deposits on the artery walls commonly start in the first year of the pig's life and are present in most animals by the second year.

G. D. Lumb and his associates at the Warner-Lambert Research Institute in Canada are studying how blood is supplied to the heart under adverse conditions. It is well known that when the major coronary arteries in man are partly blocked or constricted, this stimulates the development of an auxiliary or substitute circulation to nourish the heart. Lumb's group, using a plastic constrictor to narrow the pig's coronary vessels gradually, demonstrated that the animal, like man, develops a bypass system of circulation. Lumb also found that vessel-dilating drugs could improve the survival of pigs whose coronaries had been occluded.

A joint group at the University of Colorado and Colorado State University (C. A. Maaske, N. H. Booth and T. W. Nielsen) is using the pig to study congestive heart failure, a complex disorder that involves the functioning of the heart as a pump, the mechanisms controlling the heart and secondarily the functioning of the kidneys and lungs. They have found that the pig is a much better subject than the dog for an investigation of this matter. A single operation on the pig's main pulmonary artery produces the symptoms of a gradual development of cardiac failure.

All in all, although the pig is only a newcomer to the laboratories of basic biology, there can be little doubt that it will become, along with the primates, a most important contributor to knowledge about the biology of man.

Mr. MAYNE. Mr. Speaker, will the gentleman yield for a question?

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

Mr. MAYNE. I did not hear the source of that quotation the distinguished gentleman gave. Was it Lamb's "Tribute to Pork"?

Mr. SCHWENGEL. A quotation from Charles Lamb; yes.

Mr. MAYNE. Lamb's "Tribute to Pork."

Mr. SCHWENGEL. I thank the gentleman.

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

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

Mr. SCHERLE. Mr. Speaker, I thank my colleague from Iowa for the few minutes to dwell on one of the finest aspects of our great country, and also hopefully to indulge for a few minutes in some of the interesting aspects of an animal, as the gentleman from Iowa (Mr. SCHWENGEL) mentioned a moment ago, that has made a total commitment so far as this country is concerned.

Mr. Speaker, pigs are pretty but "hogs are beautiful."

We have all heard the expression "beautiful people." Some probably wonder how they got that way. It was because they consumed those beautiful hogs from Iowa.

The beauty of the hog, which this color photograph illustrates so graphically, is not only physical but philosophical.

Hogs are not only beautiful, they are perhaps the most intelligent of animals—sometimes perhaps exceeding man himself. Each is an individual, with its own mind, and does not willingly follow the herd blindly. The hog has little fear, and rarely is found to abandon its responsibility for its offspring. It knows how to relax, but also knows how to work, as it constantly seeks freedom. It will not overeat into indigestion and illness at every opportunity, but on the other hand is capable of considerable effort to find nourishment when it is not provided. It does not just wait for the handout. A hog will not foul its own litter or nest.

One of the most beautiful things about a hog is that every part of it can be marketable except, as the old Iowa saying goes, the squeal.

Yes, "hogs are beautiful" and its by-products are generous. Of course, when I speak of hogs, I mean Iowa hogs. There are pork products peddled in this precious country which I cannot endorse. Hams from Poland cannot compare to those pork products produced in the Pigland of America, Iowa. For many years Iowa farmers and processors have produced the highest quality pork in the world. The wholesomeness of Iowa pork, despite demagoguery, has assured all Americans that Iowa pork is of top quality.

I join with my colleagues from Iowa in proudly wearing my "hogs are beautiful" button and in saluting the pork industry for its high integrity in producing a great meat product.

We refer to our "beautiful hogs" in Iowa as "mortgage lifters." Their contribution to the consumer is total. If you appreciate the finer delicacies of life, try our beautiful Iowa hog—of which we have many, and which I am sure you will all enjoy.

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

Mr. SCHWENGEL. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Speaker, I think as a Minnesotan I should challenge the statement that the Iowa hog is the one that should be glorified today, because we give Iowa great competition in that field. I do want to say to my colleagues from Iowa that it has really been an enjoyable occasion to listen to their challenging of the statements that have been made and their support of the lowly pig. I owe a great deal to that animal, I think. One of the reporters at the luncheon today that FRED sponsored asked me what is beautiful about a pig. I said they have a personality, and few animals have a curl in their tails as pigs do.

I wish to relate that many years ago I was engaged in 4–H Club work. Through the sponsorship of the then representative in our State legislature I acquired a Duroc-Jersey pig. It became a Minnesota grand champion and took third place at the National Swine Show. As I recall it, the registration number of that pig was 366093. I would be interested in knowing from the Duroc-Jersey Pig Association if my memory is correct. However, I am sure that is right. This pig won the grand championship. I sold it for $150 and had my choice of three herds. This became the beginning of a show herd that I had for many years.

There are those who say that pigs are not clean. I can honestly say that I slept in the pig house during the time of the furrowing of the spring litters. It must certainly be said that if you gave that lowly animal a chance, he would be clean. If the pigsty is unclean, it is not the fault of the pig but the fault of the man in charge of the pigsty, house, or barn, or whatever you want to call it.

So to my colleague, FRED, my hat is off for taking the time to do the research that you have done.

Also I see my colleague NEAL SMITH of Iowa on the floor, but I still challenge Iowans, because I believe Minnesota pork is just a little bit superior to that of Iowa. However, I am sure my statement will be challenged.

Mr. SCHWENGEL. I thank the gentleman from Minnesota. I expect him, of course, to defend the product of his State. I am sure he feels that way. It seems to me that we have every year a contest between great institutions with regard to that noble animal, the hog.

You played football, and I know, and you have often won on the gridiron field, but you know that you did it with a pigskin and did it under the rules that we agreed to. You have surpassed in this field. We have had our good days, too.

Mr. Speaker, I do not want to pursue this contest with my neighbor, but I will let the record stand on the facts.

Now I yield to the distinguished gentleman from Iowa (Mr. MAYNE), a distinguished member of the Committee on Agriculture.

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

I want to commend the gentleman from Iowa (Mr. SCHWENGEL) on having taken this time for this special order to pay tribute to the pork industry.

Apropos of the remarks of the gentleman from Minnesota and the gentleman from Iowa (Mr. SCHWENGEL), I would point out that the trophy which passes each year to the winner of the football game between the Universities of Iowa and Minnesota is Floyd of Rosedale, a pig.

Mr. SCHWENGEL. That is right.

Mr. MAYNE. Mr. Speaker, the pork industry is of the greatest economic importance to the people of Iowa and especially to the constituents of Iowa's Sixth District.

Zoologically, swine are classed as hoofed mammals of the family Suidae. They are stout-bodied, short-legged, artiodactyl animals with omnivorous habits. The meat of swine, known as pork, is an important part of the diet of people throughout the world.

In all probability, man's first use of swine occurred during the Neolithic age, or before written history, when swine were found of the type known as turbary or Asiatic pigs. Chinese history relates that hogs were domesticated about 4900 B.C. Swine are mentioned in Biblical historical writings as early as 1500 B.C. while legendary and historical accounts mention the keeping of swine in Great Britain as early as 800 B.C.

The domesticated hog of today is closely related to the wild hog. This domesticated animal appears to have had an origin that involves the crossing of several distinct species. Although the exact origin is obscure, it is generally accepted that the domestic hog of today descended from the European wild boar, *Sus scrofa*, and the first improvements were brought about the Neopolitan, Siamese and Chinese crosses. Columbus is credited with bringing hogs to North America. Spanish explorers brought them to Mexico and Hernando De Soto is credited with introducing hogs into what is now the United States.

In the world today there are over 300 breeds of hogs. Careful selection, feeding, and breeding have been the main contributions to the development of modern swine. Most of these improvements have been carried out by progressive livestock breeders in the United States, especially in Iowa, and by our land-grant colleges and universities.

From an economic standpoint, hogs are indeed beautiful. Hogs have traditionally been known as mortgage-lifters on midwestern farms. As my colleague from Iowa (Mr. SCHERLE) pointed out, last year American farmers received $3.8 billion from the sale of hogs. Iowa was first in the country, contributing more than $1 billion to total sales. Iowa also leads the country in the total number of hogs produced. Two of the great counties in Iowa's Sixth District, Plymouth and Sioux, are among the top four hog-producing counties in the United States. All of the 18 counties in this district are listed in the top 300 hog-producing counties.

The swine industry has also contributed favorably to our foreign balance of payments. The first recorded exports of pork were to the West Indies in the year 1790 and amounted to 6 million pounds. In 1968, 85.1 million pounds of pork valued at $31.6 million were exported.

I salute the pork producers of the United States for continuing to furnish this country and the world with a plentiful supply of nutritious wholesome meat.

Mr. LANDGREBE. Mr. Speaker, I would like to commend to my fellow colleagues in the House the speech today of Congressman FRED SCHWENGEL, of Iowa, on the contribution of the pork industry to our Nation's economy. His remarks deserve the attention and consideration of all of us.

The pork industry is indeed important

to our total economic life and to our health and well being. I wish to commend the distinguished Congressman from Iowa for his effort to set straight the record of the contribution made by the pork industry, and particularly in regards to the false image in films and television which depict the hog as being a stupid and unclean animal.

Hogs are, in fact, a very important animal to our economy. About two-fifths of the meat eaten in the United States comes from hogs. These animals provide us with bacon, ham, sausage, and pork chops. The fat, skin, and other parts of hogs are used to make many products such as lard, leather, brushes, soap, and medicines. As Congressman SCHWENGEL points out, the hog industry is big business. Of the Nation's total cash receipts from farm product sales, the sale of hogs accounts for 9 percent.

Indiana ranks third in the Nation in pork production. Hogs continue to be the leading source of Indiana cash crops. In 1967 hog sales accounted for 23.4 percent of the total receipts from marketings. Cash receipts from hogs led income from other enterprises in 43 of the 92 Indiana counties.

Indiana produces virtually all of the main breeds of hogs, including Berkshire, Chester Whites, Duroc, Hampshire, Poland China, and Spotted Poland China. There were 4,278,000 hogs and pigs on the farms of Indiana on January 1, 1969, having a total market value of $135,613,000.

In the Second District of Indiana, which it is my privilege to represent, there are 198 registered hog breeders out of a total of 2,062 breeders and feeders of hogs. Income from hogs in my district amounted to $30,339,936 in 1967, which was 15 percent of the total income from the sale of agricultural products. Hog production continues to grow and has increased by 3 percent in 1968 over the previous year.

Also located in the Second District of Indiana is the Heinold Hog Market, the world's largest buyer of hogs. Founded a number of years ago by Harold Heinold of Kouts, Ind., this thriving company last year purchased 2,647,145 hogs at 51 buying stations operating in six Midwestern States and requiring 130 employees according to Mr. Joe Vogel, general manager.

I would also like to call to the attention of my colleagues the observation that Congressman SCHWENGEL has made concerning the once-famous hog drives. Indiana was also part of this in pre-Civil War days when hogs were herded across the land for shipment by rail or water to the Eastern States. And a final note must not be forgotten. The National Pork Queen, Miss Claudia Arndt, is a resident of LaCrosse, Ind., which lies within the Second Congressional District.

In conclusion I would like to add my voice to that of my colleague in his efforts on behalf of the pork industry and the campaign to strengthen the swine industry's image to bring a greater awareness among our people of the contributions that it has made to our economy and welfare.

Mr. FINDLEY. Mr. Speaker, proudly wearing a "hogs are beautiful" pin, I am glad to join the gentleman from Iowa (Mr. SCHWENGEL) in this suitable recognition of the importance of hogs to good life in America.

I speak with special pride on this occasion, because my hometown, Pittsfield, Ill., has earned the title, "Hog Capital of the World" and proclaims that honor with a marker in the public square. A city of 4,000 population—4,004 when the Findleys are home—Pittsfield is the county seat of Pike County, which has the enviable record of producing 100 million pounds of pork annually.

A reporter asked me today what is beautiful about hogs. My answer was that the economic base and the pleasant eating that hogs provide constitute a thing of real beauty. And while city dwellers may envision hogs in terms of mud, squeals, and grunts. I have seen many an animal that deserves the word beautiful.

The 20th Congressional District, which I serve, has the world's finest agricultural State fair at Springfield each year, as well as 14 outstanding county fairs. Each features swine exhibits, with animals neatly groomed and well ordered, real beauties.

Many a time I have watched as exhibiters, young and old, proudly paraded beautiful hogs to the admiration of judges and other spectators.

These animals came by beauty not without effort, care, and research. As a visit to almost any hog lot in Pike County, Ill., will prove, the production of beautiful hogs is a scientific endeavor.

The diet of hogs is more carefully watched than the diet of people. The same may also be said of health care. The result is pork far superior to that of yesterday. It comes from animal lean, well-proportioned and healthy.

The official organ of the world hog capital is the weekly newspaper, the Pike Press.

In recent issues it has reported and commented on the supremacy of this community is quality hog production. Here are some samples:

From the July 10, 1968 issue of the Pike Press, this news story and editorial:

FREE BARBEQUED PORK—TWIN EVENT: ANNUAL STREET SALE, SALUTE TO PIKE PORK INDUSTRY

Think Pig!

That's exactly what's going to happen in Pittsfield all day Friday, July 12, during the annual street sale.

The event is being heralded by the Chamber of Commerce as Pittsfield Pig Day, in recognition of farmers who make Pike one of the top two hog production counties in the state.

Merchants are going whole hog in the bargains which will be piled high in front of their stores.

PIGAWOTOMIE TRIBE

Numerous sales people, it is rumored, will be dressed for the occasion as Indians from the Pigawotamie tribe.

TO UNVEIL PRINCE PIG

One of the highlights of the day will be the unveiling of "Prince Pig" by Charles Durall, president of the Chamber of Commerce, assisted by Gaylord Rhodes, chairman of Friday's event, and Miss Linda Kinscherff of Pleasant Hill, recently selected as queen by the Pike County Pork Producers Assn.

Prince Pig, a monumental work of art, promises to be a tribute to Pike-grown pigs for generations to come. It has been executed under the artistic guidance of Farm Advisor Harry Wright and a team composed of pork producers, welders, painters and pig patrons.

IT LOOKS EXCELLENT

All Wright would reveal when he was contacted by this newspaper on details of the monument was "It looks excellent." He did disclose that the model for the art piece was the 1967 champion barrow from the national show held in Minnesota.

UNVEILING AT 11 A.M.

The unveiling is scheduled around 11 a.m. —about the same time merchants will begin serving shoppers free pork barbecue sandwiches from a tent to be put up on the west side of the courtyard.

Another highlight will be the hog judging contest.

CAN JUDGE HOGS

This event will go on all day. Ten hogs will be on display in the courtyard for all comers to take a crack at evaluating hog fine points. Those whose judgments match those of the official judges will be presented hams. The judges will be a panel selected from Cooperative Extension personnel from surrounding counties.

WEIGHT GUESSING CONTEST

For shoppers less skilled, there will be a hog weight guessing contest. Hams will be given to those guessing the correct weight, or closest to it.

All winners will be announced and prizes awarded from a stand in the courtyard around 8:45 p.m.

About mid-afternoon entrants in the pork cook-out contest will descend on the courthouse lawn with their charcoal grills to start the preparation of their pork specialties. Judging will take place at seven o'clock.

FOR MEN AND BOYS ONLY

The contest is open to any male 12 years old and up, with the winner eligible to represent the county in a state-wide pork cook-out contest to be held during the State Fair in August.

Harry Wright, who is coordinating the cook-out in cooperation with the Pike County Pork Producers Assn., asks that cook-out entrants notify him of the cut of pork they need and the amount. The local pork producers will contribute the meat for the contest.

Anyone with a yen to ham it up, shouldn't miss Pittsfield Pig Day on Friday.

FRIDAY IS PIG DAY

Friday will be "Pig Day" in Pittsfield.

As such, the day has a double significance. First off, it's an attempt to pay overdue recognition to the role of pork in the economy of Pike county. Secondly, it's the occasion of the annual outdoor sidewalk sale by Pittsfield merchants.

The second event is not new. The sidewalk sale has been held each summer the past few years and always draws a big crowd to town as merchants offer special bargains, along with a carnival atmosphere and lots of plain good fun. You can expect the same attractions this year. With something new added.

It's the first objective we'd like to discuss here.

Pork production is a key factor in the county's economy. Yet we are sometimes inclined to take it for granted. Friday's celebration will demonstrate, we believe, that the contribution of the county's pork producers is indeed recognized and appreciated.

There will be a variety of events, described elsewhere in this issue, all related to the promotion of pork. There will be free pork barbecue sandwiches served Friday on the courthouse lawn. All this week Pittsfield merchants, store clerks, and others have been wearing big red and white buttons proclaiming Friday, July 12 as "Pittsfield Pig

Day." In this issue of the Pike Press we are publishing 21 pork recipes, gathered from Pike county homemakers by Helen Hackman, county home economics adviser.

Illinois ranks second in hog production among all 50 states, exceeded only by Iowa. In Illinois, Henry county is generally regarded as the top hog producing county of the state, with Pike in second place. Nationally, Pike county ranks fourth, behind two Iowa counties, according to the Illinois Department of Agriculture.

In local on-the-farm income, in related feed and equipment businesses, in pork-related processing activities, hog production is a most essential link in the chain of Pike county's economy.

Friday's "Pig Day in Pittsfield" represents a community-wide recognition and celebration of this important relationship.

Hats off to the Pike County Pig. He'll be Prince for a Day Friday, but in truth he reigns the year round.

The July 21 issue of the St. Louis Post-Dispatch carried this report from the "hog capital":

PITTSFIELD, "PORK CAPITAL OF WORLD," CELEBRATES PIG DAY IN BIG WAY

(By Clarissa Start)

PITTSFIELD, ILL., July 20.—There was a psychedelic pig in a pen on the main street and a number of less arty but more meaty pigs in an inclosure around the corner. Just before noon, a crowd gathered in the town square for the unveiling of a "Pigcasso."

It was Pig day in Pittsfield, Ill., and merchants and residents were going whole hog in their tribute to the pork industry of pike county, where Pittsfield is located, just across the Mississippi river from Louisiana, Pike county, Mo.

Pike county, Ill. now claims to be the "Pork Capital of the World," having produced 100,000,000 pounds of pork last year.

More than 850 pounds of it was served in free barbecue sandwiches on Pig day, July 12. Street sales, an auction, cook-outs, hog-calling, hog-judging and other festivities were part of the occasion. Costumes for the event included farmerette ensembles of mini-blue jeans and straw hats and Indian costumes described as representing natives of the pigawotamie tribe.

"We haven't had this much excitement since the Sadie Hawkins day race last winter," Marge Nighbert said, as she organized the barbecue stand where the sandwiches were to be served.

Crowds thronged the sidewalks from the early morning hours and by 9:30 the atmosphere was pure holiday picnic.

Pittsfield is centered about a town square with a conventional courthouse with a somewhat unconventional soaring steepled center, raspberry-red in color. Merchants on the four sides of the square and down the side streets had moved merchandise out onto the sidewalks, racks and stacks of it, at tempting bargain prices and were doing a brisk business.

A center of attraction was in front of the pharmacy which is owned by Warren Winston, president of the Pike County Historical Society. This was the "Psychedelic Pig," painted in vivid swirls of orange, red, blue and green. A sign described it as, "An artist's contribution to Pittsfield. Body by pig. Art work by Lilly Brown." The pig spent most of its time lying in a puddle of water at the side of the pen, looking slightly self-conscious.

On another side of the square were more pens of pigs, these in a natural state, attracting large crowds of children. They were Hampshires, we were told, and two contests were being held, one to guess the weight of a particularly shapely sow, the other to second-guess the judges in the various points of competition in the hog-judging to take place later that day.

Also in preparation for late-day activities was a roast pig turning over a huge homemade rotisserie.

"It was 160 pounds, dressed down at 120 pounds," said Dick Alspaugh, who was in charge of the roasting. "We started the fire at midnight last night and it ought to be ready by late afternoon. We haven't put any barbecue sauce on it. Barbecue sauce doesn't really do anything to a pig but flavor the air. We'll pour a little on the fire later on for atmosphere."

The street sale has been an annual event in Pittsfield but this is the first year Pig day has been celebrated. Chairman of the event was druggist Gaylord Rhodes, assisted by Mayor Frank Penstone, other merchants, pork producers and Co-operative Extension personnel.

Several experts on pork production—Walter Dehart, Lawrence Smith and Winfred Dean—had gathered on the square and were discussing Pike county's claim to being the Pork Capital of the World. According to past statistics, Illinois has ranked second in hog production among the 50 states, exceeded only by Iowa. Henry county to the north of Pike county has been regarded as the top producing county in Illinois.

"But while Henry county had the largest number of pigs last year, we outranked them in number of pounds last year," said Dehart. "We believe we're not only first in Illinois but right up there for the nation with Clinton county, Ia., our only competition in the ranks."

If Pittsfield and its environs make it the pork capital of the world, this would be a second claim to fame for Pike county. Neighboring Griggsville calls itself the Purple Martin Capital of the World.

Whether the top or only near the top, Pike county farmers can live high on the hog from their pork proceeds. Many farmers in the area have from 2000 to 5000 pigs.

"You hardly call yourself a hog farmer around here unless you have at least 1500," one man said. "The farmer with the most heads of hogs is Ray Myers; no one knows exactly how many he has but it's between 7000 and 12,000."

Pigs grow big in a hurry under modern systems of nutrition and grain feeding. At 5 months, one may weigh as much as 220 pounds.

"The weight's different than it was when we used to raise 'em," said one farm woman, studying the pig in the weight-guessing contest. "Much less fat, much more lean solid meat, but that means they weigh more. It makes it hard to guess the weight."

Pigs from Pike go all over, some to the St. Louis market, some to Beardstown, some to the east. Recognition of the role of pork in the county's economy is overdue, Allan A. Seiler, editor and publisher of the Pike Press, wrote in a special Pig day editorial.

"Pork production is a key factor in the county's economy," the editorial said. "Yet we are sometimes inclined to take it for granted . . . In local on-the-farm income, in related feed and equipment businesses, in pork-related processing activities, hog production is a most essential link in the chain of Pike county's economy.

"Friday's Pig day in Pittsfield represents a community-wide recognition and celebration of this important relationship.

"Hats off to the Pike County Pig. He'll be Prince for a Day Friday, but in truth he reigns the year round."

The Pike Press published 21 pork recipes gathered from Pike county homemakers by Helen Hackman, University of Illinois county home economics adviser, and her assistant, Florence Metternich.

Farm adviser Harry Wright supervised a cook-out for amateur cooks and also supervised the construction of the statue named "Prince Pig," also termed a freestanding "Pigcasso," which stood in the square, swathed in cloth and waiting to be officially unveiled.

At 11:20, a crowd gathered, television cameras and microphones were set up and Charles Durall, president of the chamber of Commerce, approached the pig-shaped outline.

Assisting him was Linda Kinscherff, Pike County Pork Queen, a student at Quincy College. Linda's sister, Janet, is Miss Pike County Fair, Miss Illinois Rural Electric and Miss Adams County. She was competing that day for the title of Miss Illinois.

Durall and Linda, in a co-operative effort, removed the covering from "Prince Pig," as the crowd applauded. "Prince Pig" turned out to be a sort of orange wire, curly-tailed sculpture on a pig-shaped wooden background. Model for the art piece was the 1967 champion barrow from the national show held in Minnesota.

By this time, long lines of hungry people were waiting at the barbecue stand and farmer Gene Reeves gave the official opening signal—a lusty expert exhibition of hog calling.

"Hooooooey," he sent the call ringing across the square. "Hooo-hooo-hooo-hoooey."

The first free barbecued pork sandwich was served. Later it was learned that the 850 pounds of meat lasted just about two hours. As calls of "hoooey" echoed around the square, one bystander summed it up.

"It's safe to say," he observed, "that there's a little ham in everybody."

When the Illinois Pork Producers held their annual statewide meeting January 25, 1969, they were greeted by a special issue of the Pike Press which included this welcoming editorial:

WELCOME, PORK PRODUCERS

We extend a hearty welcome to the Illinois Pork Producers and Pork-Ettes who will be in Pittsfield Saturday for their annual state meeting.

Pittsfield is the smallest city to be host so far to the state annual meeting and so we take special pride in being the host community.

The Pike County Pork Producers deserve much credit for their part in arranging this meeting, acting as the host association, and formulating the program, along with the University Extension service.

The Pike Press has consistently supported the purpose and program of the pork producers and we are pleased to report that national progress has been fruitful. Quoting from the January issue of the National Pork Producers Council News, "The membership, now at 30,000, will move to or above the 50,000 level during 1969, as the local units and the State Producers groups reach the goals which they have set."

Put pork on more tables more often is a key objective of the pork producers, but not the only one. Using its "Nickels for Profit" project, the national council has moved into a major consumer research program, a co-operative research-testing plan with other segments of the industry to eradicate trichinosis, a cooperative project with federal extension service to catalogue and summarize all available pork production information, and in recent weeks the development of a pilot project to study the potential of advertising and promotion for increasing consumption of fresh pork and of improving the consumer image of pork.

GENERAL LEAVE

Mr. SCHWENGEL. Mr. Speaker, in view of the fact that many of my colleagues have indicated their desire to comment upon this subject, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include ex-

traneous matter on the wirthiness of this great food product for America and for the world.

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

There was no objection.

RACKETEER INFILTRATION OF BUSINESS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Virginia (Mr. POFF) is recognized for 15 minutes.

Mr. POFF. Mr. Speaker, after mutual consultation, Senator ROMAN HRUSKA, of Nebraska, and I have joined Senators MCCLELLAN and ERVIN in a bipartisan bill aimed at racketeer infiltration of legitimate business enterprise. Senator MCCLELLAN the distinguished chairman of the Senate Subcommittee on Criminal Laws and Procedures, has introduced for himself and his able colleagues, S. 1861, entitled the "Corrupt Organizations Act of 1969." The companion House bill is H.R. 10312.

Racketeer corruption of honest business organizations was brought into sharp focus by the President's Crime Commission. The Commission reported that organized crime was acquiring control by four principal methods; first, investment of income illegally acquired; second, requiring payment of gambling debts in the coin of business equity; third, foreclosing on loanshark loans; and, fourth, extortion by various means and methods.

In response to that report, Senator HRUSKA and I introduced legislation which in its latest form is found in S. 1623 and H.R. 9327 and is known as the "Criminal Activities Profits Act." That legislation was designed to activate the tax laws and the antitrust laws against money invested in business concerns which was either, first, unlawfully acquired, or, second, unreported for tax purposes. That legislation does not meet the whole need. The new bill will help.

The new bill is innovative and pioneering. As the need is new, so the remedy must be new. Based on the interstate clause, it creates a new Federal crime called "racketeering activity." Specific acts covered in the definition include acts of violence, bribery, counterfeiting, embezzlement of union funds, interstate theft, loansharking, white slave traffic, obstruction of investigations, obstruction of justice, and conspiracy to commit these acts. All of these are crimes already defined in existing Federal statutes. The new crime would require the prosecution to show a "pattern of racketeering." When the pattern is shown, it will be unlawful, first, to invest or use income derived from the pattern in the creation or operation of any enterprise in interstate commerce; second, to acquire or maintain control of such a business through such racketeering activities or through collection of unlawful debts; and, third, to work for or manage an enterprise engaged in such activities. The penalty is up to $10,000 fine or 20 years in prison, or both.

Another penalty is provided. It is forfeiture. After conviction, the ill-gotten gains must be forfeited to the Government. This sanction is not only poetic justice but a strong deterrent as well.

Another section of the bill borrows conceptually from the antitrust laws. The courts are given broad powers in the civil remedy field. They can issue injunctions restraining criminal violations of the act. They can order dissolution of any offending business organization. They can compel racketeer business owners to divest themselves of their equity. They can prohibit such owners from engaging further in the same type or other business activity. In this context, these powers are innovative. In other context, they are tried and tested. Under present law, one large corporation can be required to divest itself of ownership in another corporation for competitive or other economic considerations. It is a logical extension of the concept for society to protect itself economically and otherwise by requiring criminal elements to leave the house of honest business.

The bill contains another parallel to the civil aspects of the antitrust laws. It authorizes the Attorney General to make an investigative demand upon any person or enterprise in possession of documentary material relevant to a civil racketeering investigation. If the demand is refused, the Attorney General can obtain a court order, disobedience of which would incur contempt penalties.

The new crime of "racketeering activity" is added to the list of crimes covered by the electronic surveillance title of the omnibus crime bill adopted in the last Congress.

A witness immunity clause is included in the bill. Conceived as a "use restriction" against all evidence given under immunity—and the fruits thereof—this clause follows the concept recently recommended by the National Commission on Reform of the Federal Criminal Laws. This represents a bold improvement over the "total defense" theory of present witness immunity statutes. It will do much to help gather information not otherwise available and still not grant a total pardon to guilty informants in the operating structure of the Cosa Nostra.

Mr. Speaker, the Corrupt Organizations Act of 1969 will not eliminate organized crime in our society. No law or set of laws ever will. But it will materially strengthen the hand of the law-enforcement establishment against the lawbreaker.

LEGISLATION TO BRING EYE, HEARING, AND DENTAL CARE UNDER THE PROVISIONS OF PART B OF MEDICARE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. FARBSTEIN) is recognized for 30 minutes.

Mr. FARBSTEIN. Mr. Speaker, I yesterday introduced legislation—H.R. 10291—to bring eye, hearing, and dental care under the provisions of part B of medicare. The bill would also change the present cost sharing under part B by which the individual pays 50 percent of the cost and the Federal Government the other 50 percent, to a one-third to two-thirds sharing. The legislation has been introduced in the Senate by the Honorable VANCE HARTKE, of Indiana.

Medicare is doing an excellent job in helping the elderly to finance their health expenses; however, three areas of health care of very considerable importance to the elderly are specifically excluded from coverage. These three areas of affliction are each, by testimony of the Public Health Service, more common in those over 65 years of age than in any other age group. These are the areas of eye, hearing, and dental care.

Yet, although their incidence is more frequent in the elderly, the elderly receive in proportion to these problems less care than other groups. The reason is plain—and it is the same reason which was pervasive when the Congress adopted the part B program for medicare. That is simply that the costs are beyond the means of millions of those who are social security beneficiaries.

The cost of the three services I propose would run approximately $750 million. Under the present financing, this would necessitate an increase in the cost to those electing part B, an increase from the present $4 to approximately $6 a month, with an equivalent increase in the Federal share. Because I believe we should bear the burden through Federal financing rather than increasing the load of the social security beneficiary, my amendment also includes a change in the financing of part B from a 50–50 sharing to a one-third and two-thirds sharing. This would fully cover the additional financing for those covered without increasing the present $4 as now fixed for fiscal year 1970.

While the $750 million cost may seem high, it represents less than a day's cost for the war in Vietnam. For that money, we would be able to provide help to a great number of the 4 million old persons who are hard of hearing, the 700,000 or so with a difficult visual impairment, and the vast numbers who need dental care they are not receiving.

THE HATE ISSUE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, we are a nation of immigrants. Every one of us, save the Indians, is either an immigrant or the descendant of immigrants. All immigrants or their ancestors are either members of some racial or religious minority or their descendants have been, at one time or another. There is not a living American who either is, or has been, or has a descendant who was a member of some minority. As it happens I am myself a member of an ethnic minority and am so classified by the census. I think that there is not a Member of this body who is unaware of the effects that minority status can have on an individual life.

Eric Hoffer has observed that no matter how protective the laws may be, no minority group is ever truly secure; a minority exists in the knowledge that its rights are protected only on the consent of the majority, or at least on the benevolent neutrality of the majority. Minority rights are protected, but only

as long as the majority is willing. It does not matter whether you happen to be in a political minority or a racial minority, but that you realize deep in your soul that your position is tolerated, but never secure. Perhaps it is never said, maybe even never thought, but somehow the feeling is inescapable that there may be something wrong with you or your position, because after all it is a minority position. One feels safety, but not security. It is a fortunate thing that all of us can understand this, that most of us recognize that we are or may be in a minority, and that therefore minority rights must be—and generally are—protected.

An ethnic minority is in a peculiar position. I happen to be an American of Spanish surname and of Mexican descent. As it happens my parents were born in Mexico and came to this country seeking safety from a violent revolution. It follows that I, and many other residents of my part of Texas and other Southwestern States—happen to be what is commonly referred to as a Mexican American. That label sums up most of the elements of a vast conflict affecting perhaps most of the 5 million southwestern citizens who happen to bear it. The individual finds himself in a conflict, sometimes with himself, sometimes with his family, sometimes with his whole world. What is he to be? Mexican? American? Both? How can he choose? Should he have pride and joy in his heritage, or bear it as a shame and sorrow? Should he live in one world or another, or attempt to bridge them both?

There is comfort in remaining in the closed walls of a minority society, but this means making certain sacrifices; but it sometimes seems disloyal to abandon old ideas and old friends; you never know whether you will be accepted or rejected in the larger world, or whether your old friends will despise you for making a wrong choice. For a member of this minority, like any other, life begins with making hard choices about personal identity. These lonely conflicts are magnified in the social crises so clearly evident all over the Southwest today. There are some groups who demand brown power, some who display a curious chauvinism, and some who affect the other extreme. There is furious debate about what one should be and what one should do. There is argument about what one's goals are, and how to accomplish them. I understand all this, but I am profoundly distressed by what I see happening today. I have said that I am against certain tactics, and against certain elements, and now I find yet more confusion. Mr. Speaker, the issue at hand in this minority group today is hate, and my purpose in addressing the House is to state where I stand: I am against hate and against the spreaders of hate; I am for justice, and for honest tactics in obtaining justice.

The question facing the Mexican American people today is what do we want, and how do we get it?

What I want is justice. By justice I mean decent work at decent wages for all who want work; decent support for those who cannot support themselves; full and equal opportunity in employment, in education, in schools; I mean by justice the full, fair, and impartial protection of the law for every man; I mean by justice decent homes, adequate streets and public services; and I mean by justice no man being asked to do more than his fair share, but none being expected to do less. In short, I seek a justice that amounts to full, free, and equal opportunity for all; I believe in a justice that does not tolerate evil or evil doing; and I believe in a justice that is for all the people all the time.

I do not believe that justice comes only to those who want it; I am not so foolish as to believe that good will alone achieves good works. I believe that justice requires work and vigilance, and I am willing to do that work and maintain that vigilance.

I do not believe that it is possible to obtain justice by vague and empty gestures, or by high slogans uttered by orators who are present today and gone tomorrow. I do believe that justice can be obtained by those who know exactly what they seek, and know exactly how they plan to seek it. And I believe that justice can be obtained by those whose cause is just and whose means are honest.

It may well be that I agree with the goals stated by militants; but whether I agree or disagree, I do not now, nor have I ever believed that the end justifies the means, and I condemn those who do. I cannot accept the belief that racism in reverse is the answer for racism and discrimination; I cannot accept the belief that simple, blind, and stupid hatred is an adequate response to simple, blind, and stupid hatred; I cannot accept the belief that playing at revolution produces anything beyond an excited imagination; and I cannot accept the belief that imitation leadership is a substitute for the real thing. Developments over the past few months indicate that there are those who believe that the best answer for hate is hate in reverse, and that the best leadership is that which is loudest and most arrogant; but my observation is that arrogance is no cure for emptiness.

All over the Southwest new organizations are springing up; some promote pride in heritage, which is good, but others promote chauvinism, which is not; some promote community organization, which is good, but some promote race tension and hatred, which is not good; some seek redress of just grievances, which is good, but others seek only opportunities for self aggrandizement, which is not good.

All of these elements, good and bad, exist and all of them must be taken into account. The tragic thing is that in situations where people have honest grievances, dishonest tactics can prevent their obtaining redress; and where genuine problems exist, careless or unthinking or consciously mean behavior can unloose forces that will create new problems that might require generations to solve. I want to go forward, not backward; I want the creation of trust, not fear; and I want to see Americans together, not apart.

Just a few days ago, in Denver there was a demonstration mounted by a priest and a few others. The priest and eight others pledged that they would fast for 8 days in behalf of legislation to protect migrant farmworkers. About 30 people were on hand to support them. Within 2 hours a convention of militants arrived and took over; they refused to listen to legislators who were working for the legislation they supposedly supported. After a while, someone pulled down the flag of the State of Colorado and mutilated it. The militants left and marched back to their convention, jeering at police along the way and generally behaving in imitation militant manner. The original protest was drowned, its purpose obscured, and justice moved forward not at all, The priest remarked sadly:

> The group who destroyed the flag was not part of our group. We don't agree with that philosophy.

In this case I doubt that the plight of migrant farmworkers was ever called to public attention, but was lost in the antics and hoopla mounted by unthinking people who apparently got bored with their own meeting and decided to take over another one. I fear that this is an instance where the cause of justice took a back seat to the cause of publicity.

Assuredly there is cause for wrath among people who have suffered long and endured much. But the question that must be answered is whether wrath alone will bring about justice, or whether it will merely obfuscate the real remedy. It is easy to be angry, but it is hard to have that moral indignation that alone reveals the depth of injustice, and lights the corridors of truth.

It is not simply a case today where a local protest is taken over in an isolated incident; the Denver situation is not at all unique. In fact the very day after that incident, a demonstration in Del Rio, Tex., attracted militant types, who sought to turn it to their advantage. Militants attempted to provoke police and plastered their slogans all over the premises where a meeting was held. Even the local Republican organizer hung stickers around, so that he might possibly gain some converts. The organizer of this protest said:

> We have nothing to do with militant leaders who infiltrated the Del Rio march.

In the midst of change and unrest there are always parties who want to use that unrest to their own advantage. It is no secret that militants want to use others for their own ends and purposes; but it should also be no secret to the perceptive that there are also people who want to use the militants for their purposes. It is no secret that a political party organizer hopes to promote militant action as a means to win votes, or possibly embarrass political opponents. But that is a game that many can play. If people should not be shocked that my minority party friends had a paid organizer running a hospitality suite in Del Rio, then neither should they be shocked that sympathizers of the Cuban regime might also hope to turn the incident to their advantage. Protests can advance the ambitions of many, and the ambitious will attempt to advance their interests if they

can by taking advantage of the unwary and the naive.

Unfortunately it seems that in the face of rising hopes and expectations among Mexican Americans there are more leaders with political ambitions at heart than there are with the interests of the poor at heart; they do not care what is accomplished in fact, as long as they can create and ride the winds of protest as far as possible. Thus we have those who play at revolution, those who make speeches but do no work, and those who imitate what they have seen others do, but lack the initiative and imagination to set forth actual programs for progress.

Indeed there are even those with the best of intentions who find their efforts misguided. Foundation grants meant to achieve harmony and unity have created greater divisions and hatreds; funds meant to support the development of new leadership have only been used for the friends of grantees, who might or might not have any potential for constructive leadership and action. Like Tolstoy's Count Bezukhov, a foundation with the best of intentions may be able to produce only greater misery by entrusting its funds to ambitious but ruthless and self-seeking overseers. No one could quarrel with the good intentions of the bumbling Count or the great foundation, but one can and must examine what has happened to that benevolent intent. After all, the best of programs must be translated into action by human beings, and not all human beings interpret an idea in the same way. One man's facade is another man's empty and crumbling building; it all depends on who is looking at it.

About 3 years ago the Ford Foundation, by far the greatest of all foundations devoted to the advancement of humanity, took an interest in the Mexican-American minority group. What the foundation saw was an opportunity to help. That opportunity, coupled with the best of intentions, has produced what I could classify only as a very grave problem in the district I am privileged to represent. As deeply as I must respect the intentions of the foundation, I must at the same time say that where it aimed to produce unity it has so far created disunity; and where it aimed to coordinate it has only further unloosed the conflicting aims and desires of various groups and individuals; and where it aimed to help it has hurt. I hope that all of this will change; but before it can change the facts must be examined.

The Ford Foundation believed that the greatest need of this particular minority group was to have some kind of effective national organization that could coordinate the actions of the many that already existed, and give for once an effective and united voice to this minority group. This good desire may have rested on a false assumption; namely, that such a disparate group could, any more than our black brothers or our white "Anglo" brothers, be brought under one large tent. There are conflicting interests in any group of any race or creed, and this must be recognized. Whatever the case may be, the Ford Foundation established the Southwest Council of La Raza and gave it a treasury of $630,000.

Not long after the Southwest Council of La Raza opened for business, it gave $110,000 to the Mexican-American Unity Council of San Antonio; this group was apparently invented for the purpose of receiving the grant. Whatever the purposes of this group may be, thus far it has not given any assistance that I know of to bring anybody together; rather it has freely dispensed funds to people who promote the rather odd and I might say generally unaccepted and unpopular views of its directors. The Mexican-American Unity Council appears to specialize in creating still other organizations and equipping them with quarters, mimeograph machines and other essentials of life. Thus, the "unity council" has created a parents' association in a poor school district, a neighborhood council, a group known as the barrios unidos—or roughly, united neighborhoods—a committee on voter registration and has given funds to the militant Mexican-American Youth Organization—MAYO; it has also created a vague entity known as the "Universidad de los Barrios" which is a local gang operation. Now assuredly all these efforts may be well intended; however it is questionable to my mind that a very young and inexperienced man can prescribe the social and political organizations of a complex and troubled community; there is no reason whatever to believe that for all the money this group has spent, there is any understanding of what it is actually being spent for, except to employ friends of the director and advance his preconceived notions. The people who are to be united apparently don't get much say in what the "unity council" is up to.

As an example, the president of MAYO is not on the Unity Council payroll; but he is on the payroll of another Ford Foundation group, the Mexican-American Legal Defense Fund. He is an investigator but appears to spend his time on projects not related to his defense fund work. This handy device enables him to appear independent of Foundation activities and still make a living from the Foundation. Of course, his MAYO speeches denigrating the "gringos" and calling for their elimination by "killing them if all else fails" do little for unity, and nothing for law, but that bothers neither him nor his associates.

As another example, the "Universidad de los Barrios" is operated by a college junior and two others. The "universidad" has no curriculum and offers no courses, and the young toughs it works with have become what some neighbors believe to be a threat to safety and even life itself. After a murder took place on the doorstep of this place in January, witnesses described the place as a "trouble spot." Neighbors told me that they were terrified of the young men who hung around there, that their children had been threatened and that they were afraid to call the police. After the murder, the "dean" of this "university" said that he could not be there all the time and was not responsible for what happened while he was away. This might be true, but the general fear of the neighbors indicates that the "university" is not under reliable guidance at any time. I note that since I have made criticisms of this operation its leader says it is ready to enter a "second phase." I hope so.

Militant groups like MAYO regularly distribute literature that I can only describe as hate sheets, designed to inflame passions and reinforce old wounds or open new ones; these sheets spew forth racism and hatred designed to do no man good. The practice is defended as one that will build race pride, but I never heard of pride being built on spleen. There is no way to adequately describe the damage that such sheets can do; and there is no way to assess how minds that distribute this tripe operate. But, Mr. Speaker, I say that those who believe the wellsprings of hate can be closed as easily as they are opened make a fearful mistake; they who lay out poison cannot be certain that it will kill no one, or make no one ill, or harm no innocent bystander.

I have no way of knowing whether foundation money goes into the publication of these hate sheets, but I cannot see why the foundation would permit its money to support groups that published these sheets either, and I cannot see how good can come from the building of passions that have throughout the history of mankind brought about only distrust, fear, hate, and violence.

I fear very much that the Ford Foundation miscalculated in choosing those who have charge over their grant money.

We see a strange thing in San Antonio today; we have those who play at revolution and those who imitate the militance of others. We have a situation in Denver where the local leader said, "This is our Selma," and not a week later a situation in Del Rio where the local leader said, "This is our Selma." But try as they might, Selma was neither in Denver nor in Del Rio. We have those who cry "brown power" only because they have heard "black power" and we have those who yell "oink" or "pig" at police, only because they have heard others use the term. We have those who wear beards and berets, not because they attach any meaning to it, but because they have seen it done elsewhere. But neither fervor nor fashion alone will bring justice. Those who cry for justice, but hold it in contempt cannot win it for themselves or for anyone else. Those who prize power for its own sake will never be able to use it for any benefit but their own; and those who can only follow the fashions of protest will never understand what true protest is.

I believe that a just and decent cause demands a just and decent program of action. I believe that a just and decent cause can be undermined by those who believe that there is no decency, and who demand for themselves what they would deny others. I have stood against racists before, and I will do it again; and I have stood against blind passion before and I will gladly do so again. I pray that the day will come when all men know justice; and I pray that that day has not been put further away by

the architects of discord, the prophets of violence. I pray that these great tasks that face us in the quest for justice and progress will be taken up by all men; and I know that when all is said and done and the tumult and shouting die down those who only spoke with passion cast aside, and those who spoke with conviction and integrity will still be around. I am willing to let time be my judge.

OUR BILL OF RIGHTS IS NOT AMENDABLE

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

Mr. PODELL. Mr. Speaker, of late a series of statements have been made regarding intentions of the administration to seek some sort of amendment to our Bill of Rights. We hear a request will be made for a study to ascertain whether the Constitution should be amended to soften effects of Supreme Court rulings that have enlarged the rights of the defendants.

Our priceless heritage, the Bill of Rights, has remained viable, vibrant, and meaningful since the first 10 amendments to the U.S. Constitution were ratified in 1791. These rights have not only survived, but have grown in world as well as national stature over the generations. Massive challenges have been thrown at them, only to be surmounted by their inherent strength and truth. Because we have lived by the Bill of Rights, rather than in spite of it, America has become a haven to the oppressed and a light to the world. Now, we are informed that this administration seeks to weaken them in order to cater to hysteria and demagoguery. How unthinkable.

Does President Nixon not read history? Has he never contemplated the fate of the Alien and Sedition Acts? Has he not read proceedings of the Hartford Convention? Is he not familiar with those periodic attempts which have been mounted to abrogate constitutional liberties of all Americans? Or how about the Palmer raids in the World War I period? What of the refusal to seat the New York Socialists? Is he not familiar with these challenges? Once we abrogate such guarantees, the prison camp and secret police are around the corner.

Mr. Speaker, a free sociey of free men stands and grows not out of fear of its institutions and guaranteed liberties, but because of continued faith in and reliance on them. Ever has this been true of our own country. Are we now so terrified of our traditional liberties that we shall seek to destroy them in the name of a crusade against crime? Shall we deprive all Americans of liberty in the long run because we seek to serve a short-term political objective? Do we have so little faith in our rights and constitutional vitality?

If we take away any of such guarantees from the least of our people, we are in effect wrenching them away from all of our people. Liberty such as Americans enjoy under the first 10 amendments to the Constitution has been dearly bought, nobly defended, and unselfishly paid for. Nor will this generation of Americans allow any erosion of their foundation of dignity which is the essence of our republic.

Today we hear a crescendo of voices calling heatedly for prosecution of this one and a halt to activities of that one. Again the frightened and weak seek recourse to repression instead of relying upon inherent strengths. To them we must present a front of unyielding defense of our Constitution. Better men then we have passed this glowing heritage to us, and we dare not break faith with them.

We have already seen what the difference is between campaign oratory and demands of reality. I pray that the administration will turn from this course of proposed alteration of the Bill of Rights. If they do not, then Vietnam and the ABM will be mere introductory chapters to a bitter story of constitutional struggle.

Let us heed the lessons of history both here and abroad. Most men dream of liberties we enjoy, and never behold or taste of them. Down through the corridors of history sounds the lament of those in bondage, echoed all too often in our own Nation. Shall we toy with the most sacred rights of men because there are those who would deprive men of liberty and others who would accede to their demands?

On March 23, 1775, in the Virginia Convention at Richmond, Patrick Henry uttered words I commend to Mr. Nixon and those around him. They read:

> Is life so dear or peace so sweet as to be purchased at the price of chains and slavery?

Is a demand for repression so necessary and national fear so overpowering as to hurl us as a nation over the brink of abridgement of our most priceless possessions? Let those who propose to tinker with the Bill of Rights give us an answer.

TO DIE IN WARSAW—AND BE REBORN IN ISRAEL

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

Mr. PODELL. Mr. Speaker, spring is a time for rebirth and revitalization of old lessons. It is a time not only to look forward to new beginnings, but to keep fresh in our minds previous happenings. Such efforts more than once have enabled people to evade repetition of past mistakes. Some happenings, even though long removed in time, contain major relevance for generations yet to come. Among them are two anniversaries which fall in the spring—the Warsaw ghetto uprising and the founding of the Nation of Israel.

One was and remains a reaffirmation of the human spirit, even though its immediate result was the snuffing out of much human life. The other is a celebration of life, made possible in part by sacrifices which were an inherent part of the first event.

In a way the history of the Jewish people is so bittersweet, with a heavy emphasis on the bitterness contained in the cup history has held to the lips of this unique people. Torn from their land by force of conquest, they tasted horrors of slavery early in man's recorded history. Matured in the fires of oppression, they survived in spite of generations of dictators. None extinguished their spirit, which flourished along with their love of learning and capacity to rise above life's vicissitudes. Yet as history progressed, violent oppression aimed at them increased, until excesses of the crusaders were replaced by the Inquisition, and discrimination of medieval days gave way to organized and government-sponsored programs of Eastern Europe. Still the Jewish people prevailed and gave cultural light to the world.

The 20th century unfolded the most horrible chapters of all, climaxing in the unspeakable torment of the Nazi era, as names such as Auschwitz, Babi Yar, and Dachau became household words. Six million Jews perished as they were entered first in the category of peoples to have genocide practiced against them as part of major national policy. Most went to their deaths in gas chambers in a stupor of terror, fear, and confusion, as the mass graves and crematoriums of Treblinka, Chelmno, Maidanek, and Sachsenhausen filled with awful swiftness.

There were some, however, in the ghetto of Warsaw, who realized that a new Jew had to be born—in fire and blood, if necessary. Born he was in the desperate death grapple that was precipitated.

From April 19 to May 16, 1943, these driven, desperate people fought like men possessed in order to sell their lives as dearly as possible. No chance of victory existed, and they knew it. No quarter was possible, and they realized it. No monument mattered, yet they have one.

It is the spirit of the Maccabees reborn in this age. The spirit of defenders of Massada, who chose death by suicide rather than surrender and perish like cattle. It was that first bright flame of resistance and will to accept death in order to prove manhood and spirit that lit the blaze that roared so high and hotly that out of it was born a new State—Israel.

On May 15, 1948, Israel, a free nation, was born, conceived in a people's torment and dedicated to the proposition that the Jewish people shall live. Soon Israel will be 21 years old. Men and women of Warsaw's ghetto never lived to see her rise like a phoenix from the ashes of Europe's Jewry. Only their spirits knew, for they had touched off the first torch—with their lives.

If we seek their monument, look not in Poland, which still drives Jews in fear beyond its borders. Look instead to Israel—at her strong young heroes who nail victory to their banners over the prostrate forms and broken armies of dictators of today. If Nasser and his fellow would-be assassins seek their victory, let them look at spiritual forebears of the Israel Armed Forces. Let them contemplate the faces of those who will never enter today's gas chambers singing psalms. Let them gaze at those who will die before they surrender their heritage and right to live. That goes for any

so-called four power talks who seek to award a Nobel Peace Prize, Czechoslovakia-style, to Israel in 1969.

May the spirit of the Warsaw dead ever stand beside the people of Israel. May we never forget their ageless lesson that survives all. It is better to die on your feet than to live on your knees.

May Israel have long life and remain the beacon of enlightenment and refuge to the oppressed for many long and fruitful years to come. The Jewish people lives.

WAR ON INFLATION

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

Mr. MOSS. Mr. Speaker, I place in the RECORD for the information of my colleagues, an editorial from the Sacramento Bee of March 29, 1969. I do so because the editorial expresses truths which should be faced up to by this Congress. Increasingly, we see evidence of actions by presumably carefully regulated industries which reflect a high degree of correlation in the decision-making process producing what is in every sense an administered price, virtually a private ability to levy taxes upon the consuming public.

It is my judgment that we have reached the point where serious re-evaluation of much of the underlying policy must be made by Congress if it is to discharge its responsibility to the American public.

The editorial follows:

WAR ON INFLATION IS FOUGHT ON OLD, COWARDLY, ASTIGMATIC LINES

The recurrent uproar about inflation has an almost Alice in Wonderland character. When people are not under the ritualistic dread of inflation, the greatest economic good is supposed to consist of full employment and full production.

Every so often, however, when the economy is moving toward those ends, the cry goes up that the "economy must be cooled off." The Federal Reserve System's chairman, William McChesney Martin, Jr., is always waiting just off stage to do his act when the economy becomes too productive.

After the usual warnings about how nations have been destroyed by inflation, Martin raises the rediscount rate to the banks. This means the banks have to pay more for the money they borrow and thus have to charge more to their borrowers.

Early this year the whole process of cooling off the economy through higher bank interest rates began. Recently bank interest to prime borrowers reached 7.5 per cent, about the highest it has been in several decades.

Of course, when prices rise faster than production and eat up purchasing power, inflation is a very real threat. It has to be stopped. But why must it be stopped by slowing down the economy? By more unemployment?

During the 1950s were three recessions caused largely because people could think of no way to curb inflation except by slowing down the economy. The result was to increase the unemployment rate to its highest figure since the 1930s. Billions of dollars were lost through underproduction.

Why do not the leaders of the nation ever confront the fact there are ways of checking inflation other than by high interest rates and fouling up production and employment?

One of the most obvious but rarely admitted ways is to lower prices by making the economy truly competitive. Monopolistic activities should be broken up. Yet the antitrust division has just dismissed an 11-year old fight to pump true competition into the gas pipeline operation. The "administered price" area of the economy whereby companies play follow the leader in fixing prices is left almost unscratched.

Rather than do any of these things, rather than buck the powerful interests involved, government as today constituted shows a disposition to step on the little fellow's toes as he waits out still another cooling off of the economy.

WILLIAM J. DRIVER, ADMINISTRATOR OF VETERANS' ADMINISTRATION

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

Mr. HANLEY. Mr. Speaker, most Members of Congress, including myself, lauded President Nixon's publicly announced decision several weeks ago to conduct a nationwide talent search to fill high-level positions in the Federal Government. We were given to believe that it was the President's intention to continue the policy of President Johnson of bringing into the Government men and women of talent, experience, and good judgment irrespective of their partisan affiliation. We were also given to believe it was his intention to adopt the corollary policy of retaining in office those men and women who have proven themselves to be dedicated career public servants. We lauded that announcement, Mr. Speaker, because we believed it.

Now, however, we are told that the President, apparently bowing to partisan pressures, is about to drive out of the Government one of the most dedicated, impartial, talented, and sensitive men it has been my pleasure to know—the Honorable William J. Driver, Administrator of the Veterans' Administration.

Mr. Speaker, Bill Driver is a career man in Government. His service dates back to the 1940's. His talents and his desire to serve the veteran community of this Nation are seemingly limitless. Yet in one of the most outrageous, contemptible maneuvers devised by partisan politics, this man, this dedicated public servant, is being told to go packing.

Mr. Speaker, I do not even know what Bill Driver's political leanings are, and I do not really care. The solid, responsible administration of the Veterans' Administration is far more important than its Administrator's partisan affiliations. It really does not matter what his political affiliation is. What does matter is the fact that his removal is a blow to the morale of every career employee in the Federal Government and an affront to every veteran and veterans' organization in the country.

Bill Driver was brought into the Government by Gen. Omar Bradley. He has served under Presidents Truman, Eisenhower, Kennedy, and Johnson. He has risen up through the ranks by dint of his ability, not through any "political clout." Yet even this background does not seem to immunize him from the arrogance of the spoils system.

I am appalled, Mr. Speaker, and I hope the President will change his mind and retain Bill Driver as Administrator of the Veterans' Administration.

CONGRESSMAN'S HANLEY'S SENTIMENTS ON INTERNAL REVENUE CODE

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

Mr. HANLEY. Mr. Speaker, I welcome this opportunity to express my sentiments on a number of the areas in the Internal Revenue Code where abuses have developed which are costing the Treasury considerable amounts of revenue.

I am hopeful that the Ways and Means Committee will present the House with a comprehensive tax reform bill which will substantially increase the revenue available to the Federal Government without increasing at all the burden already imposed on our low- and moderate-income taxpayers.

I should like to relate some relevant thoughts on these matters.

CAPITAL GAINS TAXATION

Like many parts of the U.S. Tax Code, the provisions regarding capital gains taxation were written with some reasonable justification, but have since been abused to such an extent that it would be wise to once again examine them carefully.

The basic regulation, of course, is that long-term capital gains—realized on the sale of assets such as stocks or other income producing property held more than 6 months—are taxed at one-half the ordinary rate. In other words, if you are in the 20-percent tax bracket, $1 additional revenue obtained from the sale of capital goods would be taxed only at a 10-percent rate. However, the maximum effective rate of capital gains taxation is 25 percent. This means that those in the 70-percent tax bracket pay no more on capital gains than those in the 50-percent bracket. So the very rich—those with taxable incomes on joint returns of more than $400,000—pay just over one-third of their regular tax rate for capital gains, while those with lesser incomes—$45,000 or less on joint returns—pay one-half of their regular rates for the same capital gain.

Another comparison will demonstrate the value of capital gains rates to those who can afford to utilize them. The ordinary worker drawing a salary of $7,000 a year can expect to pay roughly $1,100 in tax, while another taxpayer whose sole income is $7,000 made from long-term capital gains on stock investments will only pay the Federal Government $400.

It must be emphasized that the law which permits this kind of situation is not necessarily what has come to be known as a "loophole," because the reasoning behind some form of tax incentive to capital investment is sound. Obviously, an expanding economy needs capital investment and there must be

some sort of reward commensurate with the risk of this kind of investment. However, there is a big difference between the long-term investor and the stock market speculator who sells his stock at a profit after the 6-month minimum holding period.

The time has come to take a hard look at this capital gains provision, for, according to the annual report of the Treasury, this support of capital investment for just individuals alone costs the Federal Government $4.5 billion yearly. Perhaps the minimum holding period should be extended to 3, 4, or 5 years, or perhaps the 25-percent maximum rate should be repealed so that capital gains would be taxed at half the ordinary rate up to a maximum of 35 percent. At any rate, when the revenue cost is so large, a complete review of the situation is in order.

The low capital gain rates have been used in specific ways which many tax reformers have branded as loopholes.

STOCK OPTIONS

The granting of special stock options to certain company executives has proved to be a most rewarding practice for those preferred employees, but a very costly one for the Federal Government. The Revenue Act of 1964 helped to close the door somewhat on the most serious abuses, but the opening is still wide enough to permit most executives to slip through this loophole, and further reform is needed.

According to present law, an executive can be granted "qualified stock options" which are supposed to be approved by the stockholders and must be exercised within 5 years. This option enables the executive to purchase a certain amount of stock, any time within 5 years after the option is granted, but at a price not less than the market value of the stock at the time he receives the option. In other words, say an employee was given an option in 1964 on stock worth $50 per share. If that stock was selling today at $200 per share, he could still pay just $50, in effect realizing a capital gain of $150. The law states that this executive must hold the stock for 3 years before sale in order to receive the special capital gains rates. However, if he waits until 1972 to sell his stock at, say, $300 per share, he can realize a net gain of $250 per share, taxable at the low capital gains rates. In contrast, if the ordinary employee received a $250 bonus or raise, this addition to his income would be taxable according to the full tax bracket schedules. It is also worth mentioning that the executive is not obliged to purchase the stock, so that, if its value should decline during the 5-year period, he would simply not exercise his option.

CAPITAL GAINS ON ASSETS TRANSFERRED AT DEATH

One of the most outstanding loopholes and one attacked very frequently by tax reformers is the provision regarding taxation of capital assets transferred at death. The argument here is that this loophole violates one of the fundamental principles of our tax system, horizontal equity—the concept that those of equal wealth should pay approximately the same taxes. An example will clarify the problem. Suppose that an individual buys $100,000 worth of stock which appreciates in value till it is worth $500,000 at the time of his death. If he leaves this stock to his heirs, the capital gain of $400,000 will never be subject to any income or capital gains tax. And should his heirs sell the stock some time later for $600,000, they will pay a capital gains tax only on the $100,000 the stock has increased in value since the time of the transfer. The first individual has actually experienced a $400,000 increase in his wealth on which he paid no taxes whatsoever. If another individual received $400,000 in income in the form of wages or dividends, he would be subject to a very substantial tax. Of course, the value of the stocks transferred at death is taxed according to the estate tax schedules, but this does not resolve the inequity since the estate tax also falls on income accumulated after income tax.

EXCESS DEPRECIATION

Those people who are in a position to invest in rental dwellings, office buildings, or other such buildings, are able to take advantage of another lucrative loophole. According to present law, the owner of such an asset is allowed to calculate a certain percentage of its value as "depreciation", and deduct this amount from his adjusted gross income in order to compute his taxable income. Further, the owner has the option of computing a more rapid rate of depreciation for the first few years than would be determined according to a "straight line" depreciation. In other words, if a wealthy individual constructs an office building with a useful expectancy of, say 40 years, at a cost of $5 million, his "straight line" depreciation would be 2½ percent or $125,000 per year. However, he is allowed to take an accelerated depreciation in the early years of nearly twice this rate according to the "double declining balance" method or the "sum of the years digits" method. The latter method is slightly more advantageous to this investor and so this will be used as the more likely example. According to this formula, after 10 years, or one-fourth the useful life of the building, the owner will have been able to write off 43.3 percent of the cost of the building as depreciation. In other words, over this 10-year period, the owner would have been able to deduct $2.16 million from his other sources of income before computing his taxable income. Put another way, this wise investor has realized over a 10-year period more than $2 million of tax-free income.

All this would be equitable, of course, if the value of the building actually was decreasing at the depreciation rate used for tax purposes. But in reality, it is far more usual that real estate such as this does not decrease in value nearly this fast, and may even increase during the first few years. Assume, for purposes of simplicity, that in this case the market value of the building is still $5 million, and our investor sells his property for exactly what he paid for it. The law requires that he pay a capital gains tax only on the difference between the market price and the depreciated book value, or in this case, on $2.16 million. At the maximum capital gains rate of 25 percent, his tax would be $540,000.

If one examines the total profit enjoyed by a smart investor such as this, the magnitude of the injustice suffered by less wealthy taxpayers becomes clear. Over a 10-year period, the owner of this building has realized tax-free income of $2.16 million and has paid a total in taxes of $.54 million, for a tax-free, net gain, of $1,620,000. Now, even if our assumption that the building still had a market value of $5 million after 10 years was unwarranted, it remains true that as long as the market value of such real estate exceeds the depreciated book value, then to that extent the owner receives an undeserved tax break. The report on tax reform put out by the Treasury Department sums up the situation in these words on page 440:

> These book profits reflecting the artificial writedown of the depreciable investment by accelerated depreciation represents deductions previously taken against ordinary income, so that the whole process represents a conversion of ordinary income into capital gain for tax purposes.

Of course, the figures used in the above example are only hypothetical. But the statistics published in the annual report of the Secretary of the Treasury for fiscal 1968 are very real. The Treasury Department estimates the tax loss from excess depreciation of rental housing and other buildings to be $750 million.

TAX-EXEMPT STATE AND MUNICIPAL BONDS

The exemption from taxation of the interest on State and local bonds is another example of a situation which seems rationally justifiable on the surface, but cannot bear a more penetrating analysis.

This exemption was written into the original income tax law of 1913 in order to make it easier for State and local governments to finance capital improvements. By exempting the interest from these bonds from any income tax, the States and localities have been able to make their bond issues attractive, even though they pay a substantially smaller rate of interest than corporate bonds—approximately 4 percent as compared to 7 percent. In fact, investors find these issues so attractive that State and local governments are holding approximately $100 billion in outstanding bonds at the present time. With this money, they are able to finance schools, roads, water purification plants, hospitals, and other public facilities.

However, there are two important drawbacks to this system. From an economic viewpoint, it costs the Treasury hundreds of millions of dollars in lost tax revenues and, from the viewpoint of equity, it provides a tax haven for the very rich.

In considering the latter problem first, former Senator Paul Douglas, in a recently published article offered an instructive example. He noted that when Mrs. Horace Dodge, Sr., inherited $56 million from the estate of her husband, she immediately invested the entire amount in State and municipal bonds. Assuming a 4-percent rate of return, this

would provide her with a tax-free income of approximately $2 million annually. This is an extreme example, of course, but the fact remains that over 80 percent of tax-free bonds held by individuals are in the hands of the wealthiest 1 percent of the population. Senator Douglas estimates that approximately $3.5 billion in interest is paid every year on such bonds, and it certainly seems anomalous, to say the very least, that each year $2.8 billion of this tax-free income flows into the pockets of the wealthiest 1 percent of our citizens.

To return to the other problem, this tax loophole, according to the annual report of the Secretary of the Treasury, cost the Federal Government $1.8 billion in fiscal 1968. Now it must be kept in mind that the tax exempt status for these bonds serves an important purpose from the standpoint of the States and municipalities, and it would be unwise to alter this provision without regard to their interests. But, fortunately, there is a relatively simple solution to this apparent dilemma which safeguards the interests of the States and localities, yet eliminates the tax shelter for the very wealthy and saves the Treasury a great deal of revenue at the same time. The answer is to tax the interest from these bonds at the regular rates, but have the Federal Government subsidize the State and local governments for the higher interest rates they would have to pay to make their bond issues competitive. This sounds at first like borrowing from Peter to pay Paul. But it has been estimated that, where the Treasury loses $1.8 billion, the States save in lower borrowing costs only about $0.9 billion. In other words, the Federal Government would come out comfortably ahead in this deal.

If the long-standing regulation permitting tax-free interest on municipal bonds was at least grounded in reason, the extension of this privilege to industrial development bonds by a 1954 Treasury Department ruling was completely unjustified. Under this ruling, communities were permitted to issue tax exempt bonds to finance the construction of plants and facilities for private corporations. The community would simply build the plant according to the directives of a particular company and then rent the facility back to this company, using the rental fees to retire the bond issue. Since the municipality is able to borrow money through bond issues at a significantly lower rate than could a private corporation, this represents a substantial saving to the corporation. Naturally, the reason a municipality would go out of its way to provide such a service is to attract industry to the community. And this practice was followed with considerable success by a number of Southern States. However, this practice forced other States to react defensively until presently there are 44 States which authorize such industrial development bonds. The result, of course, is that virtually no State has an advantage over another in this area. Now the only winner is the corporation which is, in effect, subsidized by the municipality, and the loser is the Federal Treasury, which recoups its losses out of the pockets of the average taxpayer.

MULTIPLE CORPORATION SURTAX EXEMPTION

Many large corporations have been able to slip through a very profitable loophole known as the "multiple corporation surtax exemption." While the name sounds imposing, the principle behind it is actually quite simple. The regular income tax rate for corporations is 48 percent, but, in order to assist small corporate businesses, Congress stipulated that the first $25,000 of income receive an "exemption" of 26 percent. In other words, the effective tax rate for the first $25,000 of corporate income is only 22 percent.

The problem with this regulation, however, is that its chief beneficiary has not been small businesses, but the very large corporations. Simply by dividing the corporation into a series of separate corporate units, each of which has an income of less than $25,000, many large corporations have been able to take undue advantage of the lower tax rate. In fact, there is one case on record of a corporation that divided itself into 734 separately incorporated units, for an annual tax saving of nearly $5,000,000. The 1964 Revenue Act attempted to narrow this loophole somewhat by adding an additional 6-percent penalty tax on the first $25,000 of income of each corporate unit actually controlled by a larger corporate complex. The loophole has been narrowed, but not shut. And through this aperture will pass—according to Treasury Department estimates—$235 million of uncollected revenue in 1968.

TAX-LOSS OR HOBBY FARMING

When is a loss really a gain? When is a farmer not really a farmer? The answer to both questions is when the nonfarmer is a wealthy businessman who runs a farm at a "loss" strictly for tax purposes.

The ordinary businessman is obliged to follow certain rigid accounting practices in determining his annual income and making such computations as the amount of current inventory or the rate of depreciation of investment assets. However, the Internal Revenue Code has long permitted liberal deviations from these regulations for the farmers in order to spare them the bookkeeping operations that would be necessary to comply with strictly correct accounting procedures. Those who wrote into the tax laws this exception to the rule acted rationally, but they could not foresee the abuse to which this provision would be subject.

For most business enterprises, the cost of a capital investment—including maintenance of the asset prior to its being used—is not deductible as a current expense, but may be written off gradually over the useful life of the asset according to a depreciation schedule. However, farmers have been permitted to deduct, as they are incurred, expenses which are admittedly capital investments. For example, a farmer engaged in raising livestock for breeding purposes may deduct these capital expenses from current income in order to compute taxable income.

The problem comes when wealthy individuals begin to take advantage of this provision solely for tax purposes. Those in the high income tax brackets find it advantageous to engage in such farming activities as the raising of cattle in order to lessen their tax burden. Because an investment in livestock brings no immediate return, it is computed as a "tax loss" which can then be deducted from other nonfarm income, resulting in large tax savings. Of course, such a "loss" is nothing other than an investment which can be recovered at a later time, and the return on this investment will then be taxable only at the lower capital gains rates.

An example may help to indicate the real dollars and cents value of this loophole to those wealthy enough to take advantage of it. Suppose that a wealthy entrepreneur decides to enter the cattle-raising business, and this adventure costs him $100,000 over some period of time. Under present law, he can set off this "tax loss" against an equal amount of nonfarm income, which in effect means that the first $100,000 of his income over this period is completely tax free. It is hardly unreasonable to assume that our "farmer" could sell the herd for at least the $100,000 which he had invested, and he would only pay a capital gains tax on this sale of a maximum of 25 percent.

As in the case of the excess depreciation on real estate investment assets, this whole process really amounts to a conversion of ordinary income into capital gains purely for tax purposes. And, naturally, the higher the tax bracket of the investor, the greater the incentive to become a nonfarmer. Suppose, for example, that in this case the individual was in the highest, or 70-percent bracket. At regular rates, he would have paid $70,000 in income tax on this first $100,000 of his income; using this tax dodge, he would only have paid $25,000 in taxes, for a net gain to him of $45,000 and a net loss to the Treasury of the same amount.

In addition to the revenue loss, which has been estimated at $400 million per year, the Treasury Department notes two other serious consequences of this tax-loss farming by wealthy individuals. On the one hand, the true farmer who must support his family from his farm income faces unfair competition from the "gentleman farmer" who has no incentive to show a profit. And on the other hand, the attractive tax benefits that accompany this tax-loss farming enterprise have induced wealthy individuals to bid up the price of farm land beyond that which would prevail in a normal farm economy.

GIFT TAXES

Since gifts during lifetime are a natural alternative to bequests made at death, it was quite reasonable for the Federal Government to develop—in 1932—a system of gift taxes to supplement the already existing estate taxes. What appears now to have been less well considered was the decision to fix the schedule of gift tax rates at only about three-quarters of the corresponding rate for estate taxes. This disparity in rate schedules, compounded by certain other provisions pertaining to gift tax regulation, has created a situation where the very rich are the beneficiaries of unintended tax advantages.

The very wealthy are in an enviable situation simply because they can afford

to give away larger portions of their estates during life rather than disposing of the estate at death. Figures released in the "Tax Reform Studies and Proposals" of the Treasury Department show that, where the very wealthy transfer slightly more than 10 percent of their total wealth accumulations during lifetime, those with smaller estates transfer less than 2 percent of their property by means of lifetime gifts. Put another way, the evidence indicates that 52 percent of those with large estates—the estates were simply classified as small, medium, and large—made gifts during lifetime, but only 10 percent of those with small estates made lifetime transfers.

Even a cursory examination of gift tax regulation makes it easy to understand why those who can afford the luxury, prefer to transfer their estates during lifetime. To begin with, there are rather liberal exemptions that may be taken into consideration when computing the "taxable gifts" for any one year. The "per-donee" exclusion exempts the first $3,000 of gifts to each recipient, and this exclusion jumps to $6,000 where the spouse agrees to treat gifts made by the other spouse as having been made one-half by each. Also, the law permits an additional exemption of $30,000 per recipient, spread over the lifetime of the donor or taken in any one year. And here too, this exemption doubles where couples agree to treat gifts made jointly as if they were made individually. These provisions mean that, over a period of 20 years, a wealthy couple would be able to transfer to each of their children a tax-free sum of $180,000.

In addition, it is important to realize that while both the estate and gift tax rates are progressive, the estate tax rates are applied only to transfers made at death, without regard to lifetime gifts. This means that the person who can afford to make lifetime transfers reaps a double advantage: he enjoys the lower gift tax rates—including the liberal exemptions—and the remainder of his property transferred at death is subject to a new and very low beginning set of rates.

Finally, the lower gift tax rates—(as mentioned above, approximately three-fourths of the estate tax rates—are applied to a different and smaller tax base than are the estate tax rates. According to present law, the estate tax is paid by the recipient as a certain percentage of the transfer. The gift tax, however, is paid by the donor, and the amount of the tax is never added to the gift before determining the principal against which the progressive tax rates are to apply. In other words, if an individual dies leaving a taxable estate of $10 million, the Federal Government will receive $6,088,200 and the heirs will get slightly less than $4 million. But if another individual gives away the same $10 million during his lifetime, he will be able to transfer approximately $7 million to his heirs, and pay a tax of a little less than $3 million. He can keep this additional 75 percent of the wealth within the family because the tax base for this gift is not $10 million, but the $7 million actually transferred to his heirs. The other $3 million is used to pay the gift taxes on the $7 million gift. In both cases, of course, the original estate actually transfers the $10 million, but the tax savings when the gift is made during lifetime are substantial.

Congressman REUSS, in title X of his bill, proposes a 25-percent increase in the gift tax rates to bring them in line with the estate tax schedules. He estimates that this would bring in $150 million in extra revenues annually.

TAX-EXEMPT FOUNDATIONS

Private philanthropy plays a special and vital role in our society—

States the recently published Tax Reform Studies and Proposals put out by the Treasury Department. Private philanthropic organizations provide "financial aid to areas which Government cannot or should not advance—such as religion," and in doing so, "they enrich the pluralism of our social order." For these reasons philanthropic organizations, such as foundations, have been accorded a tax-exempt status under our Internal Revenue Code.

Beginning in 1961, however, and under the vigorous leadership of Chairman WRIGHT PATMAN, critics have pressed the charge that some foundations have seriously abused their tax-free status. Periodically since 1961, in his positions as chairman of the Subcommittee on Foundations of the House Select Committee on Small Business, Representative PATMAN has issued reports documenting his charges of misconduct. In addition, in 1965, the Treasury Department, at the request of the tax committees of the House and Senate completed an extensive study into the operations of private foundations.

While emphasizing that the activities of most foundations are above reproach, the Treasury report also noted that some foundations were operating for the personal gain of a few individuals or had become involved in activities unrelated to the purposes for which the original tax exemption was granted. In view of these findings, and in light of the recently completed hearings on foundations by the Ways and Means Committee, it is altogether appropriate that Congress reexamine the tax-exempt status of private foundations when considering proposals for tax reform.

For purposes of simplification, the many objections to the present regulations pertaining to private foundations can be divided into three general categories. The three basic allegations are that: first, through the use of foundations, a great deal of revenue is lost; second, much of the resources of foundations is devoted to activities not related to charity; and third, foundations have accumulated a disturbing amount of wealth and economic power.

The first criticism, that the tax-exempt status of private foundations costs the treasury hundreds of millions of dollars in lost tax revenue every year, is substantiated by Representative PATMAN in testimony before the Committee on Ways and Means—on February 18 of this year. He revealed that in 1966, the 596 foundations studied by his subcommittee had an estimated gross income in excess of $1 billion, and all of this, of course, was tax free. He suggested at that time that a 20 percent tax be imposed on the gross income of these foundations, bringing in more than $200 million to the Treasury.

Also, in connection with loss of tax revenue, it is a well documented fact that wealthy individuals set up foundations to escape estate taxes and perpetuate family control over their assets. Thus, the Ford Foundation now controls more than 90 percent of the equity in Ford Motor Co. Representative PATMAN, in his recent testimony, presented a list of what he termed "a few conspicuous examples" of wealthy Americans who have died in recent years, and whose estates, valued at more than $293 million, escaped estate taxes through the foundation route. Mr. PATMAN expressed his emphatic agreement with Stanley S. Surrey, former Assistant Secretary of the Treasury for Tax Policy, who said in 1967:

> The present resort of tax and business planners to the creation of a business enterprise so as to perpetuate the family control of that enterprise is a complete distortion of the policies and philanthropic motivations that underlie the tax benefits granted charitable contributions and charitable institutions.

And in recent years, the moderately wealthy, as well as the very rich, have learned that foundations can be useful in avoiding income taxes as well as estate taxes. In fact, in 1966 an organization called Americans Building Constitutionally—ABC—was founded to instruct the wealthy in this very art. The ostensible purpose of this group is to "help citizens of the United States make full use of the rights guaranteed them under the Constitution." But, apparently, the right considered most important by the ABC is the right to avoid paying taxes.

Full membership in this organization eventually costs $10,500, for which the member is entitled to such services as a 30-hour seminar on foundations, instruction on the legal problems of establishing a foundation, and a manual which includes everything from relevant sections of the Internal Revenue Code to detailed advice on setting up a foundation, administering scholarship grants, and apportioning expenses between foundation and personal budget. That these services are valuable can be verified by the case of a midwest doctor. Acting on information provided by the ABC, a general practitioner from Aurora, Ill., set up his own foundation, appointed himself as "medical administrator" and continued to treat the same patients in the same office as he had done in his private practice. The difference was that the fees were now paid to his tax-exempt foundation. In return, the foundation paid him a relatively modest salary, but supplied—tax free—a house, a car, a retirement plan, and insurance. It also employed his wife as assistant medical administrator and sent his four children to college on educational grants. It goes without saying that this kind of activity cannot be allowed to continue.

The second general criticism is that too great a share of the resources of private foundations—both in time and money—is devoted to pursuits not re-

lated to the purposes for which the tax exemption provisions were originally enacted. Critics list several examples in support of this contention. For instance, in a 1966 report, Chairman PATMAN noted that the 575 foundations in his study had accumulated $4.6 billion in receipts during the 4 years from 1961–64—this figure includes capital gains. While only 48 percent of this amount was used for gifts and grants, more than 10 percent went to operating expenses. In fact, in his recent testimony, Mr. PATMAN revealed that the Rockefeller Foundation spent half as much just running its New York offices—$5.4 million—as it spent throughout the entire Nation in 1966. He also noted that, in fiscal 1967, the Ford Foundation paid out $446,262 just for public relations. Figures like these raise serious questions concerning the abuse by foundations of their tax-exempt status. After all, the tax exemption provisions were adopted to encourage philanthropy, not underwrite the cost of huge office buildings or maintain a good public image.

Another argument in support of this second general criticism is that a disproportionate amount of the time and energies of the administrators of these foundations is devoted to the accumulation of wealth, not the distribution of charitable grants. In other words, a number of foundations have become so intricately involved in the complexities of their business deals that their charitable pursuits have really become secondary. This accusation will be discussed in another connection below.

"Self-dealing" schemes, such as those outlined by the ABC organization discussed above, are offered as still a further example in support of this general criticism that much of the tax free foundation money is not being used for truly charitable purposes. The "self-dealing" schemes, in the form of high salaries and large expense accounts, may also be partly responsible for the large percentage of foundation receipts used for "operating expenses."

And finally several critics have seriously questioned the propriety of foundations sponsorship of certain kinds of activities. They point out that the tax-exempt status of foundations really means that the foundations are subsidized by other taxpayers, and consequently, certain activities should be proscribed.

A great deal has been written lately about the involvement of the Ford Foundation in the controversial decentralization plan for New York City's school system. Certainly no one questions the right of any private organization to support the political party, project, or cause of its choice. But it is important to remember that the tax exemption which helps to make this support possible, is little more than a subsidy from the public funds, a subsidy which must be paid by the average taxpayer. It may be time for Congress to take a very close look at the kinds of activities supported by what are, in effect, public funds.

The third general criticism of foundations is that they have accumulated an enormous amount of wealth, and consequently are in a position to wield tremendous economic power. According to the Internal Revenue Service, there are over 30,000 private, tax-exempt foundations in the Nation, and WRIGHT PATMAN's Subcommittee on Foundations has determined that 596 of the most prominent of these organizations have assets totaling more than $15 billion. This represents an amount 41 percent greater than the $10.7 billion capital funds—capital, surplus, and undivided profits—of the 50 largest banks in the United States. Of these 596 foundations—according to Mr. PATMAN's recent testimony before the Ways and Means Committee—136 held stock in 288 corporations at the close of 1966 in amounts ranging from 5 to 100 percent of the outstanding shares of at least one class of stock. According to Chairman PATMAN, this heavy involvement of foundations in the business world and the stock market poses serious danger of various kinds of illegal or unethical conduct, such as self-dealing schemes, activities involving conflicts of interest, unfair trade practices, and unfair competition. Many of these activities are prohibited by statutes administered by the Federal Trade Commission, the Antitrust Division, or the Securities and Exchange Commission. But, as Mr. PATMAN further points out, the IRS has not, and is not equipped to, detect possible violations because it does not presently collect the relevant information.

Representative WRIGHT PATMAN has introduced a bill based upon a three-point plan designed to correct the most serious of these abuses. As he told the Ways and Means Committee recently, according to his bill:

(1) Every privately-controlled, tax-exempt foundation would pay a tax in the amount of 20 percent of its gross income, including capital gains. Gross income would be comprised of the following: gross profit from business activities; interest; dividends; gross rents; gross royalties; gain or loss from sale of assets, excluding inventory items; and other income, *excluding* contributions, gifts, grants, etc., received.

(2) A privately-controlled, tax-exempt foundation would not be permitted to own more than three percent of the outstanding shares of any class of stock of a corporation or to own more than a three percent interest in the capital or profits of a partnership.

(3) The net income of every privately-controlled, tax-exempt foundation would have to be disbursed annually for the purposes for which is was organized.

Finally, though by means of less importance, is the matter of depletion allowances for oil and certain minerals. I would hope that the committee in its deliberations on overall tax reform proposals will give firm consideration to and will adopt measures rigidly scaling down the present depletion allowances and where practicable, will abolish those allowances completely. A number of published reports over the last few years leave little doubt that severe abuses resulting in tax inequities have occurred repeatedly in this field.

The Ways and Means Committee has already received substantiating testimony to that effect. No tax reform proposals will be either complete or equitable until this grossly imbalanced situation is brought under control.

ANOTHER COAT OF MANY COLORS

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

Mr. DORN. Mr. Speaker, the Disabled American Veterans organization is an outstanding organization. Its leadership is competent and effective. The membership of this great service organization is always well informed.

We are all familiar with the DAV magazine, the official voice of the Disabled American Veterans. Included in this monthly publication are Chet Huber's "Legislative Reports," John Keller's "Service Comments," excellent remarks by National Adjutant Dale Adams and DAV's outdoor sportsman, Bill Burton, and the story of the month authored by my good friend, James E. Rogers, national DAV chaplain.

Jim Rogers is well known to the people of South Carolina and to members of the DAV throughout our country. We are proud of him. He is the first South Carolinian to hold such high office in this national organization.

Chaplain Rogers is a tireless worker. He visits hospitals, and clinics; he seeks out the shutin, and the housebound. He lives to serve his fellow man. He loves his country and those who work to make it a better Nation for all mankind. He is proud of the DAV, having served it faithfully for over 21 years.

In a recent issue of the DAV magazine, Chaplain Rogers eloquently defines the real meaning of his organization while paying tribute to some of its past and present selfless leaders. The article deserves the attention of every Member of Congress:

ANOTHER COAT OF MANY COLORS

(By James E. Rogers)

The day was cold, and most of the enlisted men of the Roman barracks of Amieus, France, had decided to stay in during the evening hours. Like the G.I. of today, they were far from home. Lonely and away from home they looked forward to the day they could return to their homes and friends. Most of them had seen the countryside and visited the historic spots of their time.

But on a particular evening, one man felt that he had to get out and walk, for he had much on his conscience. He was just a lad of eighteen years and far from his birthplace in Savar, Hungary. Born of Roman parents and a citizen of the world's greatest nation of his time, he had, in the eyes of his parents, committed the unpardonable by accepting the Christian religion.

Now in the year 334 A.D., he walked the streets of the city pondering the decision to leave the pagan religion of Rome and embrace the Christian religion which was unpopular among the troops of Caesar. Being a Christian in the Samarobriva of Caesar was a courageous act on his part. Many of his friends taunted him about his newly found religion. Some of his former friends refused to speak to or associate with him. This worried him greatly as he walked the streets of the city that night.

As he wandered from one intersection to another with his thoughts attached to home and parents, his mind was awakened by the cry of a beggar sitting by the closed gates of a residence. "Alms, good man, please, alms," the beggar cried out through the cold dark night. Looking down at the shivering, tattered, ragged beggar squatting in recessed darkness, the young soldier repeated as one

had said years before, "I have no alms, but what I have, I will share with you." Then with tears in his eyes the young soldier removed the cloak from around his own shoulders. Taking the sword from his side he cut the cloak in half. Taking half of the severed cloak, he placed it around the shivering shoulders of the beggar. The other half he placed around his own shoulders.

Thus, we find the first recorded act of human kindness by one who was later to become a great saint of the early church. When he arrived back at the barracks late in the evening he was questioned about the cloak. One soldier wanted to know if he had been in a fight with citizens of the country, while others cast aspersions. Under pressure from his comrades he finally explained what had happened in the city. While still on the receiving end of chiding, he fell asleep.

When young Martin was discharged from the Army, he decided to become a missionary. Because of his newly found faith he was not welcomed back home. From rural countryside to wayside villages he journeyed practicing the simple virtues of love—ministering to the sick, the orphan, the shut-in, the widow, the war-wounded and the needy—whenever the occasion should arise. Because of his love for others, as mirrored through compassioned empathy, he attained renown throughout France. His very name was an inspiration to others "to go and do likewise" in behalf of others.

Many honors came to this distinguished son of the church. He was hailed and greeted by the rich and poor, the intellectual and illiterate—truly a manifestation of the concerned heart of France and her people. While the Goths and Visigoths were fighting around Tours, he was seen everywhere ministering to the wounded and sick. During this period of his life he was elevated by the church to become Bishop of Tours.

He founded the first monastic institution in Gaul, a monastic institution which was for generations to join others across the breadth of Christendom to further the welfare of man. When "Martin of Tours" died around 400 A.D. a sorrow swept across France, a nation which loved him deeply. His death was also felt throughout the life of the church. A great man had died; a great apostle of love was called home.

The good friends of France refused to let the memory of this great man die. They rose from the altar of prayer and said, "How can we ever forget the love which radiated from the life of one so close to God—a man who by precept and example, lived so unselfishly in behalf of others?" Through their concern and prayers, the church proclaimed him a Saint and appropriately named him, "Saint Martin of Tours." They went further by erecting a small building in his memory. In this they placed a cloak close to the altar as a memorial—a remembrance of the day back in Amieus when he shared his cloak with another. Outside the building they placed a permanent guard to watch over the cloak. People came from all parts of the country to see the memorial to the great saint.

The French word for cloak is "cappella." The one who cared for and guarded the cloak was called "a capellani." These words, modified over the centuries, became "chapele" and "chapelain," respectively. Today, in English, the words become "chapel" and "chaplain."

To Disabled American Veterans there is a suggestive significance in the meaning of the life of this great Saint. We, too, like this one of yesterday, live to serve our fellowman. We have left the army of our day, even as he did, to go out into the countryside, the village, and city to find those who are shut-in, housebound, lonely, orphaned, widowed, and wounded—gathering them together in common purpose—the service to others.

The Disabled American Veterans wear the likeness of that cloak around their hearts. Each time it is severed on the part of the individual in sharing with another, it grows even greater in dimensions of devotional love and loyalty.

Time weaves incessantly with threads of thoughtfulness its patterned movement across plain, seashore, and mountains. Within the cathedral of this great organization there stands high in the belfry of the heart the clarion call of humility monitored by the heartbeat of every disabled congregant. These are ever responding in sharing the cloak of love. No one individual wears the cloak alone, but it drapes every chapter and her membership. When used in the service for others, it reflects exquisite taste and beauty. It never seeks to harm, but is continuously found in a variety of color, forms, and movement to warm the huddled forgotten ones resting away from the beaten pathway of hurrying humanity. The threads of the fabric of the coat are woven again and again with succor, support, assistance, thoughtfulness, benefice, kindness, relief, love—and as long as every member seeks, through prayer and labor, to weave such a cloak, the Disabled American Veteran will continue to be the best-dressed man in America. As long as the cloak is shared and shed for another the emblematic spirit of him or her who wears it will honor the true spirit which created and designed it before the altar of sacrifice and prayer. There are no seconds as found in some basement department store. These cloaks worn by the disabled congregants were purchased for a price found only on the top floor of human endeavor in that department owned and operated by America.

During this past convention in Philadelphia I saw again the evidence that the cloak is worn around the heart of those in attendance. (This I have noticed during my twenty-one years of membership.) When a bus load of members left the convention hall to journey to New York to honor one who had worn the cloak and shared a thousand pieces with others, observers knew that the cloak still is alive and is vibrant in honoring one who knew its meaning so well. When "P. D. Jackson of Buddy Chapter" of Texas stopped me in the lobby and said a delegation was going to New York to honor our beloved Past National Commander Milton Cohen, I could readily see that Comrade Jackson was taking a small bit of the cloak of love from every heart of the convention. The Disabled American Veterans are better, and America is better, because of men like Milton Cohen who fought in the 69th. When the last rites were held for Milton at the Forest Park Chapel at Queens Boulevard and Seventy-sixth Road, Rego Park, friends were there from across this great land. Hanging high in the hall of memory of everyone that called him friend is that multi-colored coat of love which he wore so proudly.

Another example of the breadth of this coat worn by those at the convention was depicted by friends of Danny Netwall of Columbus, Georgia. When Danny was stricken with a heart attack, Comrade Sheehan of Massachusetts carried him to the hospital and helped as much as any man does on the battlefield when life is endangered. When the Georgia delegation learned of Danny's sickness, there spread a labored concern of love, led by Johnnie Davis, through all hearts. The delegation made arrangements for Danny's wife and daughter to fly up to the city. As Senior Vice Commander of the State of Georgia Danny had wanted to attend one National Convention. This he did and while in Philadelphia he was called by God to a greater convention—a convening among old comrades in a better land where his heart was wrapped with the cloak of love by the hand of God.

Surely other evidences of this cloak of love were portrayed during the convention which the Chaplain does not know of or was unable to see, but it was there for all comrades willing to see and hear.

Who stands guard over this cloak? Every Disabled American Veteran. This cloak is so precious to the heart of the organization that guards have been elected and appointed since the first congregants gathered in Detroit, Michigan, June 28, 1921. There are those within the bounds of the organization who know of her illustrious life better than I—such men as Captain Hogan and others, but the ones I have met have been men of broad stature and integrity—men who have been willing to shoulder a task with honor and meaning in giving a noble purpose to her growth and guiding her through valley and peak to the place where she stands tall like a mountain in the affairs of America today. When I have been able to shake the hand of men like J. L. Monnahan, Milton D. Cohn, General J. M. Wainwright, Howard W. Watts, Judge Alfred L. English, Floyd L. Ming, I know I have touched the hands of folk who have worked unselfishly in behalf of others. Men who have hands wide enough to encompass the total need of the height of the organization. When I have been privileged to hear the voices of men like Boniface R. Maile, Joseph Burke, David Williams, Bill H. Fribley, W. O. Cooper, Francis R. Buono, I know I have heard words of guidance and wisdom—words which give meaning to the life of the cloak. They are individuals who have given sustenance to the roots and branches of the ever encompassing cloak to warm the hearts of all persons searching for shelter and warmth. The acropolis character imparting security and peace to those principles which are just, praiseworthy, and pure and which inspire continuity of purpose in the displaying of this great cloak gleams from the lives of men like Peter Dye, Douglas H. McGarrity, William G. Dwyer, and Claude L. Callegary.

During the convention last year, under the leadership of John W. Unger, Sr., I was allowed to offer several prayers during the convention. For the thoughtfulness on the part of Father Joseph Lauro in sharing the moment of prayer from the platform, I shall ever be grateful. His politeness, his dedication, his address of thoughtfulness is an ever higher testimony of the esteem and love he has held in the heart of all.

During the past year, our past Commander in Chief, the Keeper of the Cloak of Service, Francis J. Beaton, has carried the office with great dignity. The philosopher Plutarch has said: "True and perfect friendship requireth these three things: virtue, as being honest and commendable; society which is pleasant and delectable; and profit, which is needful and necessary . . ." His has been a true and perfect friendship to all—not only a pleasant one, but all disabled veterans have profited because of his leadership. Beyond admiration, "Won't you agree with me" that he has through his passioned devotion to the office exemplified those high ideals which has thrust the service of the Disabled American Veterans to every nook and cranny where a disabled soldier could be found? He consecrated the office with tireless effort in extending his energy to the circumference of each and every demand he encountered. He surely leaves a legacy to the heritage of the organization which shall long be remembered.

The vastness of the purpose of the cloak of service in behalf of others carries with it required accouterments far reaching in scope and depth. The few who have guarded well the trust of the coat are affluent with strength and direction. These command the highest encomium from every listed member within the body of disabled congregants. Animating from the concerned heart of men like Chet Huber, John Keller, and Denvel Adams there have arisen a strength of direction and service unequal in the illustrious history of our organization.

The imaginative minds of all the service

officers should call forth an "Amen" from everyone. These consistently are draping the shoulders of the wounded wherever one can be found. They constantly depict a dexterity toward others unchallenged by any service organization in America.

One could easily call the roll of the membership and hear said: "I have felt the warmth of the coat of service and have, equally shared it with others. Moreover, one cannot attend the few National Conventions, as I have, without seeing the visible texture of the cloak of service in the great regard and affection all have for Joseph Harold . . . the qualities of friendliness of John Delaney . . . the ever thoughtfulness of "Johnnie" Davis . . . the persistence of "Brother" Burton . . . the attentiveness of "Paddy" Driscoll . . . the cheerfulness of Ah Kee Leong . . . the ever congenial John P. Geary . . . the quiet dignity of Raymond Neal . . . the Memorial Honor Roll under the excellent watchcare of Miles H. Draper, Esq. . . . the honored gentleman at all times and constant thoughtfulness of Henry Wentworth . . . the affableness at all times of Louis N. Stamas . . . sick and should be in bed but ever searching for new members, Cliff Lancaster . . . always having the time to have coffee with a friend, Charles W. Schamp . . . thoughtfulness toward others, A. Eddie Piazza—yes, a book could be written concerning the virtues displayed by the many convened in Philadelphia, but time and space are not available. But this I do know, that in every State, each day, a record volume is printed across the hearts of thousands who have found a haven of warmth wherever Disabled American Veterans are known. These will be bound by "Love for Others" and placed upon the shelf of time.

One above others stood before the convention and pledged himself in an unequivocal manner to exert his full energy in leadership to take this cloak of service to the naked—to the needy—to the orphan—to the widow—wherever they can be found. Our Commander Wayne L. Sheirbon, life member since 1947, has honored the cloak of service through pledged faith over these many years. Under his wise leadership we will continue to engage in a great and arduous struggle for fulfillment of the spirit and purpose of this preeminent organization. The breadth of his arms in lifting high the ideals will be longer when we uphold him with the strength of our arms. He will be able to see further into the future with the focused concern from our eyes. His heart will be able to beat louder when he shares the throbbing beats of our hearts. His footsteps will be firmer when he is able to hear the echo of cadence from the footsteps of the members. And his spirit will find strength when others join him daily at the altar of prayer.

Lord Tennyson said many years ago that "we are all a part of that which we meet daily in life." This being true, our Commander shall, this year, by the grace of God, share truly with others a cloak of love and service in behalf of others. May God give him that strength.

The cloak has no dimensions, no circumference, or height in its reach. There is a size for everyone. Its color is determined by the heroism of the spirit of the one who is willing to wear it. A cloak, a chapel, or a cathedral is determined only by assessment and vision in the testimony of service.

Pause again and study the Disabled American Veterans' symbol.

MISSIONARY WORK AND U.S. AID IN GHANA, TOGO, AND KENYA

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

Mr. PEPPER. Mr. Speaker, in the latter part of last year a good friend, Mr. George Tworoger, returned from a most interesting trip to the nations of Ghana, Togo, and Kenya. He was deeply impressed with the missionary work of the United Church of Christ as well as with the contributions being made through the American embassies and the U.S. aid missions. For the benefit of my colleagues, I would like at this point to have published in the RECORD Mr. Tworoger's letter to me:

MIAMI, FLA.,
September 6, 1968.

HON. CLAUDE PEPPER,
Congress of the United States,
Miami, Fla.

DEAR CLAUDE: Thank you very much for your letter of July 8, 1968. I have just returned to Miami after a fascinating trip to Ghana and Togo and parts of Kenya.

To enumerate the details of this experience would take pages. May it suffice to say that I was tremendously impressed with the work of the missionaries of the United Church of Christ who are now working within an entirely different format than was true in colonial times.

The old missionary who was determined to baptize the heathen and put some clothes on him has vanished. In his place we have dedicated specialists who are concerned with improving agriculture and economic situations, health and education in addition to bringing the Good News to the people.

Our church sends missionaries only at the request of the indigenous church for specialized ministry and each missionary is pledged to do his best to train a native replacement to take over his function at the earliest possible time so that our missionary may move on to new and different challenges.

I do not want to close this letter without expressing my great admiration for the work the American Embassies and United States Aid Missions are doing in the countries I visited. We hear only too often of the waste and meaningless projects obviously conducted at the tax payers expense. I am certainly no authority on this subject, but the projects I was privileged to see at first hand and the people from the Embassies and the Chief of the United States Aid Mission on towards the field worker was that of dedicated people who are determined to put meaningful projects into effect under a constantly tightening budget.

Perhaps at a later date I will have an opportunity to report to you in person. In the meantime I want to send you my best wishes for your continued success.

Sincerely,

GEORGE TWOROGER.

SECRETARY STANS ANNOUNCES REVISIONS IN THE 1970 CENSUS

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

Mr. HALL. Mr. Speaker, I have received a letter from the Secretary of Commerce concerning the 1970 census of population and housing. The Secretary has recommended a number of changes that affect both the conduct of the census during 1970, and the data that will result from the census.

Since the census is specifically required by the U.S. Constitution, since it touches every resident within our boundaries, and since we are dependent upon its results for knowledge about ourselves during the next 10 years, it should not be ignored.

Certainly, Mr. Speaker, we will have the opportunity at a later date to discuss this letter in the proper hearings to be held before the House Committee on Interstate and Foreign Commerce. In this way it will lead to the enlightenment and understanding for all concerned. I include the letter at this point in the RECORD:

THE SECRETARY OF COMMERCE,
Washington, D.C., April 17, 1969.

HON. DURWARD G. HALL,
House of Representatives,
Washington, D.C.

DEAR "DOC": I have recently received from various Members of Congress a number of questions about the 1970 Decennial Census. I am sure that you have been receiving similar inquiries from your constituents.

The main purpose of this letter is to advise you of some immediate changes in census procedure which I have ordered. These changes include a substantial reduction in the number of individuals who will be asked to respond to the longer census forms. Approximately three million households previously designated to receive a 66-question form will now receive a questionnaire containing only 23 questions.

Questions relating to the adequacy of kitchen and bathroom facilities have been reworded to remove any implication that the government is interested in knowing with whom these facilities may be shared.

The Secretary of Commerce is exercising greater supervision over the general operations of the Bureau of the Census and independent experts have been retained to advise on census matters.

The questionnaire which will be mailed to households in 1970 will be accompanied by a cover letter explaining the great need for census data and emphasizing the confidentiality of all responses.

In addition to these changes, which are being implemented immediately, these further steps will be implemented after the 1970 census: (1) proposed questions will be submitted to the appropriate Committees of Congress two years in advance of future censuses; (2) an increased number of representatives of the general public will be appointed to various advisory committees which contribute to the formulation of census questions; and (3) a blue-ribbon Commission will be appointed to fully examine a number of important questions regarding the Census Bureau, including whether or not the decennial census can be conducted on a voluntary or a partially voluntary basis. The Commission would also examine and offer proposals for modernizing and improving the operations of the Census Bureau.

Because the 10-year lapse of time between decennial censuses can result in unfamiliarity regarding their nature and purpose, I felt it might be helpful to provide you with some basic data and information concerning the questions to be asked in 1970, the scope of the data sought, and the uses to which the results are put.

Some of the most frequently asked questions, along with my answers, follow:

1. Question: *Is the 1970 census more extensive than previous censuses?*

Answer: No. The number of questions to be asked in 1970 is about the same as in 1960, less than in 1950 and 1940, and far less than in some earlier censuses. Of the average household heads to be queried in 1970, four of five will answer 23 questions, three of twenty will answer 66 questions, and only one of twenty will answer 73 questions. Under certain unusual circumstances, some household heads will be asked to answer 89 questions.

2. Question: *Will the citizen's right of privacy be protected in the 1970 census?*

Answer: Yes. Whatever a respondent reports remains strictly confidential under the law. Every employee of the Census Bureau takes an oath of confidentiality and is subject to severe penalties for violation of the oath. In the long history of the census, there has never been a violation of the confidentiality of the information given.

3. Question: *Would the 1970 census yield adequate results if the response were voluntary rather than mandatory?*

Answer: Voluntary response at its best falls far short of response to a mandatory inquiry. Since the first Decennial Census in 1790, response has been mandatory. It is so in every other country of the world where a census is conducted. Professional statisticians will testify that a voluntary census would be unreliable and practically useless. A voluntary procedure would yield distorted and deficient statistics for whole groups of people and for entire areas. This procedure would very likely be especially prejudicial to low-income groups.

4. Question: *Who uses the census results?*

Answer: Census data are used by every Federal government department, State and local governments, and the private sector. Many laws depend upon accurate census reports. Questions such as those on housing are specifically required by statute. Government programs on poverty, housing, education, welfare, agriculture, transportation, veterans, and senior citizens require and rely upon the census tabulations. Many of the decisions of the Congress would be almost impossible in the absence of reliable census data.

These questions are illustrative of those which have been asked in recent weeks. The answers are necessarily brief. Enclosed is a memorandum which explains in more detail the purposes and uses of census information. If you have questions concerning the 1970 census, we would be pleased to discuss them with you at your convenience.

Sincerely,

MAURY.

MR. GUILFORD DUDLEY, JR.

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

Mr. FULTON of Tennessee. Mr. Speaker, the President has today announced that he is nominating Mr. Guilford Dudley, Jr. of Nashville, Tenn., as our U.S. Ambassador to Denmark.

In so doing President Nixon is submitting the name of one of this Nation's most outstanding businessmen and one of Nashville's most distinguished citizens.

Mr. Dudley is president of the Life & Casualty Insurance Co. of Tennessee. But, as is the case with so many men who have risen to prominence because of their special abilities, Mr. Dudley is more than a businessman. He is a community builder and civic leader and the honor which is now bestowed on him is richly deserved for he will serve, I know, with distinction and dedication. Mr. Dudley is to be congratulated as is President Nixon in this fine appointment.

Mr. Dudley's nomination was noted by the Nashville Banner in an editorial entitled "Congratulations, Mr. Dudley." I include this editorial in the RECORD at this point and commend it to the consideration of my colleagues:

CONGRATULATIONS, MR. DUDLEY

Citizens of Nashville and Tennessee who are cognizant of his extraordinary qualifications and his desire to be of public service share a deep sense of pride in the selection of Guilford Dudley Jr. as United States Ambassador to Denmark. The important appointment, which White House sources indicate will be announced officially within a few days, reflects honor not only upon Mr. Dudley and his well-established record of achievements, but also upon his community and his state.

As president of Life & Casualty Insurance Company since 1952, Mr. Dudley has exhibited his qualities of leadership in guiding the highly-respected firm through a period of vast expansion, underscored by construction of the 31-story L&C Tower and by attaining a new high level or more than $3.25 billion in life insurance in force.

One of the South's foremost financial and social leaders, Mr. Dudley has played a key role in the development of a progressive city, serving with distinction in numerous other business capacities over the years. Prominent in insurance circles throughout the nation, he also is known on both sides of the Atlantic for his ability as a host and as a skillful horseman.

A chief factor assuring the success of Mr. Dudley's diplomatic mission will be his charming wife, Jane, whose outstanding beauty and graciousness as a hostess will be unsurpassed in this country's embassies in Europe and elsewhere.

Despite Mr. Dudley's busy schedule in business, he has contributed significantly of his time, energy and resources to community endeavors. He also has served as state finance chairman, and in other posts, for the Republican party in which he has been active for many years.

Ambassador-designate Dudley will be an asset to the diplomatic service, a creditable representative of the United States to a foreign country at a sensitive time when they are needed most throughout the free world.

The Banner happily joins his multitude of friends in extending congratulations and best wishes for a successful and fruitful tour of duty.

CBS VERSUS SMOTHERS BROTHERS

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

Mr. FULTON of Tennessee. Mr. Speaker, the controversy which has arisen over the Columbia Broadcasting System decision to cancel the Smothers Brothers' contract has drawn a great deal of attention.

Commenting on the CBS decision on April 11, was the Babbler of David Lipscomb College, Nashville, Tenn., in an editorial entitled "CBS Justified in Cancelling Smothers Brothers' Contract."

Mr. Speaker, I place this editorial in the RECORD at this point and commend it to the attention and consideration of my colleagues.

CBS JUSTIFIED IN CANCELING SMOTHERS BROTHERS' CONTRACT

Congratulations go to Columbia Broadcasting Studios on the recent cancellation of the Smothers Brothers' contract.

At long last a major entertainment corporation has taken an unequivocal stand on what should be demanded of its performers in standards of good taste.

The high network rating of the Smothers Brothers Comedy Hour—a bright spot on the television dial for many Sunday night viewers—did not deter CBS from taking the drastic action to maintain its right to preview programs that go out on its network, and to make top level decisions about what they may include.

For too long the entertainment industry has swung from standards that were established by its own executives. Seemingly, it was beginning to be accepted that the employees, the performers, were occupying the upper end of the totem pole instead of the employers, the networks.

Those who have the responsibility for financing, producing and staging entertainment certainly should have the responsibility for deciding what may or may not be presented under their billing.

It seems a shame that anything as big as the giant networks should have been swayed so long by anything as small as a group of performers who arrogantly assume that the public is at their beckoning call.

The Smothers Brothers have no one to blame but themselves for flaunting the desires—and stated regulations—of their employers.

That this particular move took an ace away from CBS' hand is all the more reason to admire the company for standing up for its rights and for what it feels is the good of the general viewing audience.

ADMINISTRATION'S TAX PROPOSAL

(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, today, before the Ways and Means Committee, Hon. Charles Walker, Under Secretary of the Treasury, and Hon. Edwin Cohen, Assistant Secretary for Tax Policy, extensively detailed the Administration's tax proposal which was yesterday hailed as a reform to "lighten the burden of those who pay too much and increase the taxes of those who pay too little."

Closer examination of the proposal indicates that it does not live up to this billing.

During the past months and for several years we have heard endless testimony before the Ways and Means Committee on tax reform. The overwhelming evidence has indicated the need for hard-hitting, revenue-producing tax reform which the average taxpayer can understand. In the face of this strong case which has already been established, the administration has submitted a proposal which completely overlooks the big loopholes which have perpetuated the injustice of our tax system.

Where are the proposals to limit or reduce the oil-depletion allowance? Where are the proposals to reach tax-free, long-term gains and corporation-held tax-free bonds? What efforts are being made to recover $12 billion in loophole-sheltered revenue under the President's proposals?

MINIMUM INCOME VERSUS LIMITED TAX PREFERENCE

The administration's substitute of the limited tax preference for the minimum income proposal originally recommended by Treasury is a "nonlaw," a statutory nothingness. It increases the tax on

sheltered untaxed wealth at only 5 percent of the original Treasury recommendation.

The Treasury's minimum tax proposal would have taxed untaxed wealth at the rate of $420 million—almost one-half billion per year. The administration's proposal reduces the bite on sheltered tax-free wealth to $20 million in 1969, $40 million in 1970, and $80 million in 1971.

The carryover averaging provisions included in the administration's proposal encourages the indulgence in tax-free wealth rather than suppressing it.

TAX-FREE BONDS

The administration's proposal completely exempts corporate and trust holdings of tax-free bonds from its tax reform proposals. Treasury officials yesterday testified that these bonds are 35 percent held by individuals and 65 percent held by corporations and others.

The administration's proposal perpetuates and legalizes the large-scale holdings of tax-free bonds by corporations and banks, trusts, and insurance companies which are already heavily invested in these securities.

LONG-TERM CAPITAL GAINS

The administration's proposals are completely silent on the long-term gain loophole in which $16½ billion escape taxation every year. Certainly there is a distinction—or should be—between capital gains tax preference on a 6-month holding as distinguished from a 25-year holding of an asset. There is every reason to extend the holding period of assets for long-term tax treatment from 6 months to 1 year or to provide graduated long-term rates, providing the most favorable rate to the asset held the longer time. Reform of the capital gains tax in a reasonable manner would yield over $3 billion in additional revenue without destroying the essentials of incentive for investment.

The administration's proposals completely overlook the need for taxing long-term gains at death, a proposal which would yield $2.7 billion in additional revenue.

In substituting the misleading limit on tax preference for reform on capital gains, the administration is settling a proper Government claim for $3.5 billion for $20 million or one-half cent on the dollar.

OIL AND MINERAL DEPLETION

Oil depletion, the sacred cow of the establishment—remains sheltered—practically untouched by the administration's proposal. The original Treasury proposal clearly provided that the revenue loss due to the excess over cost depletion for all extractive industries totaled $1.3 billion, of which $1.1 billion is due to corporations and $.2 billion to individuals. The administration proposes increased taxes of $200 million on oil—a $200 million settlement on a claim of upward of $3 billion per year by way of the depletion loophole.

LITTLE TAX RELIEF FOR THE POOR

While the administration's proposal is offered as a measure providing tax relief to 2,000,000 taxpayers existing on so-called poverty income, in fact it provides only $665 million in tax relief for the poor, compared with the original Treasury proposal of this spring which provided exactly twice as much relief at an annual rate of $1,130 million.

The administration's proposal exempts low family income for a family of four with income below $3,500 from Federal income taxes. This is based on the assumption that 1969 poverty levels are assumed to be 6 percent above the Health, Education, and Welfare nonfarm poverty level for 1966. This assumption is not realistic. The rate of cost-of-living advance in 1969 is almost 6 percent ahead of 1968. The present poverty level for a family of four is upward of $4,000 because of the inflationary impact of the past 12 months.

CONCLUSION

The administration's proposal falls far short in meeting the need for effective tax reform. Too much is left out. Too much is deferred. This may be the best opportunity for tax justice. The patient taxpayer has waited long enough.

NEED TO PLACE BASEBALL UNDER ANTITRUST LAWS

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

Mr. ZABLOCKI. Mr. Speaker, it was disturbing to note in press reports over the last few days the latest gross injustice that has been perpetrated by baseball's management—the refusal to rehire umpires Al Salerno and Bill Valentine who were fired for attempting to organize the American League umpires last September.

We have all witnessed our one-time national sport become what is today a big-business operation. The sport has suffered—some say enthusiasm is decreasing, primarily because baseball's management is no longer interested in pleasing the fans. Their main interest and primary concern is the dollar.

They have repeatedly demonstrated in recent years how profits can make them extremely callous to the wants and needs of the fans and the players. The firing of umpires Salerno and Valentine should help us realize that umpires fall in the same category.

Of course, the one instance with which I am most familiar was the move of the Braves from Milwaukee to Atlanta. This move increased my concern over this problem. Therefore, I introduced my bill, H.R. 60, in order to remove baseball's exemption from the antitrust laws of this country.

At present, baseball considers itself, and actually is, above the law. It is virtually untouchable.

The summary firing of Al Salerno and Bill Valentine last September is only the latest example of baseball's flagrant violations of the law and of the rights of the players and umpires.

The two umpires were merely attempting to organize the umpires of the American League; suddenly, they were fired for "inefficiency."

In my opinion, and in the opinion of the sportswriters and managers, they were fired for trying to organize a union. They were threatening the autocratic control of the baseball "bosses."

Baseball can ride herd over the rights of everyone—umpires, players, fans—and they can get away with it because the Supreme Court granted the sport an exemption from the antitrust laws in 1923.

More recently, however, the Court has had second thoughts about this exemption. The Justices recognize that baseball has changed with the times. When first granted its exemption from the antitrust laws, baseball was primarily a sport. Today, however, baseball is primarily big business, and only secondarily a sport. In recognizing this fact the Supreme Court has said recently that any change in baseball's exemption must come from Congress.

Both the Department of Justice and the Federal Trade Commission apparently in agreement, strongly endorsed my bill last year. Reports from both agencies cited the necessity of congressional action to eliminate the present difference in the applicability of the antitrust laws to baseball and other sports.

Until the Congress takes action, baseball will continue to flaunt certain laws of this country. It will continue to trample on the rights of its umpires, its players, and its fans.

What we must remember is that this is but one instance in baseball's history of injustices to its umpires, players, and fans. This is an issue that must ultimately be decided by this Congress.

Therefore, I urge that the Judiciary Committee take early and favorable action on bill H.R. 60.

THE FUTURE OF AMERICAN TRADE POLICY

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

Mr. MORTON. Mr. Speaker, one of the many encouraging developments of the first 3 months of the Nixon administration is the attention being given to the difficult problem of international trade.

In a thoughtful address to the Baltimore chapter of the Maryland Bankers Association on April 17, my good friend and colleague, Senator CHARLES MCC. MATHIAS, JR., reviewed the current international trade picture, the decisions already made by President Nixon, and the questions which we will face in the coming months.

Senator MATHIAS' remarks show a keen understanding of the importance of expanding trade to our national growth and that of our State of Maryland, as well as a firm grasp of the complicated issues involved.

His speech deserves wide attention, and I would like to include in the RECORD

both the text of his address and an editorial from the Baltimore Sun of April 18:

ADDRESS BY SENATOR MATHIAS

I did not come here, needless to say, to tell you what to do with your money. Under our system you should decide that, though some Democratic Administrations have recently been trying to control how much of it is spent overseas. Rather I want to discuss what the new Administration is doing to improve your chances of getting more.

President Nixon's moves to phase out constraints on the international flow of capital bode well for his Administration. If he brings to the key questions of international trade policy the same calm intelligence he has shown in cutting down the interest equalization tax and other Johnsonian restrictions on overseas loans and investments, his Administration's international economic policies will be auspicious indeed.

The President acted in the face of a balance of payments deficit that is continuing unabated into the first months of this year. He was under great pressures to continue the restrictive approach of his predecessors. But he showed a confidence in our free economic system rare in the Presidency in recent years. And he showed a recognition that foreign investment ultimately benefits our payments balance as well as world economic growth. It is actions like this that makes me happy to have a Republican in the White House.

Trade policy will pose a similar challenge to the new Administration. International trade accounts for less than four percent of the American gross national product. It is thus a marginal item in the statistics of the American economy. In some ways, in fact, its importance is diminishing as our technology produces synthetic versions of formerly indispensable raw materials.

It is even possible that—following a period of adjustment while we all learn to live without coffee for breakfast and diamonds in our engagement rings—the United States could make do without any foreign commerce at all. Even now, in some of our larger cities, police dogs are replacing diamonds as a girl's best friend. And bourbon has long been a popular breakfast beverage in some circles. Of course, such a self-sufficiency program might also require conversion of the Port of Baltimore—which is estimated to generate almost a billion dollars annually for the Maryland economy—into a wilderness area.

None the less I don't recommend that we start calling Secretary Hickel right away for birdwatching concessions at Port Covington and Dundalk.

International trade continues to be a key preoccupation of the Congress and the Executive. Despite the siren call of self-sufficiency, there seems to be little real inclination to turn the United States into a tight little island in the world economy. You may have heard about what the New York Times described as "the most bitterly fought jurisdictional battle in the new Administration."

This battle did not revolve around bourbon and diamonds; or around the Office of Economic Opportunity in charge of President Johnson's beleaguered War on Poverty; nor did it erupt between the State Department and Professor Kissinger's fogless foggy bottom in the basement of the White House. Rather the battle focussed on trade.

The issue was whether the making of Administration trade policy would continue to be centered in the office of the President's Special Trade Representative or be shifted to the Department of Commerce, reputedly more responsive to domestic industry's requests (and more bound in bureaucracy). As it turned out, Commerce Secretary Stans has failed to gain control for his department and the STR will retain its still vague authority under the excellent leadership of Carl J. Gilbert, an advocate of liberal trade. The intensity of the struggle, however, is a reflection of the key role of trade policy in the deliberations of the Administration today.

Congress, with its ultimate responsibility for our economic policy, is also deeply embroiled in trade controversies. On the one hand we are besieged by pressures from firms threatened by imports, some of whom seem to want to take advantage of our potential for self-sufficiency. And, though the clamor is less, consumer groups, farmers, department stores, and export-seeking business push us for further liberalization. Trade, in fact, promises to be one of the most contentious issues in American politics over the next several years.

You are all aware of one of the chief reasons for current controversy: a 22 percent increase in American imports last year—to an estimated total of $33 billion. Our exports also rose handsomely in absolute terms. Our nine percent increase kept pace with the increase in total world trade, also nine percent, and brought our total exports to $34 billion. Nonetheless, the surplus in our trade balance was reduced to one billion dollars, less than one-quarter of the 1967 level, one-seventh of the 1964 level and far too little to compensate for our other foreign outflows. The Vietnam War alone, for example, caused a direct payments deficit of about $1.5 billion.

Despite the previous Administration's restrictions on U.S. private and public foreign aid, investment, lending and travel—many of which I opposed—the situation does not appear to be getting better. The February international payment figures were the worst in recent years. Since trade accounts for more than half of total U.S. balance of payment transactions, most analysis of our payments predicament and with proposals for arresting imports or stimulating exports.

In resolving on a policy it is well to avoid panic. We should understand that the chief cause of the influx of foreign products is American inflation. Economists have demonstrated that when the GNP rises more than five percent at current prices, domestic production fails to keep pace with rapidly increasing demands and imports soar. Last year the GNP rose by nine percent, including about about five percent inflation. This fact alone comes near to explaining our present plight.

Under the conditions of an overheated economy, rising imports may cause economic unrest. But, in general, they siphon off demand that otherwise would push up prices still further. Without the recent import surge, our inflation would have been even more serious. To the extent that the import rise is due to inflation—and as I said, this appears to be the chief cause—measures to exclude imports, therefore, are a little like bourbon for breakfast. The relief is temporary and expensive and may be habit forming. Though it is a difficult fact of our politics that pressures for exorbitant protection always increase during inflationary periods, I am inclined to recommend the think drink rather than bourbon.

This does not mean, of course, that I overlook the other causes of increasing import competition—lower wages, greater access to capital and advanced technology, and larger markets overseas which give foreign firms the economies of scale formerly restricted to the huge U.S. market. The American steel industry, in addition, confronts European and Japanese competition which is to some extent subsidized by government, and which is organized in cartels that would violate American anti-trust laws. Nor do I deny the need for more effective assistance to firms or industries—and employees—seriously hurt by import expansion brought about by changing federal trade policy. Current adjustment assistance criteria under the trade expansion act are so strict that no firm has yet qualified. Also of important concern are the non-tariff barriers, special surcharges and the like which are being employed to exclude our exports from European markets. Secretary Stans has just proposed open table meetings on the subject with our trading partners in Europe. I applaud this initiative.

But beyond the most exceptional cases of unfair foreign trade actvity, which cannot be eliminated through negotiations, I believe that demands for special protection must be resisted. Although this boom period poses a major challenge, I am confident that both the President and Congress will resist the growing pressures. The appointment of Gilbert as special representative is a strong indication of the Administration's commitment to freer trade. I am hopeful, moreover, that the President's dual policy of gradual deflationary action and gradual extrication from Vietnam will together suffice to slow our spiraling inflation and bring our payments back into balance.

Developments in the world economy give opportune aid to the Nixon approach. The Common Market economies are entering a renewed boom period and growth in excess of five percent is now anticipated, along with a renewed inflationary push. New orders for capital goods in Germany are now 23 percent ahead of last year, employment demand is intensifying, and prices are climbing. The Netherlands is instituting price controls to fight the pressures. Elsewhere in Europe and in Japan, the story is generally similar. Altogether it means our chief trading partners are experiencing an expansion of domestic demand, which will tend to reduce pressure to export and increase the need for imports. Unless—in violation of all the rules of economics—the U.S. drive to reduce inflation fails entirely, our balance of payments problem should be substantially alleviated during the coming year.

This development will not solve all our domestic and international economic problems. The intractable poverty of the slums and of the underdeveloped countries will continue to challenge us. The question of our long-term trade policies toward the Communist world will remain. Our attitude toward new free trade area proposals continues at issue. But a reasonably stable balance of payments will give us a foundation for a sound and farsighted approach to all these questions.

The Nixon Administration has wisely eschewed the hundred day hysteria that engulfed previous administrations and the public in paper snow storms during their opening months. I trust it will also escape the payments panic which led the Democrats to ill-considered restrictions on the international movement of goods and capital. And if President Nixon does succeed in the perilous world of international finance, he will find his other problems much easier to solve.

The President told the Congress on Monday, "Unless we save the dollar we will have nothing left with which to save the cities—or anything else." It looks as if we already have a strong President among our national assets. I expect he can add to them a sound dollar with which to move against our formidable problems.

[From the Baltimore Sun, Apr. 18, 1969]

TANGLE IN TRADE

Senator Mathias speaks the simple and welcome truth when he says that the new administration seems too genuinely committed to freer trade. The time for the new President to show his flag on this point was the quarrel over continuing and then manning the Office of the Special Representatives for Trade Negotiations. Put in the White House in the Kennedy administration explicitly to protect it against protectionist politics, the office is now extended by the Nixon people and headed by one of the most notable free (or at least freer) traders in American business.

But all is not won by extending useful offices and making appropriate appointments. The Nixon administration has still to contend with an ultimate tangle in these days when national economies are all more or less planned by more or less welfare states. The welfare policies push inexorably for production and distribution programs often in conflict with international market forces. Yet any effort to blunt or evade the international market is, by definition, merely a cumbrous way of describing a curb on trade.

Mr. Mathias illustrated the rule by saying our imports have risen because domestic purchasing power had risen. Domestic purchasing power has risen in the service of domestic policies favoring lower-income groups. Higher incomes for some Americans are higher costs for others. The higher costs make American products harder to sell both at home and abroad. The high-cost producer, high-cost in response to attractive domestic policies, then has what he sees as legitimate claim to compensating protections. And those protections disrupt free trade.

How? Watch carefully when the European Economic Community farm experts meet in Luxembourg Monday to adjust EEC farm prices. They will be adjusted at many points to protect EEC farmers against the market: which means at many points against American farm exports.

INTRODUCTION OF THE NATIONAL TIMBER SUPPLY ACT

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

Mr. JOHNSON of California. Mr. Speaker, over the years, our forests have been discussed often in this House. Many of us, representing varied viewpoints, have debated the questions of timber management, watersheds, recreational areas, fish and wildlife, the many other facets of conservation, and matters involved with the science of forestry.

I hope that every Member of this House who has spoken on these subjects will make himself thoroughly familiar with the National Timber Supply Act, which I have the pleasure of cosponsoring this week. I feel very strongly that it must be passed by this Congress, and that its passage will be one of the most constructive acts ever taken by any Congress in the fields of forestry and conservation.

The National Timber Supply Act can open the way to a whole new array of benefits for this country.

The primary purpose of the bill is to make it possible for the Forest Service in the U.S. Department of Agriculture to exercise all of its skills in the growing of timber on the commercial portions of the national forests. Other Members already have pointed out that this has been impossible in the past. The Forest Service simply has not had the funds that are necessary, and the high timber yield fund called for in this bill would correct that situation.

Introduction of the bill has become necessary at this point in time because of the housing goals this Congress has set for the Nation. Without better development of our forest resources, those housing goals are nothing more than empty hopes.

The National Timber Supply Act would enable the people of my district to make an even larger contribution to the housing needs of the rest of the Nation. We already make substantial contributions to our country's food supply, from the fertile lowlands of California's central valleys one of the great agricultural areas of the world.

By applying the same principles—converted to forestry terms and spelled out in this proposed legislation—we could duplicate the achievements of the farmlands in the forests of fir and pine that stand above them on the slopes.

And I believe we must do this, to provide the amenities of life that are possible only through decent housing.

But we can do more.

The National Timber Supply Act will not sanction or permit any alteration in the status of the lands in my district, or any other district, that are now dedicated to recreation.

Implementation of the act will not diminish the role of my district in its contribution to the recreation values that are so important to the quality of American life.

My district is an unusual one. In terms of sheer area, the district I represent contains more commercial timber land than any other in the contiguous States.

We have often discussed the millions of visitors who spend hours or days of their leisure time visiting the great outdoor recreation areas of this country. More visitors are recorded in the forests and parks of my district than any other in the Nation.

The fabled Sierra Nevada, Lake Tahoe, Shasta-Trinity recreation area, Mount Whitney, Mount Shasta, and all or portions of 13 national forests are found in my district.

All of this area is easily within reach of the urban population of San Francisco, Los Angeles, and the other major cities of California. Millions of visitors from other States travel long distances to enjoy the scenic beauty in these mountains and forests.

Passage of this act will give my district a greater role in this important area, and will make it possible for even more visitors to enjoy the pleasures of the forests.

Today, the hiker and the lover of wilderness has many areas set aside exclusively for his use. But for the average person, wilderness is literally impenetrable, particularly if he has only a short time to spend away from home.

Other Members have pointed out that many areas of our national forests are impenetrable, so far as logging, fire control, and forestry practices are concerned. There are no roads, because the Forest Service has not had money for them.

It is tragic that this lack of funds has made these commercial lands as impenetrable as wilderness to recreation seekers.

This will change, under the National Timber Supply Act.

Roads would be built that Forest Service teams would use to reach timber stands that need care. Fires could be prevented or stopped more easily. Insect control would be possible throughout the commercial lands. Stand improvement techniques would weed out the dead and dying trees, the weak and undesirable species, and remove the toppled and rotting material that blocks and fouls the streams.

The benefits to this country are obvious and enormous.

The forests would make their full contribution in terms of lumber, plywood, other wood and paper products, and all of the byproducts of their manufacture. Watersheds would be more secure. We would, as a nation, be even more certain that our hillsides would remain green and that wildlife would wander in abundance among the trees.

And thousands of new recreation sites would be created, making the wilderness even more serene and remote, for those whose spirits require solitude and wildness.

Finally, and in a way, amazingly, the Federal Government would increase its return and profit, rather than its outlay and loss, on one of its major programs. The growing of timber in a profitable enterprise, as the earnings reports of many companies demonstrate.

Mr. Speaker, I earnestly commend the National Timber Supply Act to the attention of all my colleagues, for the benefits it can provide to the people of their own districts and for the children of these citizens.

The forests can contribute to the quality of life everywhere through better and more economical housing and through the recreational benefits they can more easily provide with better management.

SUPREME COURT REACHES NEW PLATEAU OF RIDICULOUSNESS

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

Mr. WAGGONNER. Mr. Speaker, the Supreme Court has reached a new plateau of ridiculousness with the twisted logic of their decision Monday striking down all waiting periods prior to becoming eligible for welfare benefits. This requirement, says the Court, unconstitutionally infringes upon the "right" of persons to travel about the country. In the first place, of course, there is no such right in the Constitution. And, even if one could be assumed, these waiting periods in no way prevent anyone from traveling. They may restrict their ability to travel, but certainly not their right.

This latest rape of the Constitution will no doubt be used as a basis for a future finding that State-imposed waiting periods before transients become eligible to vote are also unconstitutional. So would be, one supposes, the 3-day waiting period for a marriage license or, for that matter, the required period before obtaining a divorce. All these waiting periods hamper one's freedom to travel if they require you to wait around for something.

But then, the whole concept is so asinine that only the Supreme Court could have thought of it. Nine men of commonsense would have laughed the proponent attorneys out of the chamber.

I do not wish to take up more time of the Members today, so rather than

continue my remarks on the Court and for fear I will not be able to restrain my contempt for it, I would like to shortcut my remarks by inserting here in the RECORD a copy of my recent newsletter which will give my views of the Court in greater detail. I entitled it, appropriately enough I think: "Ship of Fools":

SHIP OF FOOLS

The Supreme Court, in a recent 7 to 2 decision, ruled that elementary school children have a full and protected right to participate in demonstrations against society and the established order. The only reservation spoken of by the Court was that such demonstrations must not "materially" disrupt classwork or involve "substantial" disorder. In other words, *some* disruption and *some* disorder created by sub-teenage agitators is permissible, as long as it is not "material" or "substantial" . . . whatever that means. In reality, these words mean whatever the Court says they mean on any given day.

With this decision, the seven approving Justices constitute themselves a Ship of Fools adrift on a sea of legal insanity.

Mr. Justice Black, one of the two Justices who disagreed, wrote an angry dissent from the decision in which he stated the obvious fact that this ruling heralded a "new revolutionary era of permissiveness fostered by the judiciary" and one which "subjects the public schools to the whims and caprices of their loudest-mouthed but maybe not their brightest students.

"One does not need to be a prophet or the son of a prophet", he continued, "to know that, after the Court's holding today, some students in . . . all schools will be ready, able and willing to defy their teachers on practically all orders. This is the more unfortunate for the schools since groups of students all over the land are already running loose, conducting break-ins, sit-ins, lie-ins and smash-ins".

The complete ridiculousness of the Court's decision can be appreciated only when one remembers that not long ago, this same Court prohibited prayers in these same schools. Thus, the Court is saying, children may *protest* in school but they may not *pray*. To follow this twisted logic, it would apparently be permissible for children to pray if their prayers were a form of protest or part of a demonstration. The Court thus protects absolutely the right of children to be led into temptation, but at the same time, the Justices see to it that they are not, however, permitted to petition the Almighty for deliverance.

This decision is an advanced stage of the social disease of libertarianism, spread by a Court which is dazzled by the magic of dissent. One wonders how long it will be before this same Court, in an obvious extension of this ruling, will hold that the toddler in his crib has these same rights against his parents and that temper tantrums and the right *not* to go to bed when told are also sheltered under the security blanket of permissiveness. Parents must wonder, too, how in the midst of Court-approved agitation, the quiet and earnest students who make up the majority are going to get the education they are earnestly seeking.

I cannot leave this disturbing subject without at least trying to answer the questions which I know are this minute in the mind of every reader . . . when will there be an end to all this lunacy espoused by the Court and what can be done to curb these nine men.

I hesitate more times than one to admit even the possibility that there is a flaw in the Constitution of the United States, so deeply do I revere that document. But, if there *is* a flaw, it is that the Justices of the Court are appointed for life and, in the words of the Constitution, "hold their Offices during good Behaviour".

Under these conditions of employment, there is no *practical* way the Justices can be held accountable for, their decisions. The three divisions of the federal government are separate and independent of each other, subject only to certain checks and balances. This is as it should be, *under the ideal conditions* visualized by the framers of the Constitution: each branch devoting itself to the betterment of our nation and the welfare of its people. But these "ideal conditions" do not prevail today. At least one branch, the judicial, cares less for society than it does for sociology . . . less for the victim than it does for the criminal . . . less for the will of the people than it does for social reform.

The Constitution provides that, if Legislators fail to heed the public mandate, they can be turned out of office every two years in the House, every six years in the Senate. If the Chief Executive does not respond to the will of the majority, the Constitution provides that he can be replaced every four years. But the Justices of the Supreme Court can, in their absolute lack of wisdom, flaunt the will of the people as long as the Justices live on this earth and they can escape judgment scot-free because they "hold their Offices during good Behaviour".

As a *practical* matter (and this is the only sense in which there is any use to consider the subject) the words "good Behaviour" defy definition in the finite sense necessary in order to remove a Justice from the Court. One would have to prove beyond any shadow of doubt whatsoever, some grave and continuing misconduct. Unfortunately, being a fool is not an impeachable offense.

The present Court sits as a continuously functioning constitutional convention, ever re-writing, erasing and pencilling-in new concepts as they happen to occur to the Justices or their clerks. The Court has, in my opinion, done more to bring about domestic chaos and the resulting plaque of crime and disorder than any other body of men in the nation. Yet, there is no *practical* way to hold the Justices accountable for their stewardship. *Theoretically*, there are ways, such as impeachment and by constitutional amendments, but with sympathizing liberals in control of both Houses of Congress, an effort in either direction cannot be successfully carried out.

There is only one *practical* way to stop this endless string of decisions which fly in the face of the written law and all common sense. That is for the present and future Presidents to fill such vacancies as will be created by death and retirement with men who view the Constitution as an abiding instrument which says the same thing today that it said the day it was written, the same that it said on the day the Justices were sworn in and will continue to say the same thing into infinity or until amended by the people.

President Nixon will soon nominate a new Chief Justice to replace Justice Warren, a man who is, in my opinion, totally lacking in Constitutional scholarship, common sense or candor. Other vacancies will likely occur in the next few years. The President's choices to fill these future vacancies will determine in great measure whether this nation will return to its previous pattern of *rule by law* or will continue down the road of *rule by men*.

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. CONABLE (at the request of Mr. DELLENBACK), for 30 minutes, on April 28; to revise and extend his remarks and include extraneous matter.

Mr. QUIE (at the request of Mr. DELLENBACK), for 30 minutes, on April 28; to revise and extend his remarks and include extraneous matter.

Mr. GONZALEZ, for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

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

Mr. ZABLOCKI in two instances and to include extraneous matter.

Mr. DON H. CLAUSEN (at the request of Mr. DELLENBACK) immediately following Mr. DELLENBACK'S remarks in the Committee of the Whole today.

(The following Members (at the request of Mr. DELLENBACK) to extend their remarks and include extraneous matter:)

Mr. PETTIS.
Mr. GUBSER in two instances.
Mr. DENNEY.
Mr. DERWINSKI in two instances.
Mr. FINDLEY in two instances.
Mr. STEIGER of Wisconsin.
Mr. WIGGINS.
Mr. GUDE in two instances.
Mr. MIZE.
Mr. JOHNSON of Pennsylvania.
Mr. WYMAN in two instances.
Mr. REID of New York.
Mr. LANDGREBE in two instances.
Mr. UTT.
Mr. CUNNINGHAM in three instances.
Mr. MILLER of Ohio in two instances.
Mr. HALPERN.
Mr. HOSMER.
Mr. FREY.
Mr. WATSON in two instances.
Mr. ANDERSON of Illinois.

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

Mr. SHIPLEY.
Mr. REES in two instances.
Mr. LONG of Maryland in three instances.
Mr. PODELL in three instances.
Mr. BOLAND in two instances.
Mr. WILLIAM D. FORD in four instances.
Mr. BIAGGI in five instances.
Mr. ROONEY of Pennsylvania in five instances.
Mr. STUCKEY.
Mr. HUNGATE in two instances.
Mr. RARICK in five instances.
Mr. ULLMAN in five instances.
Mr. CHARLES H. WILSON.
Mr. WATTS in two instances.
Mr. OLSEN in two instances.
Mr. MURPHY of New York in two instances.
Mr. GONZALEZ in three instances.
Mr. MIKVA in six instances.
Mr. PEPPER.
Mr. RODINO in two instances.
Mr. JOHNSON of California in two instances.
Mr. BINGHAM.
Mr. ROBERTS.
Mr. JONES of Alabama in two instances.
Mr. HOWARD.
Mr. MILLER of California in five instances.
Mr. GALIFIANAKIS in two instances.
Mr. NICHOLS.
Mr. HAGAN in five instances.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 10158. An act to provide mail service for Mamie Doud Eisenhower, widow of former President Dwight David Eisenhower.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 5 o'clock and 21 minutes p.m.), the House adjourned until Wednesday, April 23, 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:

694. A letter from the Director, District of Columbia Unemployment Compensation Board, transmitting the annual report of the Board for 1968, pursuant to the provisions of title 46, section 313(c), of the District of Columbia Code; to the Committee on the District of Columbia.

695. A letter from the Comptroller General of the United States, transmitting a report on the administration and effectiveness of the work experience and training project activities in Maricopa County, Ariz., under title V of the Economic Opportunity Act of 1964, Department of Health, Education, and Welfare; to the Committee on Education and Labor.

696. A letter from the Acting Director of the Peace Corps, transmitting a draft of an amended version of the proposed legislation to amend further the Peace Corps Act (75 Stat. 612), as amended, submitted under cover of letter dated January 17, 1969; to the Committee on Foreign Affairs.

697. A letter from the Chairman, Federal Power Commission, transmitting copies of the publications "Typical Electric Bills, 1968," and "World Power Data, 1966"; 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. ANDERSON of Tennessee: Committee on Rules. House Resolution 347. Resolution to authorize the General Subcommittee on Labor of the Committee on Education and Labor to conduct an investigation and study of production of foreign-made goods competing with domestically produced goods and of new developments in coal mine safety and health practices in Great Britain, with amendment (Rept. No. 91–149). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 17. Resolution creating a select committee to conduct an investigation and study of all aspects of crime in the United States (Rept. No. 91–150). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 369. Resolution for consideration of H.R. 4153, a bill to authorize the appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard (Rept. No. 91–151). Referred to the House Calendar.

Mr. BOGGS: Committee on Ways and Means. H.R. 4229. A bill to continue for a temporary period the existing suspension of duty on heptanoic acid, with amendment (Rept. No. 91–152). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURKE of Massachusetts: Committee on Ways and Means. H.R. 4239. A bill to amend item 802.30, Tariff Schedules of the United States, so as to prevent payment of multiple customs duties by U.S. owners of racehorses purchased outside of the United States, with amendment (Rept. No. 91–153). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 5833. A bill to continue until the close of June 30, 1972, the existing suspension of duty on certain copying shoe lathes (Rept. No. 91–154). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 9951. A bill to provide for the collection of the Federal unemployment tax in quarterly installments during each taxable year; to make status of employer depend on employment during preceding as well as current taxable year; to exclude from the computation of the excess the balance in the employment security administration account as of the close of fiscal years 1970 through 1972; to raise the limitation on the amount authorized to be made available for expenditure out of the employment security administration account by the amounts so excluded; and for other purposes, with amendment (Rept. No. 91–155). Referred to the Committee of the Whole House on the State of the Union.

Mrs. GRIFFITHS: Committee on Ways and Means. H.R. 10016. A bill to continue until the close of June 30, 1971, the existing suspension of duties for metal scrap (Rept. No. 91–156). 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. ABERNETHY:

H.R. 10370. A bill to change the definition of ammunition for purposes of chapter 44 of title 18 of the United States Code; to the Committee on the Judiciary.

H.R. 10371. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts:

H.R. 10372. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. COLLIER:

H.R. 10373. 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. CORMAN:

H.R. 10374. A bill to amend the Fair Labor Standards Act of 1938 to extend the child labor provisions thereof to certain children employed in agriculture, and for other purposes; to the Committee on Education and Labor.

By Mr. CUNNINGHAM:

H.R. 10375. A bill to amend the Railroad Retirement Act of 1937 to provide for cost-of-living increases in the annuities and pensions (and lump-sum payments) which are payable thereunder; to the Committee on Interstate and Foreign Commerce.

H.R. 10376. A bill to amend section 4356 of title 39, United States Code, relating to certain mailings of State departments of agriculture; to the Committee on Post Office and Civil Service.

H.R. 10377. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 10378. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

H.R. 10379. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

H.R. 10380. A bill to amend titles X and XVI of the Social Security Act to prohibit any State from imposing a lien on a blind individual's property as a condition of aid or assistance thereunder; to the Committee on Ways and Means.

By Mr. DANIELS of New Jersey:

H.R. 10381. 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 $100 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. EDWARDS of Alabama:

H.R. 10382. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS of California:

H.R. 10383. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. FARBSTEIN:

H.R. 10384. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

H.R. 10385. A bill to provide for the redistribution of unused quota numbers; to the Committee on the Judiciary.

H.R. 10386. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.R. 10387. A bill to amend title II of the Social Security Act to reduce from 72 to 70 the age at which deductions on account of an individual's outside earnings will cease to be made from benefits based on such individual's wage record; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 10388. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 10389. A bill to amend the Internal Revenue Code of 1954 to allow a deduction against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. KING:

H.R. 10390. A bill to amend chapter 44 of title 18, United States Code, to exempt ammunition from Federal regulation under the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. KLUCZYNSKI:

H.R. 10391. A bill to encourage national

development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

H.R. 10392. A bill to make hospital insurance benefits available to uninsured individuals who attain age 65 at any time before 1983 (instead of only to those who attain such age before 1968 as presently provided); to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 10393. A bill to amend title II of the Social Security Act to permit an individual receiving benefits thereunder to earn outside income without losing any of such benefits; to the Committee on Ways and Means.

By Mr. LEGGETT:

H.R. 10394. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LUKENS:

H.R. 10395. A bill to amend the Internal Revenue Code of 1954 to increase, for 1970 and 1971, the personal income tax exemptions of a taxpayer from $600 to $800, and to provide that for taxable years beginning after 1971 such exemptions shall be $1,000; to the Committee on Ways and Means.

By Mr. MIKVA (for himself and Mr. CONYERS):

H.R. 10396. A bill to repeal the Emergency Detention Act of 1950, and for other purposes; to the Committee on Internal Security.

By Mr. MILLER of California (for himself and Mr. DADDARIO):

H.R. 10397. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Astronautics.

By Mr. MINSHALL:

H.R. 10398. A bill to establish the Federal Medical Evaluations Board to carry out the functions, powers, and duties of the Secretary of Health, Education, and Welfare relating to the regulation of biological products, medical devices, and drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOLLOHAN:

H.R. 10399. A bill to amend title 28, United States Code, section 753(e), to eliminate the maximum and minimum limitations upon the annual salary of reporters; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 10400. A bill to amend the Public Health Service Act to provide for a comprehensive review of the medical, technical, social, and legal problems and opportunities which the Nation faces as a result of medical progress toward making transplantation of organs, and the use of artificial organs a practical alternative in the treatment of disease, to amend the Public Health Service Act to provide assistance to certain non-Federal institutions, agencies, and organizations for the establishment and operation of regional and community programs for patients with kidney disease and for the conduct of training related to such programs, and for other purposes; to the Committee on Ways and Means.

By Mr. MOSS:

H.R. 10401. A bill to amend the provisions of chapter 5 of title 5, United States Code, relating to the application of the public information and disclosure provisions of such chapter; to the Committee on Government Operations.

By Mr. O'KONSKI:

H.R. 10402. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. POLLOCK (for himself, Mrs. MAY, Mr. LEGGETT, Mr. MONTGOMERY, and Mr. SIKES):

H.R. 10403. A bill to amend chapter 44 of title 18, United States Code, to allow, under certain circumstances, the purchase of firearms by mail order, and for other purposes; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 10404. A bill to incorporate the Catholic War Veterans of the United States of America; to the Committee on the Judiciary.

H.R. 10405. A bill to incorporate the Jewish War Veterans of the United States of America; to the Committee on the Judiciary.

H.R. 10406. A bill to incorporate the Italian American War Veterans of the United States, Inc.; to the Committee on the Judiciary.

H.R. 10407. 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. ROGERS of Florida:

H.R. 10408. A bill to amend the Public Health Service Act to authorize the Secretary of Health, Education, and Welfare to provide financial assistance for education and information programs relating to drugs and their abuse, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUDEBUSH:

H.R. 10409. A bill to amend section 134 of title 23 of the United States Code to provide that the requirements of that section shall apply to urban areas of more than 100,000 population; to the Committee on Public Works.

By Mr. STRATTON:

H.R. 10410. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. TEAGUE of California:

H.R. 10411. A bill to equalize the retired pay of members of the uniformed services of equal grade and years of service; to the Committee on Armed Services.

H.R. 10412. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. THOMPSON of Georgia (for himself, Mr. ADAMS, Mr. ADDABBO, Mr. ASHLEY, Mr. BARING, Mr. BRINKLEY, Mr. BYRNE of Pennsylvania, Mr. CORBETT, Mr. DELLENBACK, Mr. DENT, Mr. DINGELL, Mr. FEIGHAN, Mr. GALLAGHER, Mr. HALPERN, Mr. HANNA, Mrs. HANSEN of Washington, Mr. HAYS, Mr. JOELSON, Mr. KARTH, Mr. KING, Mr. LONG of Maryland, Mr. LUKENS, Mr. MCEWEN, Mr. MINISH, and Mr. MOSS):

H.R. 10413. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to States for the establishment, equipping, and operation of emergency communications centers to make the national emergency telephone number 911 available throughout the United States; to the Committee on the Judiciary.

By Mr. THOMPSON of Georgia (for himself, Mr. NIX, Mr. OTTINGER, Mr. PEPPER, Mr. PIRNIE, Mr. PODELL, Mr. RANDALL Mr. ROSENTHAL, Mr. SANDMAN, Mr. SISK, Mr. SPRINGER, Mr. STAFFORD, Mr. STEIGER of Arizona, Mr. WAGGONNER, Mr. WATTS, Mr. WRIGHT, Mr. ZWACH, Mr. MIKVA, Mr. HASTINGS, Mr. WHITEHURST, Mr. WOLD, Mr. SEBELIUS, Mr. YATRON, Mr. FLOWERS and Mr. CÓRDOVA):

H.R. 10414. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to States for the establishment, equipping, and operation of emergency communications centers to make the national emergency telephone number 911 available throughout the United States; to the Committee on the Judiciary.

By Mr. THOMPSON of Georgia (for himself, Mr. HULL, Mr. RIEGLE, Mr. MCKNEALLY, Mr. WILLIAMS, and Mr. STUCKEY):

H.R. 10415. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to States for the establishment, equipping, and operation of emergency communications centers to make the national emergency telephone number 911 available throughout the United States; to the Committee on the Judiciary.

By Mr. WATSON:

H.R. 10416. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

By Mr. WATTS:

H.R. 10417. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF:

H.R. 10418. A bill to provide that the nuclear accelerator to be constructed at Weston, Ill., shall be named the "Enrico Fermi Nuclear Accelerator" in memory of the late Dr. Enrico Fermi; to the Joint Committee on Atomic Energy.

By Mr. BINGHAM:

H.R. 10419. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

By Mr. FALLON:

H.R. 10420. A bill to permit certain real property in the State of Maryland to be used for public purposes generally; to the Committee on Armed Services.

By Mr. HAYS:

H.R. 10421. A bill to provide Federal financial assistance to States to enable them to pay compensation to certain disabled individuals who, as a result of their employment in the coal industry, suffer from pneumoconiosis and who are not entitled to compensation under any workmen's compensation law; to the Committee on Education and Labor.

By Mr. JOHNSON of California (for himself, Mr. OLSEN, and Mr. MYERS):

H.R. 10422. A bill to provide for the more efficient development and improved management of national forest commercial timberlands, to establish a high-timber-yield fund, and for other purposes; to the Committee on Agriculture.

By Mr. MONTGOMERY:

H.R. 10423. A bill to amend the Federal Seed Act; to the Committee on Agriculture.

By Mr. OTTINGER:

H.R. 10424. A bill to amend the Wagner-Peyser Act so as to provide for more effective development and utilization of the Nation's manpower resources by expending, modernizing, and improving operations under such act at both State and Federal levels, and for other purposes; to the Committee on Education and Labor.

H.R. 10425. A bill to exclude from income certain reimbursed moving expenses, to expand the deduction for moving expenses in certain cases, and for other purposes; to the Committee on Ways and Means.

By Mr. REES (for himself, Mr. JACOBS, Mr. ADAMS, Mr. HATHAWAY, Mr. HAMILTON, Mr. GIBBONS, Mr. ST. ONGE, Mr. HOWARD, Mr. EILBERG, Mr. OTTINGER, Mr. LEGGETT, Mr. DIGGS, Mr. SCHEUER, Mr. ROSENTHAL, Mr. BOLAND, Mr. BROWN of California, and Mr. MIKVA):

H.R. 10426. A bill to improve the operation of the legislative branch of the Federal

Government, and for other purposes; to the Committee on Rules.

By Mr. HUNGATE (for himself, Mr. BINGHAM, Mr. PODELL, Mr. POWELL, Mr. LOWENSTEIN, Mrs. CHISHOLM, Mr. KYROS, Mr. CULVER, Mr. ANDERSON of California, Mr. KOCH, Mr. MOSS, and Mr. PRICE of Illinois):

H.R. 10427. A bill to improve the operation of the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules.

By Mr. REID of New York:

H.R. 10428. A bill to amend 2 U.S.C. 7 to conform the election of Representatives to the election of the President; to the Committee on House Administration.

By Mr. TEAGUE of Texas:

H.R. 10429. A bill to amend title 38 of the United States Code to establish the rate at which assistance allowances shall be paid for programs of education pursued in the Philippines; to the Committee on Veterans' Affairs.

By Mr. TIERNAN:

H.R. 10430. A bill to amend the Maritime Academy Act of 1958 to require payment of amounts paid for the training of merchant marine officers who do not serve in the merchant marine or Armed Forces; to the Committee on Merchant Marine and Fisheries.

By Mr. TUNNEY:

H.R. 10431. A bill making supplemental appropriations for the educational and cultural exchange program of the Department of State for the fiscal year ending June 30, 1969; to the Committee on Appropriations.

By Mr. WHALLEY:

H.R. 10432. A bill to amend title II of the Social Security Act to provide a 10-percent, across-the-board increase in benefits thereunder; to the Committee on Ways and Means.

By Mr. BURTON of Utah:

H.J. Res. 667. Joint resolution to declare the policy of the United States with respect to its territorial sea; to the Committee on Foreign Affairs.

By Mr. REID of New York:

H.J. Res. 668. Joint resolution to amend the Constitution to provide for the direct election of the President and the Vice President of the United States; to the Committee on the Judiciary.

By Mr. WINN:

H.J. Res. 669. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. DORN:

H. Con. Res. 210. Concurrent resolution authorizing the President to proclaim the period May 11 through May 17, 1969, as "Help Your Police Fight Crime Week"; to the Committee on the Judiciary.

By Mr. WOLFF:

H. Con. Res. 211. Concurrent resolution terminating the joint resolution of August 10, 1964, relating to the maintenance of international peace and security in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. RODINO:

H. Res. 370. Resolution creating a select committee to conduct an investigation and study of all aspects of crime in the United States; to the Committee on Rules.

By Mr. ROYBAL:

H. Res. 371. Resolution creating a special committee to conduct an investigation and study into the legal, political, and diplomatic status of lands which were the subject of grants from the King of Spain and from the Government of Mexico prior to the acquisition of the American Southwest as a result of the Treaty of Guadalupe-Hidalgo concluding the Mexican-American War in 1848; to the Committee on Rules.

MEMORIALS

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

129. By the SPEAKER: Memorial of the Legislature of the Commonwealth of Massachusetts, relative to suspension of the construction of the Sentinel antiballistic missile system; to the Committee on Armed Services.

130. Also, memorial of the Legislature of the State of Kansas, relative to legislation to limit the number of questions to be asked in the 1970 census; to the Committee on Post Office and Civil Service.

131. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to the payment of all medical expenses of members of the medicare program; to the Committee on Ways and Means.

132. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to expanding the medicare program to include persons who are recipients of aid to the permanently and totally disabled under the social security program; to the Committee on Ways and Means.

133. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to expanding the medicare program to include drug costs; 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. BIAGGI:

H.R. 10433. A bill for the relief of Eduardo and Giovanna Maiorelli; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 10434. A bill for the relief of Mrs. Soo Ok Koo Campbell; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 10435. A bill for the relief of Robert A. Pickering; to the Committee on the Judiciary.

By Mr. CLAY:

H.R. 10436. A bill for the relief of Henry D. Espy, James A. Espy, Naomi A. Espy, Jean E. Logan and Theodore R. Espy; to the Committee on the Judiciary.

By Mr. FALLON:

H.R. 10437. A bill for the relief of Dr. Michael C. Shende; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 10438. A bill for the relief of William W. Brady; to the Committee on the Judiciary.

By Mr. HAGAN:

H.R. 10439. A bill for the relief of ToppSav, Inc., formerly known as the Topp-Cola Co.; to the Committee on the Judiciary.

By Mr. HAWKINS:

H.R. 10440. A bill for the relief of Hilarion Ngayan, Jr.; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 10441. A bill for the relief of Giuseppe Lo Piccolo; to the Committee on the Judiciary.

By Mr. KAZEN:

H.R. 10442. A bill for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex.; to the Committee on the Judiciary.

By Mr. KYL:

H.R. 10443. A bill for the relief of Cesar Farell and his wife, Dora Poussin Farell; to the Committee on the Judiciary.

H.R. 10444. A bill for the relief of Dr. Ismael M. Naanep and his wife, Dr. Belen Fernandez Naanep; to the Committee on the Judiciary.

By Mr. POLLOCK:

H.R. 10445. A bill for the relief of Robert Harry Urch; to the Committee on Interior and Insular Affairs.

By Mr. ROSTENKOWSKI:

H.R. 10446. A bill for the relief of Mr. Jean Jacques Wodzinski; to the Committee on the Judiciary.

H.R. 10447. A bill for the relief of Beatrix Francesca Morris; to the Committee on the Judiciary.

By Mr. ROUDEBUSH:

H.R. 10448. A bill to provide relief for certain members of the U.S. Navy recalled to active duty from the Fleet Reserve after September 27, 1965; to the Committee on the Judiciary.

By Mr. WYATT:

H.R. 10449. A bill for the relief of the estate of William E. Jones; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

ALABAMA NEWSMAN ELECTED TO GRIDIRON

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. JONES of Alabama. Mr. Speaker, I wish to commend James Free, Washington correspondent of the Birmingham News since 1947, on his recent election to the world-famous Gridiron Club.

As most of us know, the Gridiron Club is composed of 50 Washington correspondents and editors.

Jim Free becomes the 288th member to be elected since the club was organized in 1885. His election is well-deserved recognition of his very able and conscientious work as a newsman in Washington for more than 20 years.

As the Washington news chief for Alabama's largest newspaper, Jim Free is noted for his knowledgeable commentaries on Washington events. His fairness is handling the facts in his news articles is well known to my colleagues from Alabama and other States.

His many readers admire his ability to ferret out new trends and developments and frame them in a meaningful way.

Jim Free was born in Gordo, Ala., and attended the University of Alabama. He has published a weekly newspaper and has worked for the Richmond Times-Dispatch, the Washington Star, and the Chicago Sun-Times Washington Bureau.

He is a former cochairman of the standing committee that admits newsmen to the House and Senate press galleries. He is a member of Sigma Delta Chi, the professional Journalism Society, and the National Press Club.

Jim's charming wife, Mrs. Ann Cottrell Free, is a noted journalist in her own right and devotes much attention to the conservation of issues. The Frees have one daughter.

I wish to commend Jim on his election to this elite group of newsmen. His membership in the Gridiron Club is a well-earned recognition of his talents and abilities as a newsman.

KANSAS WINS ANOTHER FRIEND

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. MIZE. Mr. Speaker, we have a great deal of which we are proud in Kansas, and we are always happy to extoll the virtues of our State to all who will listen. It is gratifying, naturally, when someone agrees with our own high appraisal of Kansas life and Kansas virtues. A recent testimonial came from a young lady from Pakistan, Nilofer Hashmi. From 1962 to 1964, this young lady was a Fulbright student at the University of Kansas, where she obtained her master's degree in journalism. Her maiden name was Nilofer Ahmed. She is now the wife of an Indian student she met at the university, Shafif Hasan Hashmi, and they live in Wellington, New Zealand, where he teaches political science at Victoria University.

She wrote to the Kansas City Star a few weeks ago and gave a glowing account of her impressions of Kansas, and especially the two Kansans who had befriended her the most, Mr. and Mrs. H. I. Sifers of Shawnee Mission, Kans. Under leave to extend my remarks, I wish to call attention to this account of a Pakistani girl's fond memories of Kansas. The article follows:

A PAKISTANI GIRL'S FOND MEMORIES OF KANSAS

(By Nilofer Hashmi)

Two red and gold leaves fell out of the envelope, dry and brittle, but their colors vibrantly alive. "It would give us a new lease on life to see you again—please try to come," Aunt Cecil wrote. "With this letter you'll find two leaves from the oak tree by the driveway to remind you of Kansas."

I could never forget Kansas, though now many thousand miles away. After many of life's experiences have become vague memories the warm, simple friendship of Kansas will live with me, I know, brighter than sunshine on ripe wheat.

I shall remember always a September day at the bustling London airport when, as a rather nervous Pakistani student bound for America and the University of Kansas, I stood amid a crowd of impatient passengers ready to go aboard the waiting plane. Call it coincidence if that suffices to explain how out of more than 70 persons I found myself next to a warm, friendly, kind-hearted couple—from Kansas.

Mr. and Mrs. H. I. Sifers to the world, they were thenceforth Uncle Harry and Aunt Cecil to me and in their house, from the day I set foot on American soil, I found a second home and a new family half way around the world from my own. The overflowing love and kindness of these warm hearted people for me, a foreigner, form one of my happiest memories of Kansas.

The travel agency representative who was to meet me with my ticket at the New York airport failed to make contact, but the Siferses wouldn't hear of my cashing my travelers' checks, which I might need later, to pay my fare to Kansas City. Instead, they bought a ticket for me, assuring me that I could repay them later after being reimbursed by the travel agency.

It was to their cozy little home in Shawnee Mission that we went from the airport, where I was introduced to their sons and grandchildren. By the time they drove me down to the university and saw me comfortably settled down in a dormitory I already had the wonderful feeling of being cared for and looked after and not the loneliness of a stranger in a new land.

Looking back now I realize that I had never known what cold really meant until the bleak November winds started to howl. My Oriental apparel proved entirely inadequate.

"Why don't you wear socks?" a concerned American girl friend asked me, looking at my bare feet in flimsy sandals. I confessed I didn't have any, not being used to wearing them, but agreed to get some.

It didn't prove necessary. Next day outside my door was a sack with about a dozen pairs of socks. Apparently every American girl on my part of the floor had suddenly discovered "an extra pair she didn't need."

I am sure I can never forget the days of crowded study in the ivy-covered university buildings, the unending race to catch up with class assignments and term papers and the desperate evenings spent in the library. Or that very first day in class when a distinguished-looking professor outlined the staggering amount that had to be accomplished within the span of a few brief months, adding, "As you will see this is clearly impossible. But nothing was ever worth attempting that was not impossible."

Memorable too was my first American student party, so different from the more formal ones back home with its gay dancing, doughnuts and popcorn and music loud enough to raise the roof.

I was delighted with the friendly, informal atmosphere on the campus and the freedom to discuss and question new ideas presented in the classroom. Frequently I was invited by members of the faculty to their homes to meet their families. I spent many pleasant evenings and shared many hearty American meals with my thesis adviser's hospitable family.

When my Fulbright scholarship expired I found part-time work in the university's language laboratory. Imagine my surprise when, the very first day I reported for work, I was led to a table with a beautiful frosted cake and bottles of Coke. The kind laboratory supervisor and my new colleagues had found out it was my birthday anniversary!

I have a special personal reason also for my deep attachment to Kansas university. It was here that I met the boy I later married.

After some time I had opportunities to go to places outside Kansas, including a trip to Washington to attend a rather select student seminar. Soon I grew accustomed to being asked by students from California, New York and Washington who teased, "Kansas? Where's Kansas?"

"Kansas is where the grass is greener, the sunsets prettier, the fall brighter and the people friendlier," I retorted in mock-seriousness.

Nonetheless it was true. Nature has seldom been so spendthrift with color as in the riotous hues of a Kansas sky when the sun is sinking. (Kansans modestly attribute this to the presence of more dust particles in the air, but to me this explanation always seemed far too prosaic.)

Equally glowing are the russets and yellows of the leaves of a Kansas fall which, I believe, Mark Twain described as the most beautiful sight he had seen anywhere. I was captivated too by the vast seas of wheat with the wind rippling through them in the daytime or with a large red unreal-looking harvest moon hanging low above at night.

Among my treasured memories also is a visit to a ranch in a tiny little place with a population of just a few hundred where I was thrilled by unending acres thickly carpeted with green and unbelievably huge herds of plump cattle. And here, for the first time, I rode a horse, encouraged by my host family in jeans and 10-gallon hats, all of them fearless riders down to the tiny 5-year-olds.

It was in Kansas, too, that I saw my first snow, an experience so breathtaking that it made me forget all about dormitory rules and I rushed outside, dazed with wonder, after the closing time of 11 o'clock at night.

Indeed, snow never lost a bit of its enchantment for me, even on the very coldest of days when Aunt Cecil would call from Shawnee Mission to tell me to be sure to wear my gloves and socks before going out.

Ready smiles and people eager to help are what I remember most of all about Kansas. Once, lost while traveling by bus, I asked the driver for instructions. To this day I can see him alighting from the bus, in which the passengers patiently waited, to spread out a road map on the pavement and show me where I was, all willingness and eagerness to help a stranger in need.

One of my gayest and most cheerful memories is of the Christmases spent in Kansas City with the family of which I had become a part; the gaily-decorated Christmas tree with colorful packages piled up at the foot, always including a large number for me; turkey cooked by Aunt Cecil as no one else could cook it; spicy Christmas pudding.

Outside on the snow-covered lawn stood a life-size Santa with his sleigh and reindeer.

As I basked in the affection and love of my American family my heart was full to the brim with happiness.

No, I could never forget the warm, friendly smile of Kansas or its wide-open welcome. Nor that little home in Shawnee Mission, my other home across the seas.

PFC. ORVILLE LEE KNIGHT

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Tuesday, April 22, 1969

Mr. MATHIAS. Mr. President, I was very sorry to learn of the death of Pfc. Orville Lee Knight, of Dargan, Md., a victim of injuries which he received in combat near Bienhoa, South Vietnam, on April 8.

Private Knight, aged 20, had been in Vietnam less than 6 months and served with Company B, 2d Battalion, 16th Infantry Division.

A native of Dargan, Private Knight was the son of Francis and Whylmenia Knight. As a boy he was an active Boy Scout. After graduation from Boonsboro High School, he worked at the Fairchild-Hiller plant in Hagerstown and served as a member of the Dargan Volunteer Fire Company before entering military service.

Private Knight was married to the former Sarah Dagenhart, of Keedysville, Md. They had one child, a daughter, Samantha Jo, now about 6 months old.

Mrs. Mathias and I extend our sympathies to the family of Private Knight. In tribute to his service, I ask unanimous

consent that a recent newspaper article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DARGAN GI DIES OF BATTLE WOUNDS

Pfc. Orville Lee Knight died from injuries received in action near Bian Hoa, S. Vietnam on April 8.

A native of Dargan, Pfc. Knight was the father of an infant daughter. He had been in Vietnam less than six months.

The 20-year-old infantryman was serving with Co. B, 2nd Battalion of the 16th Infantry Division.

Inducted into the Army last June 6, he left for Vietnam on Nov. 6.

He was a graduate of Boonsboro High School, Class of '66 and had worked at Fairchild-Hiller before going into the service.

Pfc. Knight was the county's tenth casualty in the Vietnam war.

He was the son of Francis and Whylmenia Ingram Knight of Dargan, and attended Samples Manor Church of God.

In addition to his parents, he is survived by his wife, the former Kathy Dagenhart of 94 S. Main St., Keedysville and a six-month-old daughter, Samantha Jo; paternal grandparents, Mr. and Mrs. Arnold Ingram of Dargan; a brother, David of Dargan and two sisters, Mrs. Frances M. Grim and Mrs. Doris L. Gay of Dargan.

The Bast Funeral Home will announce funeral arrangements.

SALUTE TO LONGVIEW LEADER

HON. RAY ROBERTS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. ROBERTS. Mr. Speaker, it is with a great deal of pleasure that I join the citizens of Longview in saluting Harry Mosley, Longview city manager, as he completes 23 years of service to Longview.

During his years of service, Longview has experienced unparalleled growth and development. Men like Harry Mosley, with his untiring devotion to the citizens of Longview, provide the spark which builds great cities.

The April 18 edition of the Longview Daily News carried the following editorial which clearly traces Harry Mosley's important role in the development of Longview and east Texas:

[From the Longview Daily News, Apr. 18, 1969]

SALUTING HARRY MOSLEY

A record unmatched and without parallel in Texas or elsewhere in the nation has been achieved by Harry G. Mosley during the 17 years he has served as city manager of Longview.

The period from 1952 to 1969 may well be described as "the Mosley years" as it relates to municipal progress.

A summation of accomplishments puts into clear perspective his 17-year record of administrative leadership:

The city's population has more than doubled, from around 24,000 to 52,000; assessed valuations have tripled from $40,377,820 to $122,925,000; the police department has increased from 34 employees to 67, and the fire department from 25 to 63.

The area within the corporate limits has increased from 8.1 square miles to 22.8 square miles; 125.1 miles of water mains and 134.2 miles of sewer mains have been installed; and 158.5 miles of streets have been constructed. The water filtration system has been increased from three million to forty million gallons daily capacity.

The City of Longview has the highest credit rating (AAA) of any municipality in Texas, and perhaps in the United States. This has resulted in the savings to taxpayers of hundreds of thousands of dollars in interest on bonds.

Mr. Mosley, as the chief administrator, with the full support of members of the City Commission and his staff, has done a remarkable job of making possible the continued growth of the city. Had not his planning provided for more water, sewer lines, streets and other facilities, our progress could have been stymied intermittently. Let it be said to his credit, and to the credit of those who have served with him, that at no time has the lack of City cooperation and readiness retarded development.

Because of steady and substantial growth that has resulted in corresponding increases in valuations, Longview has had for many years sufficient revenues to maintain a comparatively low tax rate. This has been possible because of conditions and good management. City Manager Mosley and members of the City Commission, mindful of the accelerated growth pattern in recent years, have mapped plans for future development. A city planner has been employed; more parks and playgrounds have been projected; studies are being made of the needs of our fast-growing population, which now exceeds 52,000 (on the basis of the City's own estimate). Longview has now assumed metropolitan market status, and this places a larger responsibility on the City in meeting the needs and the challenges of continued growth.

Careful planning and able management have resulted in no increase in water rates, nor has Longview ever suffered a water shortage such as that experienced by many other cities. Today, plans are going forward for the building of another reservoir, assuring an adequate water supply for future years.

Longview's $2,750,000 sewer treatment plant, which has received the acclaim of municipal officials and engineers throughout the country, was built on Harry Mosley's recommendation. It was the first of its kind anywhere, and a great deal of courage and knowledge had to be employed in making the decision to use it, but the city manager did not hesitate or waver because his studies had convinced him of the soundness of the new, revolutionary process.

Mr. Mosley has worked closely with the Gregg County Commissioners Court and the Texas Highway Department on a number of projects. These include Interstate 20, rerouting of S–149 to U.S. 80, extension of Spur 63 to Loop 281 along McCann Road (now in preliminary stage) and extension of U.S. 259 from U.S. 80 north to Judson (now under construction).

He also has been a key factor in our industrial development program.

As Harry Mosley completes 23 years of service with the City of Longview this week—six years as city secretary and 17 years as city manager—he can look in any direction and see great evidence of the very important part he has played in growth and progress unsurpassed or unequaled anywhere in East Texas. It would be impossible to measure the full extent of the impact he has had on this fine community.

He has been highly influential in building the Longview of yesterday and today, and we are confident he will continue his dedicated role in building the Longview of tomorrow. The blueprint of progress is implanted indelibly in his mind. The firm foundation that has been built over the years and the sound City government we have experienced has made it possible for Longview to aim higher and do more on a larger scale in planning a bigger, better and finer city.

We congratulate Mr. Mosley on his 23rd anniversary as a city administrative official, and we commend him for his dedication and devotion to duty as well as for his brilliant record.

UNION LOCALS FIGHT TO OBTAIN WORK FOR THEIR EMPLOYER

HON. CHARLES E. GOODELL

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, April 22, 1969

Mr. GOODELL. Mr. President, locals 425 and 471 of the International Union of Electrical Workers—IUE—have been involved for the last several weeks in a valiant effort to obtain additional work for their employer, the Ford Instrument Co. of Long Island City, N.Y. At a time when many labor unions are being criticized for their demands upon management, the employees of locals 425 and 471 have turned the tables and are actively soliciting business for their company. Almost daily they are scouring the halls of the Navy Department, their principal customer, telling the story of their company's history and products.

Because of a change in Navy procurement requirements their company now faces a shutdown of its facilities. The union members have decided that their plant must be kept open.

Ford Instrument Co. has been a reliable Navy supplier since before World War I. It is said that every ship in the U.S. fleet carries at least one of their products. For the union's part, they have had only one 1-day work stoppage in 32 years. They have a long history of being vitally concerned with the Navy's needs for national defense and the production of quality products.

Several weeks ago members of this union asked me to intercede on their behalf with the Navy Department and their own management so that new business efforts could be coordinated. Despite numerous meetings with union officials, management, and the Navy Department, the outlook remains cloudy. However, with employees such as those of locals 425 and 471 the effort must succeed.

Mr. President, I ask unanimous consent that an article written by Victor Riesel, detailing their campaign, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REQUIEM FOR A WAR? NAVY PHASING OUT WIZARD GUN SYSTEM WHICH UNION CHIEFS SAY "COULD HAVE SAVED 'PUEBLO'"

(By Victor Riesel)

WASHINGTON, D.C.—This is the requiem for the Mark 87—a revolutionary system for placing and keeping guns on target. Perhaps this is also the requiem for the ghastliness in South Vietnam, but basically this is the story of labor leaders in a unique role—lobbying for the revival of production of a gun fire control system which they say could have saved the Pueblo from capture and the S.S. Liberty from a mistaken, tragic attack in Middle East waters in June '67.

The well-tested but almost stillborn Mark 87, which combines radar and computers for a fully automatic means of locating, tracking and bringing down targets, is being phased out. Navy specialists, who say that other gun fire control systems are like bows and arrows compared to the Mark 87, add that they are grieved to report they have no more money for the fantastic air, land and sea range finder.

Thus—no orders to the 55-year-old Ford Instrument Co. installation in New York City, which produced the first two Mark 87s. Thus the company, which had been counting mightily on further contracts, has decided to phase out its plan. Thus its work force, a smooth mix of 900 technicians, engineers, white collar people, mathematical geniuses, electronic specialists, porters, typists, et al., also will be phased out this year.

This will wipe out the jobs of 900 employees, most of whom belong to Local 425, International Union of Electrical Workers (IUE). Its national leader is one of labor's younger newer breed, the militantly liberal Paul Jennings, who will make headlines later this fall when he leads the assault on the General Electric Co. and Westinghouse in the labor conflict of the year.

So the IUE's national leaders have taken to the Hill. They are visiting senators. They are pressuring congressmen. They plead for the Mark 87's survival and are armed with impressive technical literature.

I recall no such labor campaign for a piece of fighting equipment.

"The Mark 87 can easily be updated," says the IUE leadership, "and used in the future against any conceivable change of enemy weaponry . . . (it) is a highly efficient system and can outgun any other control system in the world.

". . . It can be reasonably stated that, if the Pueblo had been equipped with a Mark 87 guidance and two three-inch guns, she would not have been taken. . . . With the Mark 87 the Pueblo would have been able to blast the Korean ships out of the water before they could take any meaningful counteraction. The development and implementation of a broad Mark 87 program could save America from a repeat of the Pueblo crisis. Can the men who man the ships be denied this safety?"

Recently, the Mark 87 was tested on a strange new aluminum-hulled ship, a glorified PT boat, for inshore and river fighting. There were so many on-target hits that the admiral ordered a rerun. He thought no target finder could be so consistently successful. There must have been an error in scoring. But there wasn't.

At a private conference in Navy headquarters here Thursday, March 27, Navy procurement people wistfully discussed this wizardry with IUE leaders who had come to lobby for new Mark 87 orders.

The Navy officers said they were being forced to use a 20-year-old Mark 63 system. It is outmoded, but it is in stock. Thus, it will be woven into a new fleet of 20 LSTs (Landing Ship Tanks) now being built in San Diego. This is a four-year construction program. Thus, the ancient 63s will be virtually a quarter-century old when they are locked into the last of the new LSTs. Furthermore, it takes 18 men to run the 63 and four to service it. The Mark 87 uses three men, with two for service.

But the union people, local and national, who have been pushing for at least 12 new 87s to keep the Ford Instrument plant going, talk of more than production costs, more than the spectacular accuracy of this fire control system's digital mechanism, which monitors itself regularly and then alerts the crew if it finds itself faulty.

The union people talk of the "mix" at the plant—the working team which will now be dispersed. They say that a Ford Instrument Co. piece of equipment is on virtually every Navy fighting ship. The union men, who've called only one one-day strike in 32 years, talk of a different kind of picket line—the kind on which the local's members wait across the world to be summoned to repair electronic and computerized fighting mechanisms.

They recall quite proudly how one of the "mix," the work force, was called on to solve a problem on the U.S.S. New Jersey when the Navy found it had to use Army shells. A Navy phone call to the Ford Instrument Co. produced a veteran engineer who developed calculations for an electronic brain to recompute the trajectories vital for a different weight shell. If Ford Instrument shuts down, whom will the Navy call, ask the union men.

"At a time when our fighting men deserve the best," the union asserts, "and our nation demands the utmost defense from enemy attack, the further delay in the development of the Mark 87, with its attendant closing of the Ford plant, with its dispersal of a special skilled work team, can in no way appear justified."

But it may be that the military and the White House are phasing out more than a target finder, fantastic as that bit of cybernetics may be. It may be that the Mark 87 is being beaten into more than bows and arrows. It may be ploughshares coming up.

But if this is not the intent of well-briefed men, then it may be that a mighty, life-saving weapon is being junked by penny pinchers who find their target with pencils.

REPORT ON PUBLIC WELFARE

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. UTT. Mr. Speaker, I would like to include in the Extensions of Remarks of the RECORD a letter and report from the Association of Former Grand Jurors of San Diego County, Calif. I believe that the views expressed by the association should receive wide circulation:

ASSOCIATION OF FORMER GRAND JURORS OF SAN DIEGO COUNTY, CALIF.,

San Diego, Calif., March 5, 1969.

The Honorable ROBERT H. FINCH,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. FINCH: At the request of the Executive Committee of this Association, I am enclosing a report regarding the Welfare situation as it exists in San Diego County today.

At the last general meeting of this Association, which has a membership of 125 prominent and influential citizens, a growing concern over the escalation of County Welfare costs, resulted in the appointment of a committee to conduct an investigation of this entire situation. The three members of this committee are all highly qualified and knowledgeable of welfare problems. If they are not already known to you, may I submit the following qualifications:

Lara P. Good. General Good was Foreman of the 1939 San Diego County Grand Jury, the first Grand Jury to make a study of the growing Welfare problem. At that time Welfare had increased from benefits of $79,000.00 paid in 1923, when the County had a population of 175,000, to $4,000,000.00 when the County population was 425,000. These figures indicated that while the population increased only 2½ times in this sixteen year period, Welfare benefits increased 52½ times. The Grand Jury expressed alarm over this excessive growth in County welfare and recommended that steps be taken to remove the role of Public Welfare outside the realm of politics.

General Good has continued his study of Public Welfare, and as Chairman of the Welfare Committee of our Association of Former Grand Jurors, has kept us advised of current changes which have accelerated the dangers that jeopardize the balance of budgets in our county, state and nation. General Good was asked to serve as Chairman of the Investigative Committee issuing this Report.

Lawrence N. Turrentine. Judge Turrentine began the practice of law in 1913 at Los Angeles, and in 1926 moved his Law Office to San Diego. He was appointed Judge of the Superior Court of San Diego County in 1930, and thereafter was elected five times with opposition on only one election.

He served in all capacities on the Superior Court Bench, the last eleven years of his incumbency as Presiding Judge. During this period he served as President of the California State Conference of Judges, also a member of the State Judicial Council, and at the request of that Council he served on the Appellate Court Bench for six weeks. He retired in November, 1958.

Judge Turrentine has been recognized as the Dean of Judges in San Diego County, and was appointed an honorary Life Member of the Association of Former Grand Jurors; also an Honorary member of its Executive Committee. For the past 30 years or more he has been very close to the Welfare situation and is familiar with its problems in San Diego County.

MacArthur Gorton. Mr. Gorton has lived in San Diego since 1925. He is an authority on the history of this city and has for years been recognized as one of its most prominent and best known citizens. He managed the San Diego Social and Athletic Club from 1931 to 1956.

He served on the 1938 County Grand Jury and was Vice Foreman of the 1945 Grand Jury. He also served as Foreman for the Federal Grand Jury in 1963. He is a Past Chairman of the San Diego County Board of Public Welfare on which he served for seven years.

An authority on tax matters, Mr. Gorton represented the San Diego Chamber of Commerce at all meetings of the California Taxpayers Association. He also serves as Chairman of the Taxation Committee of the Association of Former Grand Jurors, and is also a member of the Executive Committee of this Association. He is highly knowledgeable on Public Welfare matters and has been deeply concerned over the way this program has ballooned in recent years.

The 1968 San Diego County Grand Jury Report states that while Welfare assistance is excessive, every member of their Public Welfare Committee is aware that much of this abuse of authority emanates from State and Federal levels and does not fall within the jurisdiction of the local Public Welfare Department. If this is true, we believe that drastic changes must be made on the higher levels.

Very truly yours,

JOHN A. DAVIS,
President.

REPORT ON PUBLIC WELFARE

To: Mr. John A. Davis, President, Association of Former Grand Jurors of San Diego County.

Your Committee, appointed to study the alarming growth of Public Welfare in San Diego County, has given much thought to the problems involved in the administration of Public Welfare locally, statewide, and nationwide, and has reached the following conclusions:

1. The attitude toward Public Welfare has

unfortunately changed from the idea that anyone who receives funds from other than his or her own earnings is none other than a charity case supported at public expense through the benevolence of the society in which he lives, until today recipients of welfare payments who are either unable, or do not wish to be employed, are entitled to be supported at public expense as a right to which they are entitled without any further justification.

2. The attitude that once existed on the part of our society generally that each family should support its own relatives, regardless of how distant such relationship might be, has now changed until even sons and daughters are absolved from contributing to the support of their parents without any stigma attached to them because of their refusal to make any contribution to such support—all this regardless of how affluent such sons and daughters may have become. No stigma attaches to them because they have asked society to take care of those who were once regarded as their own personal obligation.

3. Laws have been passed which even reject the idea that any estate of a deceased recipient of public welfare should be subject first to a lien by the county or state up to the amount of public welfare which had been paid such receipient during his or her lifetime. In other words, such sons and daughters who deny aid to their parents may now claim the estate of such parents without having to pay back to the state the aid such parent received.

4. When once the books of the county were open to inspection by any taxpayer to determine the amount of aid being paid to a recipient, the same as a taxpayer may by inquiry find out the amount of salary or wage that is being paid to a public employee, the recipient of public welfare is placed in a preferred class of recipient of public funds as compared with a public employee. This would appear to be in violation of the Amendment of the United States Constitution which declares that property cannot be taken from its owner without due process of law. But recipients of public welfare are placed in a preferred class of citizens, and their status on the public welfare rolls is denied to the taxpayer generally.

5. Despite all of the cases of fraud which have been proven in our courts, new rules are prescribed for the administration of public welfare which require the payment of benefits without any investigation of any kind as to the merits of the individual case, but assume that anyone who declares that he or she is entitled to welfare benefits should forthwith be so paid according to his or her own declaration of need. This is an open invitation for the commitment of further fraud against the taxpayers.

6. Many of those employed in the administration of public welfare are more concerned that claimants of public welfare aid receive their payments promptly than they are with the position of the average taxpayer who is required, by steadily increasing taxes, to support the public welfare program. Many taxpayers are actually receiving less in income than the recipient of public aid.

7. Public charges are constantly made about the impoverished condition of a large segment of our population claimed to be suffering from malnutrition, whereas., in most cases, the fault lies not with the amount of food supplied to them, but to their inability to select or plan a balanced diet.

8. Without doubt there is no larger percentage of our nation's population that is impoverished now than there was back in the 1900's, but we have raised the standard of living so high that it cannot be supported by a large segment of our population without government subsidy. Too many do-gooders insist that everyone, regardless of their income, should be provided with all modern electrical appliances, including colored TV's etc., which fringe benefits add to the ever mounting costs of public welfare.

9. Too much emphasis is being placed upon the slum type of homes in which people are living, and that these homes are sub-standard and must be replaced, when what is needed is for those who live in such homes to clean up, paint up, and improve their living conditions by their own efforts. Example after example has proven that when people who have no pride in improving their present sub-standard homes, are moved into a brand new modern housing project, such housing projects quickly deteriorate because they are subjected to the same living conditions, which rather proves the assertion that it is the bums who make slums, rather than the reverse.

10. The status of public welfare has got entirely out of hand. Today in San Diego County approximately 47% of the expense of government is concerned with public welfare in its various phases, and if the growth of public welfare is allowed to continue at the present rate the nation will go bankrupt:

(a) During the period from 1923 to 1939 when our San Diego County Grand Jury made its first study of the growth of public welfare, our population increased only two and one-half times, while public welfare expenses for recipients within the county increased more than fifty-two and one-half times.

(b) During the last 45 years, from 1923 to 1968, the population of San Diego County increased approximately eight times, while welfare payments during the same 45 years increased better than ninety times.

(c) The situation in San Diego County is simply a duplication of the growth of welfare elsewhere. It is nationwide.

11. Because of the migratory nature of our population, the removal of residential restrictions has worked a further hardship upon those states and communities to which people have flocked because of more comfortable living conditions and/or larger benefit payments. Once California required a residence of 15 years before eligibility for welfare benefits from the county tax rolls could be approved. Later the time limit was reduced to five years, and more recently, according to Supreme Court decisions, any time limit as to residential restrictions has been outlawed altogether. This has permitted a person moving to California to become immediately eligible for welfare payments by San Diego County where they have never lived or paid one cent of taxes, and local authorities are helpless to remedy the situation.

12. Reduction of public welfare will never be accomplished as long as the grant is given without obligation on the part of the recipient; and, whenever possible, repayment should be a requirement—more like a repayable loan.

13. The solution is not more paternalism, laws, decrees and controls, but the restoration of incentives for people to stay off of relief rolls.

14. The complete administration of welfare should be left in the hands of local county welfare officials who are familiar with conditions within their respective counties.

We believe the foregoing are constructive suggestions and would tend toward the solution of our welfare problems, keeping in mind the interests of those who are asked to contribute the funds as well as those who receive them.

WELFARE STUDY COMMITTEE,
L. N. TURRENTINE
MACARTHUR GORTON
LARA P. GOOD, *Chairman.*

SAN DIEGO, CALIF., *March 1, 1969.*

RESOLUTIONS ADOPTED BY DAUGHTERS OF THE AMERICAN REVOLUTION

HON. JOHN STENNIS

OF MISSISSIPPI

IN THE SENATE OF THE UNITED STATES

Tuesday, April 22, 1969

Mr. STENNIS. Mr. President, the Society of the Daughters of the American Revolution met in Washington last week, bringing together sincere and patriotic Americans from throughout the Nation.

I am impressed with the dedication of its members to the fundamental principle upon which this Nation was founded and I find the society's outlook and spirit refreshing and inspiring amidst our troubled times.

The Daughters of American Revolution are vitally concerned about the future of the United States, as much so as any other organization in this country. I wish to commend the members of this society for the orderly and proper way in which they express their concern and recommend this pattern to all concerned Americans.

The DAR has proved and will continue to prove that an unruly demonstration, or a definance of authority, is unnecessary to get a point of view heard. Clinging fast to the framework of this great democracy, made possible by the society's ancestors, the DAR has met in a serious and dignified way to adopt a number of resolutions that express their feelings on crucial matters facing this Nation.

Mr. President, I find these resolutions and the dignified and orderly manner in which the society expressed itself to represent the real meat of what democracy is all about. I am delighted and encouraged to see that our great form of government is manifested so well by the Daughters of the American Revolution.

I ask unanimous consent that the resolutions adopted by the society at its 1969 meeting be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTIONS ADOPTED APRIL 16, 1969

REDEDICATION

Whereas three hundred years ago a new ideal found root on these shores, and through trial and tribulation a new government and Constitution, founded on Faith in God, man, justice and opportunity for all, ultimately evolved; and

Whereas the current theme of our National Society is "One County, One Constitution and One Destiny"; and

Whereas to perpetuate the blessings accrued to mankind under the Constitution—the greatest charter of individualism—the National Society, Daughters of the American Revolution was founded to preserve history and to educate citizens not only in the privileges but also in the responsibilities of citizenship in this Republic; and

Whereas despite the sophistication of our age and the skepticism that has come to blight and weaken our Faith, Liberty under God remains the prized blessing of mankind;

Resolved, That the National Society, Daughters of the American Revolution carry forward the original spirit of America, surrendering to no foe the sacred trust committed to our hands, a trust we are honor

bound to pass on unimpaired to future generations;

Resolved, That the National Society, Daughters of the American Revolution rededicate themselves to the fundamental principles that impart wisdom and reason, justice and unity, courage, and faith in God.

APOLLO 8 ASTRONAUTS' READING OF GENESIS

Whereas America was founded as a Christian Nation; and

Whereas the majority of Americans respect their God for His protection and guidance through the centuries; and

Whereas the epic accomplishment of the Apollo 8 Project on December 24, 1968, is now history; and

Whereas the awesome, perilous flight of the three Astronauts proved without doubt what Americans working together toward a common goal can achieve; and

Whereas the reading of verses from Genesis by the three courageous Astronauts proved their fealty to the Country they serve, "One Nation under God";

Resolved, That the National Society, Daughters of the American Revolution express their joyous pride and warm admiration to these brave men of science, for expressing their Christian faith as they became the first human beings to look upon God's creation—Earth—"small and beautiful and blue in that eternal silence where it floats", and they found it good.

ANTI-BALLISTIC-MISSILE SYSTEM

Whereas it is folly to rely on treaties with the Soviets who have broken more than 100 major agreements; and

Whereas the Soviet invasion of Czechoslovakia in August, 1968, (which violated 17 agreements, one of which was only 17 days old) proves that "peaceful coexistence" is a fraud and that the Soviet communists have never abandoned their goal of world domination; and

Whereas Secretary of Defense Melvin Laird testified before the Senate Armed Services Committee in March, 1969, that:

(1) the Soviets "are going for a first-strike capability";

(2) the Soviets now have more than 200 "accurate" missiles of 20 to 25 megatons (which are 20 to 25 times the size of 95% of United States missiles);

(3) the Soviets have caught up with and passed the United States in numbers of land-based nuclear missiles, and are continuing to deploy more at a rapid rate;

(4) in slightly more than two years, the Soviet nuclear missile force has increased more than threefold, while the size of the United States nuclear missile force has been frozen;

(5) the Soviets have "deployed" and "launched" orbital bombs (the FOBS), which could be equipped with nuclear warheads;

(6) at the present time, the United States has no installed anti-missile defense, but the Soviets have been deploying their anti-missile system for the last three years, and are currently spending $3.70 on defensive nuclear forces to every $1.00 spent by the United States;

(7) the Soviets are "going forward with the deployment" of Polaris-type nuclear submarines at the rate of seven per cent per year and it is anticipated that they will be "comparable" to our Polaris fleet by 1971–74;

(8) our Polaris-Poseidon submarines will be vulnerable to a Soviet attack in about three years because of Soviet weapons advances;

Resolved, That the National Society, Daughters of American Revolution in the interest of a strong National Defense, support the restoration of United States nuclear weapons superiority and urge the rapid deployment of anti-missile defenses which can protect our Nation from any Soviet or Red Chinese nuclear attack.

TARIFF AND TRADE

Whereas in seeking to rebuild war-torn Europe and Asia and to aid emerging nations, the United States taxed her people and industries so heavily that many small and marginal firms failed; and

Whereas the United States government has created a critical situation in several industries by permitting a series of wage increases not justified by production increases and by canceling government contracts in various industries which attempted to raise prices to cover production costs; and

Whereas both the Trade Expansion Act of 1962 and the proposed Trade Expansion Act of 1968 frankly state that whole industries may be seriously injured; and

Whereas many earlier trade laws (still in effect) to prevent the dumping of foreign over-production have loopholes which permit evasion of the law while, at the same time, many other nations continue their restrictive tariff policies; and

Whereas the flood of imports contributes heavily to an ever-mounting unfavorable balance of payments which has weakened our dollar, drained away our gold and diminished our national prestige;

Resolved, That the National Society, Daughters of the American Revolution urge that the United States adopt a policy of enlightened self-interest and establish import quotas until foreign nations remove their costly non-tariff devices.

THE ELECTORAL COLLEGE

Whereas in providing the Electoral College, it was the intent of the Constitution of the United States of America to give American voters the same numerical representation in selecting a president as they enjoy in their representation in Congress, but this objective has long been thwarted by application of the unit rule or "winner take all" of the electoral votes to which a given State is entitled; and

Whereas the State of Maine by its recent action has demonstrated that it is within the power of the States, without Constitutional amendment or federal legislation to eliminate the unit rule, and Maine has now substituted a district plan of selecting electors, under which electors will be chosen by Congressional Districts and will vote for the candidate with the winning margin in the district, with two electors chosen at-large who will vote for the candidate with the popular majority in the State; and

Whereas the District Plan, by giving each voter one vote in his district together with the two votes of the electors chosen at-large to represent the vote of the State would be consonant with the provisions of the Constitution of the United States of America, in that it would retain the Electoral College and would require electors to represent the will of voters by Congressional Districts as well as the State; and

Whereas the method of direct election would mean abandonment of the federal system of representation, would risk federal control of elections, and would deprive the small or less populous states of the protection now provided by the two electoral votes representing their senators;

Resolved, That the National Society, Daughters of the American Revolution commend the State of Maine for adopting the District Plan of representation and voting in the Electoral College;

Resolved, That the National Society, Daughters of the American Revolution urge the several States to exercise their Constitutional powers; abolish the present bloc system of voting in the Electoral College; and adopt the District Plan, under which the body of electors comprising the Electoral College would represent the votes of each Congressional District and the two at-large votes to which each State is entitled, thereby giving American voters equal representation in a presidential election.

SEABED ARMS TREATY

Whereas a draft treaty recently introduced by the Soviets at the 17 member nation United Nations Committee on Disarmament in Geneva would ban all weapons from the seabeds of the world; and

Whereas this plan prohibits placing on the seabed and the ocean floor and the subsoil thereof, objects with nuclear weapons or any other type of weapons of mass destruction, and the setting up of military bases, structures or installations, fortifications and other objects of military nature; and

Whereas such a sweeping elimination of all seabed military installations would include electronic directional devices for submarine, listening devices and other instruments vital to United States undersea operations; and

Whereas the Soviet willingness to cooperate in this treaty suggests the importance which they attach to seabed controls; and

Whereas the Soviets have never signed an agreement or treaty that did not at least temporarily advance their plans for world domination, nor have they kept their pledged word whenever it suited their purpose to break it;

Resolved, That the National Society, Daughters of the American Revolution in the interest of a strong national defense, urge that the United States retain control of all necessary military seabed installations.

CONSERVATION

Whereas man is part of the ecology of nature and through the decades has endangered the balance of nature by his exploitation and misuse of natural elements of air, water and land; and

Whereas it is imperative that those persons determining land use must take into consideration indiscriminate acquisition for highways, industrial complexes, housing developments, air ports and the destruction of the marsh lands, and for minerals, strip mining and oil recovery policies, watersheds and erosion, reclamation and irrigation, esthetic values and recreational needs; and

Whereas the future development of the national wealth and the standard of American life will depend upon adequate supplies of clean, usable water and a high percentage of environmental pollution derives from wasteful, antiquated, unsafe methods of city and industrial waste disposal, farm use of insecticides, fungicides and herbicides resulting in the deterioration of water quality; and

Whereas the air is becoming increasingly polluted by jet planes, motor vehicle fumes, industrial smoke and gases, uncontrolled fires and dust bowls threatening the well-being and even the existence of whole communities; and

Whereas careless cutting of magnificent forests, including the majestic monarch, the Redwoods (a national heritage), has resulted in loss of vital water-sheds contributing to soil erosion and uncontrolled floods; and

Whereas man by indifference, by greed or by necessity, has been responsible for the decimation or extinction of countless species of wildlife and unwarranted destruction of fish life;

Resolved, That the National Society, Daughters of the American Revolution support effective studies and laws to implement pollution controls of air and water, better use of land and prudent conservation of all natural resources, and cooperation among national, state and local authorities in order to find a common solution to these problems.

ATTACK ON POLICE

Whereas militant groups have openly announced their intention to destroy the local police forces of the United States as a neces-

sary step toward their goal of creating anarchy in this Country; and

Whereas leftists efforts to destroy the effectiveness of the local police and to stimulate demand for a national police force are being abetted by court decisions and propaganda; and

Whereas widespread anti-police propaganda discredits efforts of the local police to protect citizens from bodily harm and their property from looting and arson, and derides the policeman who attempts to protect himself from vicious attacks; and

Whereas police departments are often inadequately equipped and undermanned, and police are often so restricted in their use of arms that they must risk their lives unnecessarily; and

Whereas a bold, escalating plan for the destruction of local police has reached the stage of numerous bombings of police headquarters;

Resolved, That the National Society, Daughters of the American Revolution commend the local police of this Country for their efforts to protect law-abiding citizens and pledge them our support;

Resolved, That the National Society, Daughters of the American Revolution warn of the dangers of any plan for a nationalized police system.

LOSS OF INDIVIDUAL RIGHTS

Whereas the Constitution of the United States of America reserves all powers of government to the several sovereign states and to the people except those specifically allocated to the Federal Government; and

Whereas Americans, apathetically unaware of the magnitude of these losses, should be alarmed by the following partial list:

Citizens have been deprived of the right to own gold by Executive Order; the coinage of the nation has been debased; Silver Certificates have been withdrawn; and the dollar is being progressively devalued by inflation.

The right to know is abridged by bureaucratic practices of distortion or by classification of government information in order to withhold it, not only from the people but also from committees of Congress, and by Federal Communications Commission "guidelines" used to influence radio and TV programming.

The United States has been involved in two foreign wars without a declaration of war by Congress.

The right of parents to direct the education of their children is being increasingly curtailed by federal edicts; freedom of choice of schools and teachers is denied; children are being bussed in violation of the law.

The right to read the Bible and to pray in public schools is denied.

"Guidelines" in the implementation of the Gun Control Law of 1968 provide de facto gun registration by requiring detailed information from buyers of ammunition or materials for reloading shells for sports and recreation.

The right to sell or rent property has been sharply curtailed, and dictatorial use of the power of Eminent Domain often amounts to actual confiscation of property.

The right to conduct business is greatly hampered by numerous government regulations including; hiring and firing personnel; inspection of records; submission of innumerable reports; collection of withholding, sales, unemployment taxes and social security payments under severe penalties for noncompliance.

Farmers restrained by bureaucratic edicts, are restricted in the use of individual ingenuity and initiative, thereby limiting use of land, productivity, and hope of profit, thus depriving the nation of cheaper food and fiber for domestic use and for export;

Resolved, That the National Society, Daughters of the American Revolution stand firmly for the restoration and preservation of Constitutional rights of individual citizens.

CIVILIAN BENEFITS OF DEFENSE RESEARCH AND DEVELOPMENT AND SUPPORT OF ROTC

Whereas the military research and development work of our industrial and university laboratories—so often distorted and attacked—not only enables the United States of America to neutralize potential threats to our national survival but also has provided civilian life with "walkie-talkie" radios, computers, lasers (with their medical application), transistors, worldwide television and meteorological reports by satellite with new developments in concentrated foods and in nutrition; and with materials never found in nature, withstanding the heats, speeds and pressures that technological progress generates; and

Whereas the ROTC programs at nearly 300 of our Nation's colleges and universities not only supply the bulk of the Air Force, Army and Navy officers needed in times of national emergency but also strengthen the character traits of self-discipline, self-reliance and adult responsibility demanded of today's businessmen, executives and statesmen;

Resolved, That the National Society, Daughters of the American Revolution deplore the action of any member of a faculty, student body or news medium who joins through ignorance and/or intent in demonstrations against Defense Research and Development programs or the ROTC;

Resolved, That the National Society, Daughters of the American Revolution commend and support Department of Defense Research and Development and every reserve Officers Training Corps enrollee and instructor devoting his efforts to the survival of our Nation.

VIETNAM

Whereas, Vietnam peace negotiations in Paris have been in session since May, 1968, and have produced no tangible results; and

Whereas American casualties have soared during these months of negotiations; and

Whereas the heavy loss of American lives combined with leftist anti-war agitation and lengthy peace negotiations may lead to an American demand for peace at any price;

Resolved, That the National Society, Daughters of American Revolution call for an end to Vietnam peace negotiations, to be followed by a public pronouncement of United States objectives in Vietnam, determined after full consideration and possible repudiation of any entangling alliances which may hamper United States freedom of action in achieving military victory in Vietnam under direction of United States military strategists for a prompt and decisive settlement of the Vietnam War.

STUDENT SUBVERSION

Whereas "militant activists" and "student radicals" not only have wantonly burned college and university buildings, with losses running into many millions, have unlawfully occupied administrative offices and have destroyed irreplacable and invaluable records and property; but also have disrupted with physical violence, the educational pursuits of the great majority of serious and law-abiding students, all in the name of academic and intellectual freedom; and

Whereas the campus revolutionaries are now openly directing the violent disruption of education in the elementary and secondary schools across the nation, making demands which, if agreed to, lead only to more and unacceptable demands; and

Whereas the true purpose of most campus disorders is to tear down the existing structure of the educational institutions of the nation and to create a climate of anarchy in which to destroy the Republic of the United States; and

Whereas it is no secret that, to secure the downfall of the United States, the Marxist-Socialists have had long range programs to debauch American Youth; the success of these programs being manifest (1) in their rebellion against all authority, (2) in the widespread use of drugs, and (3) in the breakdown of religious and moral values;

Resolved, That the National Society, Daughters of the American Revolution urge immediate discontinuance of the payment of any tax monies:

(a) To any student at any college or university who has participated in any action opposing administrative authority and in defiance of the law, and

(b) To any faculty member who has participated in or encouraged any action opposing administrative authority, and

(c) To any institution of learning whose administrative officals have not enforced the regulations of the institution;

Resolved, That the National Society, Daughters of the American Revolution urge the thousands of Americans, who financially support the college of their choice, to consider the uses to which their money is being put and to withhold their support from those institutions which condone or compromise with student terror tactics;

Resolved, That the National Society, Daughters of the American Revolution commend the many students and educators (amended to include) who have maintained high standards of academic achievement and who have adhered to the principles of decency, morality and religious faith upon which this country was founded and which have resulted in the greatest degree of freedom and the greatest prosperity ever known to man.

SEX EDUCATION

Whereas sex education is not new, most high schools having for years conducted courses which teach the biological facts of life; and

Whereas there is a new and comprehensive sex education program being promoted by a private organization for use in all schools from kindergarten through high school; and

Whereas leading promoters of sex education have published a brochure in which they state (we) "can be neither for nor against illegitimacy, homosexuality, premarital sex nor any other manifestation of human sexual phenomena"; and

Whereas a reputable psychiatrist has stated that sex education should not begin in grade schools because there is a phase of personality development from about ages 5 to 12 when a child develops his physical and mental strength, and premature interest in sex will distort the development of the personality; and

Whereas there is deep parental concern that such instruction unconnected with spiritual and moral values could cause a disintegration of character and moral standards in an entire generation of American youth;

Resolved, That the National Society, Daughters of the American Revolution oppose any sex education in primary and grade schools because of the undesirable psychological effects and urge their members to do everything within their power to prevent the teaching of the physical aspects of sex unconnected with spiritual and moral values.

SENSITIVITY TRAINING

Whereas Sensitivity Training, incorporating self-criticism, is a form of instruction given small groups of persons by a trained leader who uses his power of persuasion to induce individuals to abandon self and personal privacy of body and thought and to submerge themselves into an homogenized group which then becomes an entity subject to the direction of the leader; and

Whereas Sensitivity Training under such names as T-Groups (Training Groups), Dynamics, Human Relations, Group Counseling and other pseudonyms is being pro-

moted by educational, youth and rehabilitation groups and by many churches, business, industry, government and civic organizations; and

Whereas in spite of the alleged goals of Sensitivity Training—which are love, trust, freedom of communications—the programs often result in the loss of moral and ethical standards, abdication from social and personal responsibility, subversion of parental authority and could destroy the ability to distinguish right from wrong according to God's Law; and

Whereas many specialists in the field of psychiatry recognize self-criticism to be an integral part of the brainwashing technique used so destructively against American war prisoners in the Korean War, having originated in the U.S.S.R. in 1929 with the communist party slogan "Through Bolshevist self-criticism we will enforce the dictatorship of the Proletariat";

Resolved, That the National Society, Daughters of the American Revolution oppose Sensitivity Training programs and urge their members to make a thorough study of Sensitivity Training and then sponsor educational programs to publicize its inherent dangers.

ON DRAWING A LINE (PORNOGRAPHY)

Whereas it has been said that "art, like morality, consists in drawing a line somewhere"; and

Whereas on every side in this Nation we see moral decadence, coarseness of conduct and a general desecration of tradition—as evidenced in the printed and spoken word; in the theatre of cruelty; in motion pictures and in TV performances of brutishness, depravity and perversion; in the gyrations of popular dances; in the crudities of Op Art; and

Whereas it is a recorded goal of the Marxist world conspiracy and one of its rules for successful revolution to destroy the moral values of those nations whose governments the international socialists seek to destroy;

Resolved, That the National Society, Daughters of the American Revolution express their interest in the work of the Presidential Commission on Obscenity and Pornography and hope the Commission will conduct a comprehensive study of and an investigation into planned decadence in this Country to ascertain what elements are promoting and profiting by this lucrative traffic, and to identify those elements whether within or outside our borders; and

Resolved, That the National Society, Daughters of the American Revolution suggest such an investigation should formulate stern measures to curb this despicable business, beginning with a simple definition of pornography—in the belief that to survive, this Nation must acknowledge that "art, like morality, consists in drawing a line somewhere."

APPRECIATION TO THE PRESIDENT OF THE UNITED STATES OF AMERICA

Resolved, That appreciation be expressed by the National Society, Daughters of the American Revolution to the President of the United States of America for his message to the Seventy-eighth Continental Congress.

APPRECIATION TO THE PRESIDENT GENERAL

Resolved, That the National Society, Daughters of the American Revolution express to Mrs. Erwin Frees Seimes, President General, their sincere and grateful appreciation of her efficiency, courtesy, dedication and courage and for her inspired leadership in furthering the objects of our Society.

APPRECIATION TO THE CHAIRMAN OF THE RESOLUTIONS COMMITTEE

Resolved, That the appreciation of the members of the Resolutions Committee be expressed to the President General for the privilege of serving under Mrs. William D. Leetch, Chairman of the Committee, who has shown such unusual tact, knowledge, ability and discretion in handling her assignment.

COURTESY RESOLUTIONS

Whereas the 78th Continental Congress of the National Society, Daughters of the American Revolution has been instructive, inspirational and enjoyable; and

Whereas the overall result is due to those who planned and took part in the programs;

Resolved, That the National Society, Daughters of the American Revolution express their deep appreciation to the Officers, Chairmen, their Committees, Pages, and all who participated in the programs, particularly:

1. The members of the staff, their loyal and courteous service during the year as well as during the Congress;
2. The United States Service Bands and their enjoyable evening concerts;
3. The musicians, artists and choral groups for their contributions to the programs;
4. Our own All-American National Chorus of which we are so proud;
5. The speakers for their fine addresses;
6. The coverage of press, radio and television;
7. The police and firemen for their courtesy and protection;
8. Each individual who contributed to the success of this 78th Continental Congress.

NATIONAL TIMBER SUPPLY ACT

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. OLSEN. Mr. Speaker, prior to entering this distinguished body I had the privilege of being closely associated with local government in my home State of Montana. In Montana, as in other Western States and a good many other rural areas, the county is the key to effective local government. It is the county which determines the adequacy of the road system so essential to get crops and livestock to market. It is the county which bears the basic responsibility for schools. People in rural areas throughout the country look to the county for police protection and other fundamental services paid for by their taxes.

It is because of my fundamental interest in the welfare of the counties of the United States that I rise today to speak in behalf of the National Timber Supply Act of 1969. There is a close and continuing relationship between timber harvest and county revenues particularly with respect to the timber management of the national forests.

I want to make it clear at the outset that the Government land I am referring to in my statement is not wilderness area but commercial forest land managed by the Forest Service.

Under the law, counties where national forests are situated receive 25 percent of the revenues from timber sold off those local Federal timber lands. These funds are paid to the counties to help defray the costs of construction and maintenance of county roads and to help defray the cost of schools. It follows logically that the improvement of timber stands on the national forests and their better management will inevitably provide greater revenues and thus directly benefit the counties which, I would remind you, derive no property tax revenues from national forest lands lying within the county boundaries.

Perhaps of equal importance is the fact that the National Timber Supply Act will eliminate the necessity for the continuation of the Knutson-Vandenberg Act—16 U.S.C. 576—funds which are specified for reforestation of national forest lands which have been harvested. The Knutson-Vandenberg fund system, while serving a worthy purpose, has been a bone of contention between the counties and the Federal Government for many years. The inequities of the system have caused the introduction of numerous bills over the past 25 years. I have attended hearings on the issue. The amount of K–V funds—as they are called—deposited by the timber buyer varies widely depending upon the nature of the forest, the terrain involved, and other factors. Purchaser deposits for reforestation are a high percentage of stumpage costs, the apparent value of the timber sale is reduced and the 25 percent of receipts going to the counties is cut down.

There are county officials who feel that K–V funds tend to deprive the counties, therefore, of their fair share of timber sale revenues.

While the National Timber Supply Act does not repeal the K–V provisions, it will, when operating through the "high yield forest fund" make it unnecessary to use the act. It does not provide near enough money to do the needed cultural practices. The whole purpose of the proposed act is to stimulate better silvicultural practices which, of course, includes reforestation.

In essence the National Timber Supply Act and its funding methods will eliminate the counties' share of the timber sale revenues from being skimmed off the top for what is rightfully a Federal management expense. This is only right and just and will, in every case, work to the direct benefit of the citizens who live in those counties.

In terms of reforestation activities themselves, the National Timber Supply Act, while easing the counties' financial burdens, will provide more than 10 times as many dollars for reforestation as is now provided by K–V. Everyone benefits from this change and no one loses. This is rare legislation for this reason alone.

I am today directing these remarks by mail to the National Association of Counties urging that they solicit the support of every county governing body in the United States for the passage of the National Timber Supply Act. This act will respond to the President's plan to restore fiscal responsibility to local government and I thoroughly endorse both its intent and its climate effect.

THE DETERIORATING SITUATION IN IRAQ

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, April 22, 1969

Mr. JAVITS. Mr. President, I have been given a special report by the Amer-

ican Jewish Committee which describes the situation of the 2,500 Jews in Iraq as "deteriorating at an ominous rate." A situation of terror pervades the community there as restrictions are steadily tightened. The report speaks eloquently for itself. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

SPECIAL REPORT ON SITUATION OF JEWS IN IRAQ—AMERICAN JEWISH COMMITTEE

The situation of the Jews in Iraq is deteriorating at an ominous rate. The only ones working are a few teachers, a few businessmen and one professor whose services are apparently wanted and needed by the government. A system of self help, that is one family helping another had been built up; but even those who had are now joining the ranks of the have nots. There is want.

The people are terrified and terrorized. The ringing of the bell or a knock at the door is enough to frighten any of them. The fear was compared to that of the Nazi ordeal, and has brought the population collectively to an indescribably nervous pitch. The night of the executions the Chief Rabbi was asked to go to the prison to say prayers for the condemned men. He refused, as did his assistant; no doubt out of fear. Someone did go however, but was kicked out after only a few minutes.

It is reported that the hangings in Baghdad took place one by one in the presence of the other victims.

Restrictions have become intolerable. Personal effects cannot now be sold either. An entire family was arrested because a member sold a carpet. The explanation given is that such money will be spent to smuggle the people out of the country.

The economic situation of the Jewish community has reached a desperate point, and the oppressive policies continue. If there is any way through an international voluntary body or a friendly government to bring some assistance to this helpless group, it would be a life saving measure for them.

THE 1970 CENSUS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. BOLAND. Mr. Speaker, the probing personal questions the U.S. Census Bureau wants for its 1970 census threaten to violate every citizen's fundamental right to privacy. I am cosponsoring a bill—H.R. 3778—that would clear away this threat by making wholly voluntary the responses to all but six basic census questions. This legislation would prevent the Federal Government from carrying out searching inquiries into a citizen's private affairs without that citizen's consent. But the bill—and this point should be emphasized—will not restrict or inhibit the Government's ability to gather the statistics it needs for planning and administering its programs.

We have read of the complex and wide-ranging questionnaire that the Census Bureau proposes to send into the homes of this country next year. Though the Bureau's Director, A. Ross Eckler, assured the Subcommittee on Census and Statistics of the House Post Office and Civil Service Commission in hearings on April 1 that the responses to this questionnaire would be kept strictly confidential, our mail reflects the opinions of our constituents who feel the requirement to answer some of the questions constitutes an unwarranted invasion of their personal privacy. And who should be in a better position to know when a question is too personal than the people who will be asked them?

In response to the mounting wave of criticism over the length of the form and the personal nature of the questions, the Secretary of Commerce recently informed Members of Congress that "questions relating to the adequacy of kitchen and bathroom facilities have been reworded to remove any implication that the Government is interested in knowing with whom these facilities may be shared." I am relieved to hear that the original 66-question form has been cut back to 23 questions, but I feel that these measures do not solve the basic complaint we have with the 1970 census; that is, individuals are still being asked to divulge what they regard as confidential information or else face the possibility of as much as 60 days imprisonment. No woman should be faced with the dilemma of admitting that she had borne illegitimate children or other personal information, possibly not even known by her husband, or face the possibility of a jail sentence. Admittedly, this is probably the most extreme example of the type of conflicts this census will create between the demands of the state and the individual's loyalty to himself and his self-respect. But an examination of the proposed census form and the many statements delivered by my colleagues on this matter in this Congress and in the 90th Congress have convinced me that the Senate Post Office and Civil Service Committee was correct when, in reporting a bill similar to H.R. 3778, it wrote on October 2, 1968:

Census questions are broad and in some cases invade areas of citizens' personal households and activities which go far beyond the necessity for enumeration. Although State and local governments have expressed strong interest in obtaining such information for justifiable reasons (including the distribution of public funds for education, welfare, and related government purposes), imprisonment for refusing to answer or answering falsely is a penalty too great to impose on any citizen (S. Rept. No. 1610, 90th Congress, 2d Session).

The bill reported by the Senate Post Office and Civil Service Committee last Congress, S. 4062, which would have repealed those sections of the United States Code providing jail sentences for persons refusing to answer or falsely answering census questions, was approved by the Senate on October 2, 1968, which, unfortunately, proved to be too late for the House to act. H.R. 3778 includes the changes proposed by S. 4062, and, in my opinion, provides a basic improvement not included in that bill. In addition to eliminating prison penalties, H.R. 3778 would make persons liable for a fine of not more than $100 for failure to truthfully answer questions in the following areas only:

(1) name and address;
(2) relationship to head of household;
(3) sex
(4) date of birth; and
(5) visitors in home at the time of the census.

By restricting compulsory questions to these areas, Congress would be more closely following the constitutional purposes of a census, which are to provide the basis for congressional districts—Constitution, article 1, section 2, and section 2 of the 14th amendment. Questions on personal matters such as the number of bathrooms in a given residence are irrelevant to this purpose and therefore not within the constitutional intent of the census.

We do not doubt that statistics derived from questions asked about marital status, years of school completed, employment status, kitchen or cooking facilities, heating equipment, number of bedrooms, presence of washing machines, television, and many other questions, are helpful to the national, State and local governments and private industry as well. Some of this information may indeed be vital to the planning of governmental programs. Therefore, we do not propose restricting the nature of the questions asked. We only are telling the Census Bureau that they may not force a person to answer questions beyond five specific categories related to the constitutional purposes for the census. We are leaving it to the individual citizen to determine which questions are too personal for him to answer. There is no better way to protect the right of privacy in this area because no one can determine what invades a person's privacy better than that person.

I cannot see how asking for voluntary responses to most of the census questions would make the census, to use Secretary of Commerce Maurice C. Stans' words, "unreliable and practically useless." George Gallup, Lou Harris, and countless other polling organizations have been proving for years that you can take accurate surveys without threatening to fine or imprison the person questioned. In fact, we may find that the Census Bureau will get more cooperation from the public if they ask rather than require people to answer questions. I know that if someone came up to me and explained the reasons for asking various questions and asked for my cooperation, I would feel more disposed to answer than if he had said, "Answer these questions or else you will go to jail for 60 days." Next year's census will for the first time be conducted largely by mail. Distortion and failure to respond seems more likely under these circumstances than when the census was conducted by direct, personal interview. Surely, under these new conditions, we should try to obtain the cooperation of the people rather than their hostility.

Furthermore, we should act at this time to let the Census Bureau know that many of the questions included in the 1970 census, such as requests for information on previous marriages, value of property, and number of children borne by a woman, including stillbirths, touch upon personal matters which Congress believes should not be the subjects of a national survey. We should warn the

census takers that although we are leaving the questions on this census to be answered voluntarily—since to completely remove them at this stage would involve great waste—the questions should be carefully reexamined and limited before the next census or else Congress may force them to make such restriction. We must demonstrate our recognition that a compulsory census on such personal matters increases the Government's power to conduct a regular, computerized surveillance of a citizen's every move, thought, word, and deed and represents a gratuitous intrusion by Government into the everyday lives of its citizens.

A recent Associated Press dispatch indicates that we must act soon on this problem. For even as the protests rise in Congress and throughout the land, under the orders of President Nixon, the administration has instructed the Government Printing Office to begin production of 150 million forms to be filled out by each household next year with the instruction that answers to the questions are mandatory. I believe that H.R. 3778 presents an ideal balance between the competing needs of the Government to know and of the citizen to retain some areas of privacy.

WORKWEEK 1969 AT SPRINGFIELD COLLEGE, A STUDENT-ADMINISTERED PROJECT DESIGNED TO RAISE FUNDS FOR BADLY NEEDED FACILITIES—WORKWEEK STANDS AS A POSITIVE REJECTION OF THE IRRESPONSIBILITY AND DESTRUCTION OCCURRING ON SOME COLLEGE CAMPUSES

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 22, 1969

Mr. RANDOLPH. Mr. President, students at Springfield College, Springfield, Mass., have initiated and administered a project—Workweek 1969—designed to bring contributions to the college to aid in the growth and expansion of that institution of higher education.

The Springfield undergraduate has seldom been given to noise or display but rather has chosen the currently unstylish path of cooperation. It is in this tradition and spirit that students of Springfield have foregone the placard and have instead chosen the shovel and paint brush as a means by which they offer aid to the capital fundraising campaign.

It is hoped that the goals of their efforts will be realized in the building of a library, a football-track-soccer complex, classrooms, and infirmary facilities.

Participating students are working in the Springfield community on a variety of odd jobs. The proceeds from their labors will augment funds being used to provide needed improvements.

It is gratifying to see students giving aid in a positive manner, so beneficial to themselves and their institutions.

This positive program was brought to my attention by Phyllis Lerner, a student of this institution. She is an alert and enlightened young lady.

THE BRUTAL TRUTH

HON. ROBERT V. DENNEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. DENNEY. Mr. Speaker, the April 13, 1969, issue of the New York Times contains an excellent article entitled, "The Brutal Truth" by C. L. Sulzberger. Having received permission, I insert the following in the CONGRESSIONAL RECORD:

THE BRUTAL TRUTH

(By C. L. Sulzberger)

SAIGON.—Last October the Central Office for South Vietnam (C.O.S.V.N.), Communism's executive committee for Vietcong operations, adopted a basic peace strategy which must be reversed by Hanoi if present efforts are to succeed. This basic strategy is called Resolution Eight and aims at "decisive victory."

"Decisive victory" is specifically described as: (1) American recognition of and negotiation with the Communist National Liberation Front (N.L.F.), now regarded as attained; (2)—American withdrawal from South Vietnam and destruction of U.S. military bases which "will certainly be accomplished"; (3)—creation of a "coalition government" in Saigon, including the N.L.F., to establish a "neutral South Vietnam."

TOTAL VICTORY

Such "decisive victory" is to be followed ultimately by what is called "total victory": independence, territorial reunification and a Socialist regime in [all] Vietnam." A later C.O.S.V.N. study session on Resolution Eight concluded:

"The enemy's rear is unstable. The puppet army and Government are disintegrating. . . . The fact that the Americans are talking with us in Paris means they have fallen into our trap. The fact that they declared an unconditional bombing halt over North Vietnam means they have recognized their failure."

To exploit this situation, Hanoi many weeks ago ordered "continuous, relentless and encompassing" offensives with "recurring climaxes and concentrating their main efforts on chosen targets." But it warned that Washington also is trying to find "a political solution to defeat us" and "we are resolved to defeat them in this situation. . . . We will defeat the enemy on the political front right in the United States. We will enlist the American people's support against the Vietnam war."

C.O.S.V.N. commanded its troops to "sustain your attack and don't let the enemy stop for a breath. . . . Build up secret self-defense and secret guerrilla strength in the urban centers. . . . Build up our strength in Saigon urgently for Saigon is the number one theater in South Vietnam. . . .

"The primary objective of the political struggle movement in Saigon is to voice the people's demands for peace, to topple the Thieu-Ky-Hung clique, to establish a progressive government to negotiate with the N.L.F. and to bring about American withdrawal."

C.O.S.V.N. concluded: "political weakness causes the enemy to suffer failure after failure in the strategic field and drives him to defeat. . . . We must engage in a protracted war and endure many hardships."

A subsequent analysis announced the Communists would cling to certain goals at the Paris negotiations including deescalation of the war and mutual withdrawal of all foreign troops in South Vietnam. It is reckoned that Hanoi can disguise its own troop withdrawal and later reopen "the war of liberation." This tactic is spelled out in documents taken from enemy corpses late last month.

General Giap, Hanoi's redoubtable commander, issued orders (also captured at the end of March) to sustain present attacks with a view to a "final major offensive either in May or the last part of June through the first half of July." Reinforcements for this effort are already marching down the Ho Chi Minh Trail in Laos toward South Vietnam.

SAIGON IS TARGET

This offensive would start only if there is no prior settlement in Paris and is labelled the Dong Khoi General Revolution. Saigon would be its primary target. There is even reference to "leveling" the capital. Special units are being prepositioned for attacks on Saigon's Tansonnhut airport, seat of the U.S. high command.

Several basic deductions can be made from these audacious plans. Although the Communists report their own high casualties accurately in order to insure adequate reinforcements will be sent, they exaggerate allied losses and distort the real military picture. They also rely heavily on "sleeper" agents hidden in Government-controlled areas and on accommodations reached with regions that are not as well "pacified" as Saigon thinks.

THE PRICE IN BLOOD

Communist troops already committed to this protracted offensive are being brutally punished. Nevertheless, Hanoi seems to reckon that if it continues paying the terrible price in blood, its own military resolution will outweigh Washington's political resolution. This hard-boiled audacity may yet prove justified.

Showdown could be deferred if, before May-June, the new Nixon peace initiative produces results. Otherwise there promises to be a terrible effort to raze Saigon. In either event the American people should be aware what Communist strategy calls for and what their own responsibility should be in helping their Government to articulate a response. For Communist strategy specifically reckons on "the American people's support" to secure its own victory.

POSTAL REFORM

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. JOHNSON of Pennsylvania. Mr. Speaker, the question of postal reform is now before the Post Office and Civil Service Committee. Today the chairman of the committee, THADDEUS J. DULSKI, appeared as a witness for the committee and outlined future plans. In connection with the hearing today, I received a letter from the Postmaster General explaining that he intends to submit to the committee legislative proposals for postal reform during the last week of May. I thought that the Members would be interested in the statement of both Chairman DULSKI and Postmaster General Blount, which I am submitting for the RECORD:

STATEMENT OF HON. THADDEUS J. DULSKI ON REFORMATION OF THE POSTAL ESTABLISHMENT AND H.R. 4, A BILL TO ACCOMPLISH THAT PURPOSE BEFORE THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, APRIL 22, 1969

Mr. Chairman, for the record I am Thaddeus J. Dulski, Representative in Congress from the 41st District of New York.

To qualify myself as a witness, I will state that I have been a member of this Committee during all of my ten years and three months of service in the Congress. I also served as Chairman of the Subcommittee on Postal Operations during the 88th and 89th Congresses.

I am the author of H.R. 4, to modernize the United States postal establishment, to provide for efficient and economical postal service to the public, to improve postal employee-management relations, and for other purposes.

I am accompanied by Mr. Charles E. Johnson, a member of the professional staff of this Committee for nearly seventeen years, and Mr. Frank C. Fortune, a member of the regular Committee staff.

I believe it will be helpful, at the outset, to review the background of this hearing and our posture on the matter of postal reform at this particular time.

The United States Post Office has a more direct, personal, and day-to-day effect on more Americans than does any other Governmental function.

A healthy, efficient, and responsive postal service is a vital force in the economic, cultural, and social growth of the nation. A weak one is a danger to the American way of life.

For several years past there has been a growing awareness that our vast, sprawling postal complex is heavily overburdened and in deep trouble. Delays, breakdowns, errors, damage, and other inconvenience to the public have become more and more frequent.

Businessmen, public officials, and just plain citizens have demonstrated increasing concern with the condition of their postal system and the grave problems confronting it.

Public dissatisfaction is more widespread—and public demand for a change is more insistent—than ever before with respect to postal affairs.

Plagued as our people are by recurring rises in postal charges in the face of declining service, small wonder their mood is sullen. They feel they are entitled to a better deal all around.

There is, as well, unusual agreement among postal officials and independent authorities upon the need for sweeping reforms in postal policies and operations.

It is also a fact that public resentment soars to high levels whenever a pronouncement is made by a public figure criticizing the Post Office or warning that it is threatened with disaster.

In my experience, the most striking example of such a pronouncement by a public figure was the proposal on April 3, 1967, by former Postmaster General Lawrence F. O'Brien. He proposed that the Post Office be turned over—lock, stock, and barrel—to a corporation.

The immediate result was renewed clamor for major surgery in the postal establishment. The corporation approach was seized upon by sundry and assorted "experts" as the panacea for all postal ills.

The proposal was given impetus by the creation of a panel—called "the President's Commission on Postal Organization." This was on April 8, 1967, just five days after Mr. O'Brien's original suggestion.

Mr. Frederick R. Kappel, the highly regarded former Chairman of the Board of Directors for the American Telephone and Telegraph Company, was named Chairman of the Commission.

The Commission's report, entitled "Towards Postal Excellence," was submitted to former President Lyndon B. Johnson in July of 1968. The report strongly supports the corporation proposal.

Therefore, the two advocates for turning the Post Office over to a corporation are Mr. O'Brien, the architect, and Mr. Kappel, the signer of the Commission recommendations.

Yet, notwithstanding their strong advocacy of the corporation, both of these gentlemen have declined my requests that they testify before this Committee in support of their corporate recommendations. The requests were made early in March and again within the last ten days.

Each has stated that other obligations preclude his appearance here. Neither one has indicated any possibility of appearing in the reasonably near future.

I recognize that Messrs. O'Brien and Kappel, as private citizens, are under no statutory mandate to appear and testify.

Nevertheless, I do feel that they share a strong moral obligation—as the chief architects of a precedent-shattering change in historic public policy—to help complete the project they began.

It seems to me that the public interest demands they submit themselves to the requirements of established legislative process. It is my hope that both Mr. O'Brien and Mr. Kappel will be able to testify before these hearings are completed. I will continue my endeavors to arrange for their appearance.

The other major factor to be considered, of course, is the position of the new Administration on postal reform.

I have consulted at length with Postmaster General Winton M. Blount, and urged early submission of his official recommendations for postal reform.

The Postmaster General has advised me that he cannot be prepared to do this until the end of May. He also has urged that postal reform hearings be deferred until he can appear and testify at that time.

I fully appreciate the Postmaster General's situation, and his need to make certain that his official recommendation, once submitted, will serve the public interest.

He has been in office less than ninety days, and will have the responsibility of providing postal service long after he commits himself.

In contrast, the Kappel Commission conducted an exhaustive study, with a strong staff and at considerable expense to the Government, to arrive at its decision after a year and a quarter.

It was with the background of the Kappel report and my own intensive study that I introduced H.R. 4 at the start of the 91st Congress and declared that the most urgent issue facing us in 1969 is: "What we should do about the United States Post Office Department."

The issue has been intensified, now, by the Postmaster General's announcement that he will seek an increase in first-class postage, from 6 cents to 7 cents, as well as other postal rate adjustments to be detailed later.

Mr. Chairman, it is my firm conviction that positive steps toward postal reform must precede postal rate increases. First things must come first.

The public interest requires that we move promptly on postal reform.

THE NATURE OF POSTAL REFORM

Postal modernization has engaged a major share of my personal time and attention for the past 10 months.

I have made a thorough review of the Kappel Commission report and its four volumes of "Annex" material, as well as the records of certain existing Government corporations.

The Kappel report and annexes are comprehensive and analytical documents. I have been particularly impressed with their informative value with respect to the multitude of postal problems.

I strongly concur with the Commission's findings that postal reform is an immediate necessity, and that no private firm would be willing to take over the postal system.

I differ, however, with the Commission's conclusion that a postal corporation is the only answer.

All of the worthy purposes that a corporation might achieve can be gained just as well—and with far less risk of serious disruption—while keeping the post office as a direct executive function in the normal framework of Government.

I was prepared to begin hearing testimony a month ago. In deference to the Postmaster General's position, I delayed until after the Easter Recess.

However, I could not, in good conscience, agree to further postpone Committee action and have proceeded, pursuant to public notice, with the hearings beginning today.

It is not my intention, in doing so, in any way to compromise the Postmaster General's situation. The hearings will have no adverse effect on the development and presentation of his plan.

He has my personal assurance that his official proposal will be welcome, when presented, and will receive full consideration by the Committee.

At the same time, I feel it is the direct responsibility of this Committee to take and to maintain the initiative in a legislative field that is of such vital concern to all of us.

As to postal rate increases, it is noteworthy that the third round of the heavy ones imposed only 16 months ago by Public Law 90–206 has not even taken effect yet.

In my opinion, the American public would reject outright a new round of rate increases unless the Congress first takes positive steps to improve postal service.

What I have said, Mr. Chairman, establishes the general frame of reference in which I ask the Committee to consider the relative merits of my bill, H.R. 4, and the corporation approach recommended by the Kappel Commission.

Each presents a suggested means for the solution of the many postal difficulties.

Each is the product of painstaking study of the postal system and of all possible means to improve it.

Each, in my judgment, represents one of the most comprehensive proposals to modernize the postal service yet placed before the Congress.

And each, I am sure, has been offered with equal good faith and concern for the public interest.

I certainly agree that major changes—possibly even radical changes—are needed in our postal policy and practices.

But I find nothing to prove that the only satisfactory remedy is to turn this great service over to a corporation.

We must take care that the cure is not worse than the illness. I think that this error could occur if we made the drastic changeover to a corporation.

A government corporation is justified only when a necessary governmental task cannot be accomplished in the normal Government process. This is not the case here.

The Post Office Department and its 700,000-odd employees are doing a remarkable job in the face of the burdens imposed on them.

They stand ready, willing, and able to do an even better job if we will only free them from existing handicaps.

As I have said, my studies show that every reform possible to a corporation can be achieved more quickly and effectively by sound legislation within the present framework of Government.

Most important, I believe this can be done without the inevitable disruption and turmoil involved in a change-over to a corporation.

My postal reform bill, H.R. 4, is intended to provide a responsible alternative to the corporation for the Congress to consider.

The bill is directed primarily to the three fundamental areas of change that are needed to permit the Post Office Department to do well the job for which it was created.

First, top postal management must be given authority, consistent with its responsibilities, to provide an efficient and economical postal system.

Postal management now is severely and unjustly hampered in its efforts to administer the Department in a businesslike way.

Second, there must be provision for the Department to install and utilize an updated financial policy that is fully responsive to operating needs.

The present financial arrangements are a hodgepodge of sometimes conflicting and often obstructive limitations. Immediate corrective action is required in at least two phases of the Department's financial activities.

And third, postal employee-management relations are in a sad state of disrepair and must be modernized to fit today's needs.

My bill would reorganize and greatly strengthen the postal establishment in these three vital areas, as well as in its related activities. It would retain the postal establishment as a regular Government Department, with the Postmaster General a member of the President's cabinet.

I sincerely believe that enactment of this bill would not only accomplish most of the Kappel Commission's recommendations, but, also, would truly achieve our own goal of "postal excellence."

A fairly comprehensive summary of H.R. 4 is on each Member's desk this morning. I commend it to the attention of the Members for purposes of our discussion.

I would like at this point to make some general comparisons of the major provisions of the bill as they relate to the five recommendations contained in the Kappel Commission's report.

The first recommendation of the Commission is "that a Postal Corporation owned entirely by the Federal Government be chartered by Congress to operate the postal service of the United States on a self-supporting basis."

The Postmaster General already has full management responsibility but he lacks a necessary measure of authority and flexibility of operations.

My bill retains the Post Office as an executive department headed by the Postmaster General, but—for the first time in history—it would grant a measure of authority and flexibility that is equal to his level of responsibility.

Thus, it would enable the Postmaster General and his Department to do every necessary thing that a corporation could do.

Under H.R. 4, the Department would have the objective of supporting itself from its revenues, with the exception of public service allowances, which would continue to be subject to Congressional scrutiny and appropriation.

The Department would be enabled to use its own revenues to pay its own expenses free of present overly-restrictive budgetary and appropriation limitations.

Provision is also made for periodic semi-automatic postal rate adjustments through a "Quadrennial Commission" whose recommendations would be submitted to the President once every four years.

The President would use the Commission's recommendations as the basis for rate proposals to Congress. His proposals would take effect as law in 120 days unless either the House or the Senate voted changes, in part or in full.

The second Kappel Commission recommendation is "that the corporation take immediate steps to improve the quality and kinds of service offered, the means by which service is provided and the physical conditions under which postal employees work,"

My bill provides a strong foundation for modernization of postal plant and equipment. It establishes a new Postal Modernization Authority, a body corporate headed by the Postmaster General.

The Authority would act as a "holding company" for all property and equipment, with authority

1. To issue, finance, and retire bonds secured by the property.

2. To conduct a vigorous research and development program.

3. To lease needed property and equipment to the Post Office Department on a cost-recovery basis.

The Postal Modernization Authority would be subject to the Government Corporation Control Act.

The third Kappel Commission recommendation is "that all appointments to, and promotions within, the postal system be made on a nonpolitical basis."

Title II of H.R. 4 prohibits all kinds of political recommendations, influence, and interference in the appointment of postmasters.

It also extends this prohibition to all other types of undesirable pressure or influence from any other source.

The fourth recommendation of the Kappel Commission is "that present postal employees be transferred, with their accrued Civil Service benefits, to a new career service within the Postal Corporation."

The recommendation also includes a general proposal, but no specifics, for a system of collective bargaining to negotiate and fix the pay, fringe benefits, and conditions of employment for non-managerial employees.

My bill contains a complete and specific labor-management relations program. It embodies all of the essential policies, principles, practices, and procedures that have been adopted in modern, progressive private enterprise.

It provides for (1) compulsory arbitration, (2) settlement of disputes in disagreement by an independent Labor-Management Relations Panel, and (3) clear-cut standards and guidelines for both management and labor in the field of employee-management relations.

The fifth and last recommendation of the Kappel Commission is "that the Board of Directors, after hearings by expert Rate Commissioners, establish postal rates, subject to veto by concurrent resolution of the Congress."

As pointed out earlier, H.R. 4 provides for periodic review and adjustment of postal rates by a Quadrennial Commission for the purpose of returning cost, exclusive of public service.

It also provides a semi-automatic procedure for proposed rate adjustments to take effect as law without the necessity of extensive, frustrating, and often bitter consideration of the complexities of postal rates before Congressional Committees.

Mr. Chairman, several of our colleagues on the Committee have sponsored postal reform bills of their own. Copies of those bills are at each Member's desk.

I am sure that their testimony in support of those measures will be of great value to the Committee. Suitable arrangements can readily be made for them to testify when they desire.

Additional dates thus far set aside for continued postal reform hearings are April 29th and 30th and May 6th, 7th, 14th, and 21st.

In the meantime, I will continue my efforts to have Mr. Lawrence F. O'Brien, as the chief architect of the postal corporation approach, and Mr. Frederick R. Kappel, who signed the report recommending that approach, testify before the Committee.

This concludes my statement, Mr. Chairman. I will be glad to respond to any questions to the best of my ability.

THE POSTMASTER GENERAL,
Washington D.C., April 21, 1969.

Hon. ALBERT W. JOHNSON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: This letter is a formal acceptance of Chairman Dulski's invitation for me to appear before your Committee during the first week of June to present the Department's views and recommendations regarding Postal Reform legislation.

The Department is presently reviewing all facets of the Postal Service in order to develop a comprehensive postal reform proposal. Our plans call for submission of the Department's legislative proposal during the last week of May.

On behalf of the Department, I want to express our deep appreciation for the willingness of your Committee to defer making even tentative policy decisions on this extremely important and complex matter until the Department has had an opportunity to fully develop and present its comprehensive legislative proposal on postal reform.

As I have previously told Chairman Dulski, it is my firm conviction that it would be highly irresponsible for this Department to submit comprehensive postal reform legislation until the new postal management team has had an opportunity to fully analyze the problems of the Postal Service. During the very short time since we assumed responsibility for the operation of the Department, we have been extremely busy in recruiting top level personnel to fill the highly responsible positions in the Department, in addition to attempting to solve the day-to-day problems which confront us.

I believe it is critically important that the postal reform legislation, which is eventually passed by the Congress, be a bill which encompasses complete and major postal reform. To enact anything less would not be in the best interest of the Postal Service itself nor for the American citizens who demand and deserve the very highest quality of postal services.

I want to take this opportunity to express my complete willingness to cooperate with your Committee as it considers the long-range needs of the Postal Service. I am looking forward to the opportunity of appearing before your Committee, after we have had an opportunity to carefully analyze the problems confronting this Department and to submit our postal reform proposal to the Congress for its consideration.

To appraise the other Members of the House Committee on Post Office and Civil Service of the Department's views, at the outset of its scheduled hearings, I have taken the liberty of sending a similar letter to each of the other Members.

Sincerely,

WINTON M. BLOUNT.

TODAY WE CELEBRATE THE BIRTH OF J. STERLING MORTON, NEBRASKA PIONEER WHO FOUNDED ARBOR DAY

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. CUNNINGHAM. Mr. Speaker, today, Nebraskans celebrate the birthday of J. Sterling Morton, a great conservationist who served as Secretary of Agriculture and was the founder of Arbor Day.

The first observance of Arbor Day—a day set aside to plant trees—was almost one century ago, April 10, 1872. The Nebraska Legislature made Arbor Day a

legal holiday in 1885 and changed the observance to April 22 to honor Morton.

From the work of this Nebraska pioneer, whose home was near Nebraska City, most States have an observance of Arbor Day. However, the date differs, depending upon the climate suitable for the planting of trees.

Arizona, Texas, Alabama, and other States in warmer climates observe Arbor Day in February. Florida's observance is in January.

In West Virginia, the climate is suitable for tree planting in both spring and fall and the Mountain State has an observance in each season.

J. Sterling Morton's home, Arbor Lodge, at Nebraska City, is now a Nebraska State park. It is a magnificent colonial mansion surrounded by 65 acres of woodland, including apple orchards.

Mr. Speaker, we Nebraskans are indeed proud of this conservationist whose statue is in the Hall of Columns of the Capitol along with those of other great Americans.

ACTIVITIES OF U.S. ANTI-COMMUNIST CONGRESS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. WYMAN. Mr. Speaker, several organizations in the United States are engaged in continuing efforts to remind Americans of the incompatibility of communism with our way of life. Pure incompatibility would not be particularly significant if it were not for the additional fact that Communists continue dedicated and committed to the replacement of our way of life by conversion to communism through whatever means may be necessary including force, violence, and subversion. Much of our domestic violence of late has followed nonnegotiable demands both on and off the campus from individuals and groups with established records of Communist activity or association. Not all, nor even perhaps a majority, but some, and most of these have been activists or ringleaders.

One of the American organizations seeking to help keep Americans alert to the continuing Communist subversion is the U.S. Anti-Communist Congress, Inc. headed by Wilson Lucom. Recently President Lucom's organization has printed in considerable quantity an educational stamp in which a member of the crew of the U.S.S. *Pueblo* has expressed interest for understandable reasons. At this point in the RECORD I include interesting correspondence relating to this educational activity by the U.S. Anti-Communist Congress:

UNITED STATES ANTI-COMMUNIST CONGRESS, INC.,
Washington, D.C., April 16, 1969.

Hon. LOUIS C. WYMAN,
U.S. House of Representatives, Cannon House Office Building, Washington, D.C.

DEAR MR. WYMAN: The United States Anti-Communist Congress has created a very effective psychological weapon against communism in its educational stamp which has on it a picture of the Communist Hammer and Sickle with a large "X" crossing out the Communist Emblem. This message is understood all over the world in any language. In addition, the stamps contain the slogan "America Yes; Communism No!" together with our address.

One hundred million of these stamps have been distributed to date throughout the United States. We are receiving inquiries from many foreign countries as well as from the United States.

We have even had an inquiry from Peter M. Langenberg, a member of the crew of the U.S.S. *Pueblo*, who said he saw our stamp and is in sympathy with our organization. Attached is a copy of his letter.

Sincerely yours,

WILSON C. LUCOM,
President.

Attachment.

U.S.S. "PUEBLO,"
San Diego, Calif., January 31, 1969.

U.S. ANTI-COMMUNIST CONGRESS,
Washington, D.C.

DEAR SIR: On the back of a letter that I recently received there were several "stamps" similar to Christmas seals. Immediately I spied the words "anti-communist". Having spent several months in one of the thirteen "workers' paradises", I am in sympathy with your organization though I know nothing of it. Could you please send me some of your propaganda. I am certain that it would be well received by other shipmates of mine aboard the late U.S.S. *Pueblo*. Thank you.

Sincerely yours,

PETER M. LANGENBERG.

FEDERAL WATER POLLUTION CONTROL ACT

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. LANDGREBE. Mr. Speaker, I would like to commend my colleagues in the House for their wise and prudent action in passing last week the Federal Water Pollution Control Act. This legislation, which provides for the control of pollution by oil, requires owners of vessels which have discharged oil to pay the costs of cleanup, provides for control of sewage from vessels, and the cooperation of all Federal agencies in the control and prevention of water pollution, is both necessary and long overdue. It has been my conviction that effective programs must be established to control the dumping of refuse and the discharge of wastes into all navigable waters from vessels. I have come to this realization over the last 10-year period, particularly as I have seen the waters of Lake Michigan, whose shores border on my district, become increasingly polluted because of the waste materials discharged by ocean-going vessels.

The problem of water pollution, of course, does not only affect Lake Michigan, but all of the Great Lakes as well as many inland streams and waterways. The bill which we have passed is a step in the right direction to improving and controlling our water pollution problems. It provides for strict penalties of up to $10 million as the cost of cleanup which the owner of the vessel guilty of pollution may be charged.

It is my conviction that with the opening up of a deep sea harbor in the Second Congressional District of Indiana, which I represent, there is an urgent need that this legislation which has now passed the House and well be sent to the Senate be enforced. We must be willing to use our skills and the necessary resources to solve the problems of pollution if we are to save our water, shoreline, and beaches from contamination as well as to prevent the severe effects pollution has on fish, wildlife, recreation, and our national health and safety.

WHOLESOME FOOD FOR THOUGHT

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. WIGGINS. Mr. Speaker, all Members of this body receive hundreds of pieces of mail commenting, sometimes ineptly sometimes forcefully, upon the issues of the day. These letters are often a Congressman's closest link to his constituents.

When an informed citizen takes the time to write his Congressman, and states his positions succinctly and well, it behooves all of us to listen.

It is for that reason, Mr. Speaker, that I ask that a recent letter received by me from Mr. Bob Lancaster, of Santa Fe Springs, Calif., be included at this point in the RECORD. His remarks provide wholesome food for thought for all of us in this body:

MARCH 27, 1969.

Congressman CHARLES E. WIGGINS,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN WIGGINS: You are my man in Washington. Your voice is my only voice in the House. And that's why I'm writing to you now.

Your "Special Report" letters always tell me something. Your most recent letter outlines the need for an A.B.M. defense system, an up-dated Navy and a merchant fleet.

Consideration of these critical needs are a long time coming. And at this "late hour" it isn't a question whether the American people are willing to pay the price. It's too late to have a choice. We must pay the price even if it means a few unemployed astronauts and a few moon vehicles put in mothballs.

Perhaps more down-to-earth thinking will help guarantee safety to Americans at home and on the high seas. And restore the eagle as our national bird.

If there are still shortages and surpluses left from seven years of "preserving South Vietnam's independence" . . . it is a shortage of wisdom and guts . . . and a surplus of top brass wearing hats lined with dove feathers.

During the last two decades Washington has been the peace-mongering capital of the world. A "half-way" house. A soothing and smoothing hall . . . where ideals for both national and international justice have been pushed out to make room for the champions of appeasement.

Peacebunglers will never, never end a war by trying to negotiate peace with an enemy who hates everything we are and believe. And the "appeasers" don't stand a chance in a fight either. East-West Germany, North-

South Korea, and North-South Vietnam are only the beginning if we don't change our ways.

We could still be fighting Japan if we hadn't demanded an unconditional surrender, prefaced by a demonstration of punishment to their homeland. This got the message to their people, and their leaders suddenly became serious about talking. Men simply don't take action until it affects them personally. (Incidentally, Japan was better off, with America's business encouragement, after peace was established!)

A signal that something is wrong is the disgusting attitude our government has towards Peru. Allowing that country the satisfaction of pushing us around, only gives other nations a license to do the same. Tuna boat incidents are just as satisfying to Peru as the *Pueblo* capture was to North Korea.

It is also evidence to our own people that the United States no longer goes to the aid of its citizens . . . civilian or military, when attacked by a foreign navy craft on the high seas.

That's why I'm for the United States to act now on building a new Navy . . . equipped with up-to-date gear. And most of all, manned by men given authority to act without holding six months of committee meetings first.

You have stated your intent to support those appropriations to defend this country against all enemies. You and your colleagues are the only Americans of this hour who can authorize the re-establishment of United States military strength . . . to a force strong enough to cope with any enemy . . . including those who dwell among us! But it will never happen while Congressmen are play-acting before an audience they want to please. Your work is not to win popularity contests . . . in your home towns . . . your districts . . . your states . . . your country . . . or anywhere else in the world. Things that are good for the country may not be very popular.

In the tradition of our heritage . . . men of wisdom would enter the Capitol Building with lumps in their throats, full of awe. And they would enter the House chamber with tears of disgust for being such cowards in not taking action . . . for fear of offending those who might not like us if we show too much military muscle.

Mr. Congressman, haven't we been down this blind street before? Thirty years ago Congress was dilly-dallying with their pledge to defend the United States against two enemies . . . Nazi Germany and Japan . . . even though these nations had already informed the world of their intentions.

Two years later our President and Secretary of State thought they could sit down and talk . . . and make agreements with Japan. Patriotic and well-informed men were shocked at the naval-air attack on the United States. Is Pearl Harbor such ancient history that the hard lesson cannot be applied to what Russia and China will do . . . if we continue to display our weakness. Can we stop an attack on New York, Chicago, Los Angeles or the Panama Canal? What would happen if an attack was successful?

The seats of Congress are filled with a different American than 30 years ago. These "later day patriots" are knowledgeable men. Informed with up-to-the-minute, high-speed communication, plus the convenience of computor-digested facts and data . . . and they can be on the scene in person anywhere in the world . . . in a few hours.

They are educated beyond the dreams of their forefathers. But, Mr. Congressman . . . well-informed, highly-educated people are not necessarily wise thinkers. Wisdom is not the product of a computer. Wisdom is not even a product of an overabundance of education. Wisdom is a product of observation . . . and observers are saying when America gives up respect for God, for country, for manhood, for womanhood, for marriage . . . and when the people lose self-respect, and respect for decency and order: then America will become another *has been* among the nations of the world. Let's not go the way of Spain, France and England.

Let's not make it easy for Russia or China by becoming senseless and defenseless. The United States stands to lose everything we believe in by putting trust in these two enemies of freedom. Look at their record . . . both have batting averages of zero for contributing to world peace. They both would like the United States out of their way. Russia cannot advance on Europe or Africa . . . and China cannot advance on the balance of Asia as long as the United States is a threat. What we need is a strong Navy, equipped with offensive weapons. And our own merchant fleet . . . instead of one we rent from the Greeks or the Japanese.

Those are my thoughts, Mr. Congressman direct from me to you. Because you are my man where it counts the most . . . where the roll is called.

Very truly yours,

BOB LANCASTER,
President.

NO REASON TO FEAR HISTORY'S JUDGMENT

HON. GEORGE E. SHIPLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. SHIPLEY. Mr. Speaker, Dr. George S. Reuter, Jr., recently spoke to a service organization in Vermillion, S. Dak., concerning a great American, Lyndon B. Johnson. All of us know of the great worth of our former President in aiding mankind, but we may neglect to voice it. I thus extend my remarks in the RECORD and ask that "No Reason To Fear History's Judgment," be included:

NO REASON TO FEAR HISTORY'S JUDGMENT

(By Dr. George S. Reuter, Jr.)

INTRODUCTION

On November 29, 1963, I spoke on the subject "From Roosevelt to Kennedy to Eternity." At that late date, I had serious doubts about Lyndon B. Johnson as our President, but events have demonstrated that he will go down in history as one of the greatest of our chief executives. There was a time when I had doubts concerning President Harry S. Truman, yet time placed me on the side of historians and now we all agree he was one of our great leaders. Just as President Truman would have been elected again in 1952, so would President Johnson in 1968. In the former case, historians have validated this opinion, and the recent poll of the most popular Americans for 1968 indicates my thesis concerning LBJ is correct. President Johnson was ranked ahead of all Americans save President Eisenhower. Winning an election, however, is different from becoming a great President. I am convinced he has no fear from history's judgment either. A few of the reasons follow:

1. He demonstrated deep interest in the welfare of all mankind. One is reminded of Hemingway's novel *For Whom the Bell Tolls*. The novel derived its title from a 17th century sermon delivered in England by the Rev. John Donne. When anyone died in those days, the news was announced by ringing the bell of the village church. Hearing that solemn sound, the men would leave their shops and come in from the fields to inquire for whom the bell tolled. In the course of his remarks, the clergyman said: "No man is an island entire to himself. Every man is a piece of the continent, a part of the main. If a clod be washed away by the sea, Europe is less, as well as if a promontory were, as well as if a manor of thy friends or thine were. Any man's death diminishes me, because I am involved in mankind; and therefore, never ask for whom the bell tolls—it tolls for thee." LBJ reflected this interest in mankind.

2. He demonstrated deep concern by the outstanding domestic legislation he secured. Many centuries ago Plato wrote that "the direction in which education starts a man will determine his future life." The truth in his statement has never been more widely acknowledged than it is today. For today we are living in a period which future historians may refer to as the age of education. In the past five years the Congress has passed more than 40 bills supporting education.

LBJ imagined himself moving into the Presidency as another FDR, whose name for thirty years he often quoted. A few weeks ago David Wise wrote in "The New York Times Magazine:" "At the end of the day his face, creased with fatigue, is curiously Rooseveltian, not unlike the large portrait of FDR that hangs on the wall above Mr. Johnson's rocking chair." LBJ and FDR were giants in achieving domestic progress while in office.

3. He demonstrated leadership in selecting outstanding cabinet members and aides. Also, he was not afraid to retain able officials inherited from his predecessor such as Dean Rusk, Stewart Udall, Willard Wirtz, and Orville Freeman. His selection of Wilbur Cohen and Ramsey Clark will always be praised.

The accumulated grievances of centuries; the sudden disenchantment with a society that has failed to solve its problems; the traditional rebellion of the young against the old now taking bizarre and even riotous forms—these all call for the genius in human relations. Our society today faces not one but two revolutionary challenges. One is the now familiar revolution of rising expectations. The other is a new and pre-emptive revolution of rising impatience. LBJ was constantly solving these problems and planning wise answers for the future.

4. He demonstrated concern for the issues by constantly improving the status of mankind. Today many of our children are damaged by our failure to stimulate them intellectually in the years when they are most eager to learn—between birth and age 6. They are crippled for life because we have ignored their innate curiosity and their deside for achievement. These children, particularly the socially and culturally deprived child, could be given a head start in learning through creative, stimulating experiences in day care centers, nurseries or kindergartens. Yet few communities have been willing or able to provide these services. In the 1966–1967 school year only 148 of the nation's 11,970 public school systems with 300 or more pupils enrolled had nursery schools. In 1966, about 25 percent of all 5 year olds did not attend kindergarten or school. Eighty percent of all 4 year old children were not enrolled anywhere. Here is just one area where LBJ moved mankind ahead.

5. He demonstrated the need for justice and fair play. Two documents have profoundly affected mankind. The Divine Decalogue was one and it was handed down from Mt. Sinai, amid thunder and lightning, to Moses in 1491 B.C. The other; the U.S. Constitution was adopted in Philadelphia on September 17, 1787. Instead of abusing our great and benevolent government for its few glaring faults, all of us should offer up thanks that it is the chief means by which we have become the freest, safest, most secure, most prosperous, most enlightened people in all the long and tragic history of the human race.

Now, LBJ has encouraged, from his rich background, a new attack of the difficult issues. For example, the story of the Negro

in American law is one of horror. Our treatment of the Negro has forced us to live with a crisis of conscience, as we confronted the difference between the actual and the ideal in our law. The challenge has required moral exertion and strengthened the moral element. It has fortified the capacity of our order for self-realization, in requiring custom and history to yield in the end to constitutional principle.

When the cancers of rivalry, fear, prejudice and hatred between classes and races have been exorcized; when mutual concern and cooperative effort have come to be the rule rather than the exception; when justice and equality of opportunity overwhelmingly prevail, there will still remain profound and critical needs of human life to be met in the realm of the spirit. As the problems of American minority groups are caught in the glare of the public spotlight and ugly events expose our neglect of these problems, the plight of all minorities—including the American Indians—must no longer remain hidden in the shadows. Yes, for example, the magnitude of the Indian problems may be measured by the depth of its roots which go back through 450 years of exploitation.

LBJ acted wisely in this area, but difficult questions must still be faced with sensitivity. Nor can we ever be ashamed to speak of humaneness, of rehabilitation, of justice—these are essential to the spirit of mankind. When the history of freedom and justice is written, one of its greatest chapters will be of the progress toward equality for the American Negro from 1961 to 1969.

6. He demonstrated the need for orderly protests but has been critical of protests without reason. The American people have rallied to protect the U.S. Supreme Court against the enemies of law in a thousand battles, and they will do so again, in the dangerous conflicts in which we are engaged today. Yes, we appreciate the labors of the Court in maintaining the balance of our federal system. I salute LBJ in his stand to extend orderly protests to the dialogue stage. Neither of us will tolerate insane or un-American riots by students or adults.

7. He has demonstrated the necessity to be right regardless of "passing" praise. LBJ saw the necessity to save Asia's "soul." He didn't misjudge the danger, but no honest or moral American can seriously question his reasons for leading this nation along the path started by Eisenhower and Kennedy—the necessary conflict. He acted to arrest Communism in Vietnam. Just as President Truman acted properly in Korea, Greece, and West Germany, so LBJ followed the established guidelines of his predecessors. Vietnam costs us about $30 billion a year and has taken some money from the general welfare programs, but LBJ has proved that we can have both "butter and guns."

CONCLUSIONS

Fate brought Lyndon Baines Johnson to the Presidency at a most critical hour. One is reminded of Tennyson's words:

"Ah! when shall all men's good
Be each man's rule, and universal peace
Lie like a shaft of light across the land,
And like a lane of beams athwart the sea,
Thro' all the circle of the golden year?"

LBJ was 40 years old when he moved into the U.S. Senate and now, leaving the White House and public life, he is 60. He has been in the U.S. House of Representatives before. He thus had the opportunity of about 30 years to work his way into history, and he has been remarkably successful in this area. He was thought by many writers and politicians to be about as unpopular as Herbert Hoover was in 1932, but now the polls shows LBJ to be extremely popular. No President ever ended his tenure with any higher status. In the past the public esteem of a President during his period in office has borne no particular relationship to future judgment, hence we have not built our case on this single point.

He can look back with satisfaction of five great years. He presided over a new age of progressivism. He has been subjected to as bitter criticism as any President in history. He has been the victim of vulgar snobbery because of his Texas origins and manners. The Bible says, however, "by the fruits ye shall know them." LBJ is indeed known for the fruits of his labors and will always be admired with a deep sense of gratitude by the people he was privileged to represent in both Houses of Congress and by the people of all sections of America and those who love democracy around the world. There are many good people, a few great ones, and LBJ is beyond a shadow of a doubt in the latter classification.

CALIFORNIA FLOODS—VOLUNTEER HELP

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. PETTIS. Mr. Speaker, the English man of letters, Samuel Johnson, said that "adversity has ever been considered the state in which a man most easily becomes acquainted with himself." It occurs to me, Mr. Speaker, that if this is true with individuals it is also true of communities. The floods of southern California which caused incalculable damage, have also brought to light qualities of human compassion and good will that, in my opinion, deserve recognition. I refer, Mr. Speaker, to men from the California Department of Corrections who cooperated with other groups in the region to bring assistance and relief to citizens in my district who suffered from the devastating floods.

Crews from the Pilot Rock Conservation Camp, north of Crestline, from the Prado Conservation Camp, south of Chino, the Don Lugo Conservation Camp, south of Chino, the Rainbow Conservation Camp, near Fallbrook in San Diego County, Puerta La Cruz, in San Diego County, and the Oak Glen Civilian Conservation Center near Yucaipa, with the personnel from the division of forestry, gave over 20,000 man-hours helping citizens in seven communities deal with the ravages of the flood.

Four conservation camp crews each consisting of approximately 17 well trained and equipped men worked several days and nights in flood fighting activities in the Forest Falls area northeast of Redlands. A deep snowfall with heavy water content had to be removed from many of the homes to prevent loss of life and property from roof cave-ins. The work of these crews was directed by local fire chief, Leonard Campbell.

The extremely heavy snowfall in the higher mountain elevations had overtaxed the capacities of the San Bernardino County Road Department and the division of forestry was asked to assist. For 6 days and nights four large bulldozers worked to open roads in the Green Valley Lake, Arrowbear, and Smiley Park resort areas. This operation was critical as the permanent residents needed access for supplies and medical attention.

Four 17-man crews worked 4 days on a sandbagging operation to prevent flood damage to homes and installations in the path of the Cucamonga Creek which had overrun its normal channel.

The heavy rainfall and strong winds caused many trees to go down blocking mountain highways in the Crestline and Cedar Springs area. A conservation camp crew worked several days sawing up these trees and removing timber and debris opening vital roads in this area.

A few miles downstream from the flood-ravaged community of Mount Baldy, the road into the Barrett Canyon homesite area was completely washed out. This area contains about 24 homes, a few of which are occupied by permanent residents who were totally isolated from any kind of assistance. A temporary footbridge was constructed so inhabitants in this area could have access to obtain necessary supplies. Mr. Don Henley, coordinator of the Civil Defense Office for the county of San Bernardino, called on conservation camp crews to assist in rehabilitating homes damaged by flood waters and heavy sediment deposits.

An informal community disaster committee including Mr. Guy H. Habenicht, of the Loma Linda Chamber of Commerce, Dr. Howard B. Weeks of Loma Linda University, and C. W. Shay of the California Division of Forestry surveyed damage in the Loma Linda area and then organized and directed a large force of volunteer workers from the university. Conservation crews did much of the heavy work in this area, digging out homes from February 27 to March 7. In order to obtain more hours of productive work by the crews, the Division of Forestry established a field kitchen and funds for the purchase of food were provided by Loma Linda University, the Chamber of Commerce at Loma Linda, the American Red Cross, and the county of San Bernardino.

Volunteer coordinator for Yucaipa, Mr. Jose Mulder, directed the work of four conservation crews in bringing assistance to those whose homes were damaged or destroyed in the Dunlap Acres settlement in Yucaipa. This assignment was completed after 5 days of work under the supervision of Assistant State Forest Ranger Larry Young.

Enthusiastic expressions of gratitude were voiced by community leaders in all these areas as well as by county supervisors. County supervisor, Don C. Beckord, whose district sustained heavy damage, observed that he "simply could not say enough in praise of the men who worked so tirelessly in bringing help to flood victims."

Jack D. Burke, State forest ranger, reported several acts of heroism and many examples of action above and beyond the call of duty by participating inmates.

Recognition should also go to the U.S. Army Engineers and to the U.S. Marines who participated in rescue operations, and to the American Red Cross whose representatives worked tirelessly to bring relief to those whose homes were damaged or destroyed by the flood.

I am proud, Mr. Speaker, to share with you and Members of this House my feel-

ings of gratitude and commendation for those who worked so unselfishly in meeting authentic human need. Their performance is an inspiration to all who saw them in action.

A STATEMENT OF CONSCIENCE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. MIKVA. Mr. Speaker, popular opposition to the President's plans to deploy the hard-site anti-ballistic-missile system, the Safeguard, continues to grow apace. The President has said he plans a full-scale campaign to promote the Pentagon's Safeguard plan. Private citizens, however, are fighting just as hard against this monstrous military boondoggle. It remains to be seen in a contest between the people and the Pentagon who will come out on top on the ABM issue.

I was heartened to note recently that a group of distinguished Christian theologians from several Chicago schools prepared a Statement of Conscience opposing deployment of the limited ABM system. The theologians urged President Nixon and their fellow Christians, all religious people, and men of deep humanity to join them in their opposition.

It is my great honor, Mr. Speaker, to insert at this point in the RECORD a list of those signing the Statement of Conscience and the text of the statement itself.

The items referred to follow:

A STATEMENT OF CONSCIENCE

As Christian theologians deeply concerned about the responsibility for creation which man shares with God, we must strongly protest the limited deployment of the Sentinel ABM missile system recommended by President Nixon. Along with Hubert Humphrey, Senators Fulbright, Symington, Percy, and Kennedy, and some of America's leading scientists, we are convinced that the destructive arms race must be stopped now if mankind is to survive. Americans must come to realize that there is really no absolute missile defense against nuclear attack. Even a defensive system with ninety-eight percent reliability would not prevent massive destruction by the missiles that escaped its detection. Our only sane defense is to diffuse the tension existing in the world today which might force some nation in a moment of lunacy to release its nuclear weapons. Stockpiling of weapons and intricate defense systems only intensify the already existing tension and ultimately provide no more of a deterrent than the death penalty does for a potential murderer. It is thus imperative at this time in our nation's history that we take a risk for peace by channeling funds earmarked for the missile system into programs that would lessen the tensions in our own country and throughout the world. We have in mind programs of enlightened foreign aid, support of the World Bank and regional economic associations in the Third World, efforts at realistic population control and environmental management, elimination of poverty and injustice in our own country, and cultural exchange arrangements. These must become our priorities for the coming decade if we are to avoid increasing the frustration of deprived peoples throughout the world which could easily lead to a nuclear confrontation. Our nation, which controls so much of the world's wealth, has a moral responsibility to assume a leadership role in this drive for peace.

We urge our fellow Christians, all religious people and all men of deep humility to join us in this protest against any deployment of the Sentinel ABM system and to express their opposition to the leaders of our government in Washington.

Those signing the statement were as follows:

Prof. Hugh T. McElwain, OSM. (Academic Dean), Prof. Sebastian MacDonald, C.P., Prof. Barry Rankin, C.P., Prof. John T. Pawlikowski, OSM, Prof. Florence Michels, OLVM., Prof. Max Behnen, OFM., Prof. Nicholas Crotty, C.P.—Catholic Theological Union.

Prof. Thomas Cunningham, OSM.—Loyola University (Chicago).

Prof. Franklin E. Sherman, Prof. Carl E. Braaten, Prof. James A. Scherer, Prof. Wilhelm C. Linss, Prof. Wesley J. Fuerst, Prof. N. Leroy Norquist, Dr. Arthur O. Arnold (Dean of Students), Prof. Richard R. Syre, Prof. Morris J. Niedenthal, Prof. Robert Benne, Prof. Philip J. Hefner—Lutheran School of Theology at Chicago.

Prof. Victor Obenhaus, Prof. LeFevre, Prof. Ross Snyder, Prof. Arthur L. Foster, Prof. J. Bienkinsopp, Prof. Robert S. Moore, Prof. Clyde L. Manschreck, Prof. J. Archie Hargraves, Dr. Edward F. Manthei (President), Prof. Albert E. Hurd, Prof. W. Widick Schroeder, Prof. Philip A. Anderson, Prof. J. Robert Meyners—Chicago Theological Seminary.

PUBLIC REVERENCE

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. FREY. Mr. Speaker, I commend the interesting and educational article by the Reverend Robert G. Howes on the first amendment to my colleagues:

PUBLIC REVERENCE

(Rev. Robert C. Howes) *

When the U.S. Supreme Court interprets the First Amendment of the Federal Constitution in a manner which radically contradicts the consistent practice of the majority of the states, it does no singular, minimal thing. Whatever the particular practice, that interpretation immediately becomes a precedent affecting the whole future of religion in our public life. As such it must deeply concern not only whose practice is denied but also those who are involved in any way with religion as subject to and supportive of public policy.

On June 25, 1962, the Supreme Court interpreted the First Amendment as barring the following prayer:

"Almighty God, we acknowledge our dependence upon Thee and we ask Thy blessings upon us, our parents, our teachers, and our country."

The prayer had been composed by a committee of religious leaders. It was made available by the State of New York for an entirely voluntary recitation by pupils and teachers in its public schools. Justice Stewart, in dissent, noted:

The Court has misapplied a great constitutional principle . . . What is relevant to the issue here is not the history of an established church in 16th century England or in 18th century America, but the history of the religious traditions of our people, reflected in countless practices of the institutions and officials of our government.

On June 17, 1962, the Supreme Court widened this interpretation to ban the Lord's Prayer and Bible reading in the public schools of Maryland and Pennsylvania. Once again, no teacher had been required to lead prayer, no pupil to join in reciting it. Specific provision was made for abstention on the part of those who did not wish to participate. There are many pleasant phrases in the two majority decisions. Most of them are collateral remarks, *obiter dicta*, that is remarks incidental to the real deciding reason. One could, and some did, assemble such remarks and claim that the court had done nothing more serious than to rule out a residual unfairness, leaving public religion itself wholly intact.

There are, however, other *obiter dicta* which are less sanguine. For instance, in the first decision Justice Douglas enumerates various instances of government accommodation to religion. Bishop James Pike, appearing before a Senate committee in 1962, called such reasonable accommodation "the great American middle way." Justice Douglas says "our system at the federal and state levels is presently honeycombed" with accommodation. "Nevertheless," he continues, "I think it is an unconstitutional undertaking whatever form it takes." In fact, the deed of the decisions, what the then Harvard Law School Dean Erwin Griswold called "the absolute and . . . extreme" reasoning of the court, is dangerously basic. Henry P. Van Dusen, then President of Union Theological Seminary, wrote:

"The corollary in both law and logic of the Supreme Court's recent interdictions is inescapable, prohibition of the affirmative recognition and collaboration by government at all levels with all organs of religion in all relationships and circumstances." [1]

Fordham University Law School Professor Charles E. Rice said:

"The school prayer decisions, if followed, predictably will have the effect of raising agnosticism to the rank of the official public religion of the United States. The Court has now cast aside the historical affirmation by government in this country of the essential truth of theism, has embarked upon a search for 'neutrality,' a search incapable of success, and has substituted agnosticism for the theistic affirmation to which a small minority has objected so strongly. And for its action the Court can point to no durable justification beyond its own inflated rhetoric and a tortured historical interpretation." [2]

The Boston Pilot editorialized:

"ALL PUBLIC LIFE AFFECTED

"The Supreme Court in the Lord's Prayer and Bible ruling has continued along a path unhappily familiar to all from its early decisions. The same tedious arguments emphasizing the 'establishment of religion' clause are brought forth to support a position which turns its back on the total American tradition and outlaws the present practices of 39 states . . . Let us suppose that the Lord's Prayer and the Bible are excluded from the American public schools for precisely the reasons given by the Supreme Court. What is the next step? Clearly, all other expression of religion in public life must now be deleted . . ." [3]

To suggest that pleasant phrases en route to decision can override the deed of the decisions themselves is to ignore the heart of

Father Howes is Associate Professor and Chairman of City and Regional Planning at the Catholic University of America, Washington, D.C. He is the representative in Washington of Citizens for Public Prayer, a national federation of citizens' groups backing a restorative prayer amendment.

[1] The New York Times, *July 7, 1963.*

[2] The Supreme Court and Public Prayer (*New York, 1664*), *p. 21.*

[3] *June 21, 1963.* The Boston Pilot *is the official publication of the Catholic Archdiocese of Boston.*

the matter. That heart clearly is the equation by the Supreme Court of "establishment" with public reverence, whether free or not, whether institutional and sectarian or not. Even to question such an equation, the court said in its second decision, is "of value only as academic exercises!" The situation is, in short, as it was a century ago when Abraham Lincoln commented on the Dred Scott decision;

When all the words, the collateral matter was cleared away from it, all the chaff was fanned out of it, it was a bare absurdity.... The Dred Scott decision covers the whole ground, and while it occupies it, there is no room for the shadow of a starved pigeon to occupy the same ground.[4]

Five years have passed since the first prayer ban. In those years, several significant things have happened.

(1) Literally hundreds of bills were introduced in both the House and Senate calling for a clarifying amendment to restore the First Amendment to its preban interpretation and to forestall a further widening of the court's logic. There were 117 such bills on the House side alone in the spring of 1964. Senate Joint Resolution Number 1 of the 90th Congress was signed by 42 senators of both parties. It proposed a restorative constitutional amendment which would read:

Nothing contained in this Constitution shall abridge the right of persons lawfully assembled in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.

(2) Catholic response to the prayer bans was openly mixed, though there is no possible doubt that Catholics were in great numbers part of the massive proamendment majority across the nation. The National Council of Catholic Youth officially recorded itself as opposed to the prayer bans and called upon all of its local units ot work for reversal. Otherwise, where Catholic apathy and even support of the decisions showed itself, it has been suggested that an underlying cause was self-interest:

It may be that some of it is motivated by the thought that if public education can be completely secularized (so that, as it has been said "religion" in such quarters becomes "a dirty word"), then there will be an increased public demand for sectarian education which can combine religion with general education. This could then be an argument in favor of parochial schools, and as public schools decline, the argument for public support of parochial schools can be advanced in one guise or another.[5]

I hope this estimate is inaccurate. I fear it may be, in at least a partial sense, accurate. Our bishops wrote once that "religion is our chief national asset," and as such what happened to it anywhere at law must affect it everywhere. I am afraid some of us have simply failed to make the vital connection between what occurred in the prayer ban decisions and those aspects of the First Amendment which preoccupy us more immediately. Too many Catholics have simply failed to appreciate that any fundamental interpretation of the First Amendment by the Supreme Court must over a period of time operate in all areas of religion and public policy, including the area of government aid to nonpublic schools under religious auspices.

(3) Eleven of the 13 justices who passed on the New York prayer issue prior to its arrival at the Supreme Court ruled it constitutional. The attorneys general of 19 states submitted a "friend of the court" brief to the Supreme Court, prior to the first decision, which said in part:

"Our founding fathers, together with the great and God-fearing leaders of the last century and a half, would be profoundly shocked were they to have been told in their day that in this year of our Lord . . . a voluntary nondenominational acknowledgment of a Supreme Being and a petition for His blessings recited by American children in their classrooms is being seriously attacked as a violation of the Constitution of the United States." [6]

It was clear from Congressional reaction that a massive mail concurring with such judgments was hitting Capitol Hill. "King-size" was how Senator Dirksen described it. Resolutions endorsing what came to be called the Peoples Amendment for Public Prayer came from the National Conference of Governors, the National Conference of Mayors, legislatures of several states, the National Jaycees, the Veterans of Foreign Wars, the American Legion, and from such men as Billy Graham, Cardinal Cushing, the late Cardinal Spellman and Bishop Fulton Sheen. Sampling after sampling confirmed the will of the nation. The Gallup Poll in September 1963 recorded a three-to-one majority for reversing the court in its prayer decisions. In October 1964 the Harris Poll put the figure at 82 percent for amendment. Congressional home district polls backed the national sampling. Again and again there was no subject on which more of a congressman's constituents were united than on the need for a prayer amendment, and no subject in which "don't knows" ran lower, or majorities ran consistently higher. At each hearing on prayer amendment proposals, thousands of proamendment petitions were presented. About 40,000 petitions were introduced on the very first day of the House hearings (1964) by Congressman Fallon of Maryland. To the Senate hearings (1966), were introduced in behalf of amendment 35,000 petitions from Pennsylvania, 30,000 from New York and 50,000 from the Midwest. In the spring of 1967 *Good Housekeeping* magazine came up again with an 80-plus percentage for amendment.

(4) Despite all this *not one single normal floor vote has been held in five-and-a-half years in either house of Congress on even the technicality of proposing a prayer amendment to the nation.* And hearings in this critical matter were forced in the House Judiciary Committee only after a discharge petition to bypass Chairman Emanuel Celler, who was bitterly negative, had nearly succeeded.

(5) In the wake of the prayer ban decisions, things have not stood still. A number of trends have developed. Two are of major importance. First, a trend toward a kind of fearful indecision on the part of public authority. School boards everywhere were from the start anxiously uncertain about whether and how religion was to survive in the public classroom. In some instances, boards have defied the court, but this is, patently, no solution to the problem. In a few instances, boards have tried to substitute various procedures, such as God sandwiched between Thoreau and Ben Franklin for morning assembly reading. These instances, however, remain so rare that each one is the subject of national notice. In most cases the net result has been one of the following: a) to rule religion out entirely; b) to emasculate religion before it is permitted in the school, thus reducing it to the merest art, history or literature; c) to decide any particular question involving religion in the classroom in favor of parents who might conceivably object to it along lines indicated in the prayer ban record. Secondly, there has been a trend toward enlargement of the prayer ban to affect other practices of public reverence. Courts and some attorneys general have relied on prayer ban decisions to strike down kindergarten prayers and such substitutes as the singing of patriotic anthems. In the fall of 1966 the Supreme Court relied significantly on the decisions to knock out aid for church-related colleges in Maryland.

Meanwhile, it was again and again made clear by such opponents of religion in public life as Madalyn Murray O'Haire that the prayer ban would be used as a launching pad for further attacks on all surviving instances of public reverence. It is, of course, impossible to predict with precision just how far the court will go toward accommodating these attacks, but its defenses against them must be seriously weakened by the majority reasoning in the prayer ban cases.

Of course, at the very base of the prayer amendment issue stands the issue of parental rights. There is no question that God belongs in the homes and the churches of America. There is no question that a serious re-examination of His presence there is imperative. But religion is not strengthened at the hearth and the sectarian altar by denying it entry to the public classroom. Religion is not strengthened in the heads and hearts of American youth by wiping it off their lips precisely where most of them prepare for citizenship in a reverent society. What is rather indicated is a joint activity, carefully respectful of the right of dissent, which involves church, home and school. In its 1951 Statement of Belief, which recommended school prayer, the New York State Board of Regents said:

"We believe that thus the school will fulfill its high function of supplementing the training of the home, even intensifying in the child that love for God, for parents and for home which is the mark of true character training and the sure guarantee of a country's welfare."

In its *Decree on Education* Vatican II underlined how the principle of subsidiarity applies in public education:

"The Church gives high praise to those civil authorities and civil societies that show regard for the pluralistic character of modern society and take into account the right of religious liberty, by helping families in such a way that in all schools the education of their children can be carried out according to the moral and religious convictions of each family."

It is suggested by those who oppose a prayer amendment that the court banned only "prescribed" prayer and that other types of religious presence in the public classroom stand unaffected, indeed encouraged. There is at the very base of the court's decisions a fatal, secularizing equation. Once this equation has been repealed, there is certainly place for reexamination of the entire gamut of that presence. Various approaches to religion as a force for morality and civic strength can and should be tested. Citizens for Public Prayer fully support such testing, but at the right time. So long as the prayer ban remains, however, there can be no compromise. Generally, those who ask substitutes for the brotherhood of prayer call for a moment of silent mediation, classes in comparative religion or the rendition of God strictly in paintings, dates and poetry. Each substitution has is weakness. Collectively, they are totally inadequate to the need of the situation.

Let's take meditation first. It is most significant that the same day the Massachusetts legislature sanctioned meditation in the public schools of the state it petitioned Congress in support of a prayer amendment. A quiet God is better than no God. But a quiet God cannot provide that experience in pluralism which a spoken God encourages. One great advantage of the brotherhood of prayer consists, precisely in the fact that through it children from various religious backgrounds are taught that although they go freely to their separate churches and synagogues over the weekend, still they can freely

[4] *Columbus, Ohio, Sept. 16, 1859; Galesburg, Ill., Oct. 13, 1958.*

[5] *Griswold, Erwin N.* Utah Law Review, *Vol. 8, No. 3 (Summer 1963).*

[6] *United States Supreme Court, October term 1961,* Document No. 468.

find and pronounce together common words of uniting reverence each day during the week. Besides, meditation is extremely difficult even for adults. To suppose that grade school youngsters can meditate properly is a delusion.

As for classes in comparative religion, it may be that once the prayer ban is repealed we can move along these lines. But such classes will require teachers who have the wisdom of Solomon, and are objective enough to relate one religion to another without bias. And should these teachers fail even slightly, offended parents will rise to challenge them in the courts, just as parents who objected to the earlier prayer did.

In regard to religion as art, history and literature, it is true that under these aspects it belongs in many classes, so that children of a reverent people may review their inheritance. But what a tragedy it would be if God could come into school only as a footnote in classes otherwise preoccupied and minus any factor of reverence whatsoever! Religion is more than dates and pretty pictures and nice phrases. Religion is reverence. Any proposal which drains it of its prayerful blood is anemic to start with. In short, none of the suggested substitutes is, at least in its present state of refinement, adequate. None would in any way remove the tragic precedent of the two prayer ban decisions. Finally, the closer any one of them came to being a real collective reverence, the more likely it is that it would be challenged and struck down by courts under the compulsion of prayer ban logic.

MAJORITY-MINORITY PROBLEM

There is another item in the prayer amendment debate which must be pondered. This is the item of majority-minority relationships in a democracy. It has two facets. The first is: How should society accommodate in its practices a majority will against which there is marshaled a loud minority will? The second is: In the public classroom how should the dissent from prayer and the desire for prayer be handled with justice all around? In regard to the first question, it must at the outset be agreed that 50 percent plus one does not of itself make a thing right. Democracy must never be a matter of a bullheaded majority tyrannizing over a cowed minority. Neither must it ever be an oligarchy in which a miniscule elite, somehow wiser, forces its preference on an unwilling majority. This latter state becomes what *The Boston Pilot* has called a "tyranny of the few." One thing is clear: As in all such controversial situations, a dissenting minority must be assured to the maximum reasonable extent its right of silence and abstention. To permit a minority's preference to dominate public practice, however, thus denying to an overwhelming majority its will, is an intolerable travesty of democracy. In this case, a strong argument can be mounted in support of the traditional, pre-ban interpretation of the First Amendment. Even Justice Brennan, siding with the majority in the second prayer ban decision, concedes that its factual position is far from conclusive:

On our precise problem, the historical record is at best ambiguous, and statements can readily be found to support either side of the proposition.

But even if the court's reading of the history and the semantics were accurate, the case for a clarifying amendment would still stand. No people in a free society are required to be prisoners of words which, in that hypothesis, do not say what the people wish them to say and do not permit practices which the people overwhelmingly wish to provide for themselves and for their children. As in the flag salute situation, what is required of a wise judiciary is not a decision rendering the majority silent before an intolerant minority but one that allows the greatest prudential accommodation for dissent while the majority will prevails. The second facet of majority-minority relationships here can be expressed in a question: Is school prayer an unconscionable intrusion on the rights of the dissenting child and his parents? It must be repeated that in the three prayer ban states, school prayer had been entirely voluntary for both teacher and pupil. Tolerance is, and must continue to be, a two-way street. So long as he is respected in his right to be different, the dissenting child must learn to respect the right of the majority of his fellow students who wish to pray together. Dean Griswold's treatment of this critical matter is excellent:

Must all refrain because one does not wish to join? . . . No compulsion is put upon him (i.e. the dissenting child). He need not participate. But he, too, has the opportunity to be tolerant. He allows the majority of the group to follow their own tradition, perhaps coming to understand and respect what they feel is significant to them. Is not this a useful and valuable and educational and, indeed, a spiritual experience for the children of what I have called the minority group? [7]

A related question is often posed. Whose prayer? The answer is simple. Once the civil right of public reverence is restored in the public school, the American people again will select, with a minimum of mistakes and a maximum of good common sense, a reasonably nondenominational prayer. To suppose that any group of Americans with a sectarian majority would be so callous of its neighbors as to insist on a sectarian prayer in their public schools is to fly in the face of the great bulk of American experience. But even should, in a rare instance, such a prayer be proposed, recourse for remedy would still be open with the courts. What is clearly urgent in this entire issue of majority-minority rights is a reasonable pluralism, the kind of adjustment and prudential accommodation which mature men make with their neighbors in any complex matter in which a common decision is required. With such a responsible pluralism, the solution to difficulties such as wording a proper amendment and coming up with consensus prayers is easy. Without it, we become quickly a jungle of selfish predatory religious groups, careless of neighbors and haggling over every approach to that harmony which has so long been the major motif of our people.

A few words of prayer by children in a public place will not alone change the world. The brotherhood of prayer remains an important part of an important pattern. Clearly, however, much more than this is at stake in the fight to write a Peoples Amendment for Public Prayer. The whole matter of a reasonable and, reasoned pluralism is involved here. So is the survival intact of all practices of public reverence. So is every other controversial aspect of church-state relationship. So, finally, is the very workability of the democracy itself. It is simply incredible that there are still Catholics concerned with democracy, education and pluralism who cannot, or will not, understand these things. John Donne wrote that "no man is an island." It can be said with equal force that no decision of the U.S. Supreme Court fundamentally interpreting the First Amendment against the expressed will of the nation is an island—a minimal, a singular thing. Remedial action now, loud and long, is emphatically indicated. Seldom has the alternative to such action been put more strongly than by Father Joseph Costanzo, S.J., professor of historical jurisprudence at Fordham Univerity: [8]

American believers are losing by default. They have taken their spiritual heritage for granted. They have allowed a creeping gradualism of secularism, under one specious pretext or another, to take over their public schools. A vociferous and highly organized pressure group is exercising its own form of indirect coercive pressure upon the American community.

[7] *Op. cit.*

[8] *This Nation Under God (New York, 1964), pp. 131–32.*

JOB CORPS CLOSING FOOLISH ECONOMY

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. JOHNSON of California. Mr. Speaker, in considering the closing of some 57 Job Corps centers throughout the Nation, including many of our fine conservation centers, I am at a loss to understand why a going program of proven value should be discarded for an unproven effort, which I fear will only amount to a token replacement of this fine program.

The order to cut the heart out of the Job Corps program in the name of economy, will prove to be foolish, false economy which will cost this Nation greatly in the months and years ahead.

The concept of conservation of our natural and human resources has been proven time and time again. During the depression days of the 1930's, the Civilian Conservation Corps took boys off the streets and gave them solid foundations upon which to build productive lives. Graduates of the old CCC program have served with us here in Congress, succeeded in business, and become leaders in education, science, the trades, labor and all other fields of endeavor. But most important most of those given a second chance through the CCC became solid citizens of this Nation of ours.

Because of the outstanding successes of this program I was among those Representatives in Congress who sponsored and actively worked for establishment of a similar program for the 1960's. This effort resulted in the enactment of the Job Corps legislation.

In the succeeding years, there is no doubt but that the wisdom of this effort has been more than justified. It is true that the 1960's are not the depression days of three decades ago, but we have found that even in these days of high employment and relative affluence there are many among us who have not been able to make the grade, primarily because of a lack of opportunity to learn the basic skills by which they can earn a living.

Would you hire an 18-year-old with a low third-grade education who could hardy read or write?

This is the average for young men entering the Job Corps camps I have visited in the Second Congressional District of California. In 6 months of training, the corpsman has advanced 2 years in reading, a year in math. He has developed the ability to write, has a knowledge of how to get a job, knows about income taxes and most important he is working for a salary which will require him to pay income taxes. He has returned to society.

It is tragic that this program should be crippled now that it has proven itself

by combining education with good hard work to provide young men with an opportunity to become self-respecting, self-supporting, contributing members of society.

By active recruitment programs, we talked these young people out of environments in which they could grow up only with hopelessness. Now we are breaking faith with these young people, tossing some back into these environments without the means of earning their own way, and abandoning others who have not had the opportunity to participate. The consequences will be tragic, I am sure.

It appears that these Centers will be replaced at some future date, with "minicenters" located in urban areas. These, apparently, will be located close to the trainees homes. One of the strengths of the conservation center program is that these boys are taken out of the environments which have caused the problem throughout their formative years and are able to get away and stand on their own feet away from these influences and I think the reversal of this would be a terrific mistake.

In reviewing the list of those Centers facing extinction, there appears no rhyme nor reason to why some of these were selected. The three in my congressional district—Toyon in Shasta County, Sly Park in El Dorado County, and Five Mile Center in Tuolumne County—all had fine records and good community support.

Yesterday, Secretary of Labor George P. Shultz testified before the House Education and Labor Committee that the average cost of training a Job Corpsman was $7,241. Statistics I have collected from the three Job Corps Centers in the second district indicate that their records, then, are well below the average. The reported costs at the Toyon Job Corps Center, $4,757 per trainee—the second lowest of all Bureau of Reclamation-operated Centers yet not one of three to survive the "economy" ax—at Five Mile Center near Sonora, $5,200 per trainee, and at Sly Park Center near Placerville, $5,500 per trainee. If these are Centers with below average costs, I ask: "Why these?"

Mr. Speaker, I must emphasize that these are current 1969 figures—what it is costing today. These do not reflect the value of outstanding conservation work accomplished by these young men—estimated at $2,000 per year per man.

When you add all these up, it comes out to a mighty inexpensive program which yields tremendous returns on the investment—lifetime dividends of self-respect and economic independence for the individual.

In addition the human resources we have conserved and channeled into productive activity, we must also consider the natural resources which are enhanced by the efforts of the Job Corpsmen who truly are "learning by doing."

The "doing" means new campgrounds, additional recreation facilities, improved water supplies, better fire-fighting base facilities which will yield tremendous economic returns years to come through faster forest-fire suppression, improved timber stands which in future years will mean greater timber sale returns.

During 3 years of operation, corpsmen at the Toyon Camp have completed some $1,328,000 in work projects, including some of the largest campground installations ever built in the National Parks System. Additionally, the corpsmen provided some 10,000 emergency man-hours in firefighting, search and rescue work, and battling floods and storms. At the Five Mile Center, corpsmen have completed $946,250 in work projects beneficial to the national forests. Since 1966, corpsmen have spent 27,632 man-hours in fire suppression work, the value of which would amount to $55,260. At Sly Park the project value to the national forests and the local community amounts to $897,000 plus thousands of man-hours on the firelines and other disaster work.

These contributions do not reflect in the cold statistics upon which the decision to close these centers was apparently based.

Nor are other community efforts reflected in the cold statistics. Take, for instance, the Toyon Center. Through a cooperative agreement with the Shasta County Welfare Department, welfare recipients receive work experience training at the center, giving volunteer assistance while learning themselves to be more employable. The Toyon Center has hired four of these former welfare cases and 23 others have gone from welfare to gainful employment using these new skills.

This is meaningful manpower training. It works. We must not buy a pig in a poke by discarding it for an untried program which still is in the formulative stages.

As you can see, Mr. Speaker, I am tremendously concerned with the impact the proposed closings will have upon the individual trainees. Without minimizing this, I must mention also the impact of the decision upon the communities in which these conservation centers are located. Again, let me use, for example, the three centers located in the second district which now face extinction. Each of these centers is situated in counties of substantial unemployment. Each of these areas have very restricted payrolls and economies in which the Federal Government is investing heavily through a variety of programs in order to achieve some element of economic stability.

The abrupt closing of these centers will mean increased unemployment and will deflate severely the economies of the areas.

For instance, Toyon Job Corps Center in Redding has an operating budget of some $760,000 a year. It has 158 Job Corpsmen enrolled actually at the center at the moment with a staff of 48. Loss of this payroll and budget will be a severe blow to the community of Redding and Shasta County.

The Sly Park Camp in El Dorado County, which has an operating budget for the camp of $640,000 per year, has 38 employees and 120 trainees.

Finally, at Five Mile Center near Sonora we have a $718,000 annual operating budget based on some 160 corpsmen and 46 full-time employees.

The closing of these projects in these communities is going to be a serious blow and, if we must make up for this loss through other employment development projects sponsored by the Federal Government, it seems to me that we are robbing Peter to pay Paul.

In conclusion I want to say that since this announcement was made I have received a variable flood of wires, letters, phone calls from the communities affected. Not a single word has been spoken in favor of the closings. These are communities which have met their responsibilities as is indicated in the following telegram from the chief of police of the city of Redding:

There is considerable local concern that projected cutbacks in the Job Corps Program may force closure of the Toyon Civilian Conservation Center in Shasta County. The program is well accepted in this area and has proven to be a definite asset to the community. This area has a great deal to offer these boys and they certainly have a great deal to offer the community. The populace in the greater Redding area is in favor of continuing the Job Corps program in Shasta County.

And from the sheriff of Shasta County, John Balma:

I am happy to give my appraisal of the local Job Corps Center, located at Toyon, Shasta County, California.

Granville W. Tilgham, Center Director, is a very good administrator. More important, he is a fine man and well thought of in our Community. His cooperation with our Department has always been the best.

The Corps have benefitted our Community by adding more than $1,000,000.00 worth of recreational and conservation projects to the area in projects like Shasta Divide Nature, Davis Gulch Nature Trail and the Judge Francis Carr Memorial Campsite along Whiskeytown Lake; Knob Cone (Old Man) Campground, Fisherman's Point Rest Area and the clearing of debris (after the 1964 flood) along Shasta Lake; planting of more than 80,000 trees for beautification and erosion control on the Spring Creek-Keswick Watershed, Rip Rapped and constructed floating docks for Reading Island boat launch near Cottonwood; contributed about 10,000 man hours in forest fire fighting; assisted the Shasta County Sheriff's Department and the local Civil Defense Department in two search missions—one for a Central Valley girl and the other for the victim of a plane crash.

The young people in the Center have participated in Community affairs by being members of local church choirs; assist church, civic, social, service and fraternal organizations with local college, high shool, teen-clubs, and in community center groups; participate in City League sports; assist in parking and general activities at the Shasta County Fair; work with law enforcement agencies in the better understanding of law enforcement and respect for law officials; conduct social, cultural and educational exchanges on Center with youth and adult groups; participate in local stage plays; make public appearances including television appearances for educational and public relation purposes.

The Corps have engaged in Community projects by contributing blood to needed persons and particularly Veterans of World War I Barrack No. 1031; improved grounds of historical cemeteries at Shasta and Central Valley, improved grounds for local public schools, Bella Vista Head Start School and the school for the Handicapped at Shasta; assisting the City of Redding in an improvement of the Linden Avenue and drainage

area; cleanup streets in impoverished areas; placed sand bags around an elderly couple's home in Central Valley for protection against flooding; two corpsmen assisted in the arrest of a would-be robber and five other corpsmen alerted a local Redding store owner that his store was unlocked several hours after closing time; corpsmen have helped local agencies in the delivery of food baskets to needy families at Thanksgiving and Christmas time; donated funds from corpsmen have contributed to the purchase of items for food baskets; assisted in the construction of a Senior Citizen's building in Redding. Most of the community type projects have been done by staff and corpsmen on weekends through volunteer services.

I hope this information will assist you in evaluating the Toyon Job Corps.

Speaking for the chief probation officers of the entire State of California, Ted L. Smith of Merced, president of the Probation Officers Association:

The impending closing of Job Corps Centers threatens to deprive the criminal justice system throughout the United States with curtailment of an effective training program for deprived and delinquent children. Returning 200,000 hard core teen agers to local jurisdictions, already unable to provide the training they need and desire, is risking possible civil disturbance during the coming summer months. California's Chief Probation Officers Association supports the Job Corps Programs and strongly urges reconsideration towards retention of the Centers.

Local government unanimously endorses the preservation of these centers. Typical is the resolution of the board of supervisors of the county of Tuolumne:

Whereas, the Tuolumne County Board of Supervisors has been informed of the contemplated closure of the Five Mile Civilian Conservation Center located in this country, and

Whereas, this Board of Supervisors is thoroughly familiar with the operations of this center since its establishment in August, 1965, and

Whereas, the corpsmen assigned to this center have compiled an outstanding record in the successful accomplishment of many assignments of great material benefit to the public, ranging from fire protection to site improvement projects in the Stanislaus National Forest, and

Whereas, of far greater importance, this center has provided an effective means by which under-privileged young men have been given the opportunity of discovering and developing their individual potential through intensive programs of education and manual training, and

Whereas, it is essential that America have trained, productive workers upon whom it can depend, rather than unskilled, idle men who depend upon it, and

Whereas, the Five Mile Civilian Conservation Center has proved to be an effective means of providing the education and training so essential to the future welfare of our country.

Now, therefore, be it resolved that this Board of Supervisors does hereby urge the U.S. Labor Department to rescind its order to terminate the Five Mile Civilian Conservation Center effective as of July 1, 1969, and

Be it further resolved that copies of this resolution be forwarded to the Hon. Richard M. Nixon, President of the United States; the U.S. Labor Department; the Hon. George Murphy and the Hon. Alan M. Cranston, United States Senators from California; the Hon. Harold T. Johnson, Member of Congress; the Hon. Ronald Reagan, Governor of California; Harry D. Grace, Supervisor of the Stanislaus National Forest and to such other officials as may hereinafter be directed.

And Mayor George K. Moty of Redding telegraphs:

I have just learned of the President's order closing the Toyon Job Corps Center in Shasta County, as one of the 57 Centers ordered closed. I am sorry to hear of this decision and I hope that you and your fellow legislators can do something to cause a reconsideration of this decision. The Toyon Job Corps Center has been an asset to Shasta County. The staff and the Corpsmen at this Job Corps Center have completed many beneficial projects for the Forest Service at Shasta Lake and for various communities in Shasta County including the City of Redding. Our experience with the Toyon Center has been most favorable. We have seen the Corpsmen of the Center participate within various activities within our city, including intramural athletic and recreational programs, participation in church activities and the accomplishment of certain projects within the community. From this observation we are convinced that Toyon was doing a satisfactory job of training and educating these young people so that they could become useful citizens of whatever community they subsequently chose to live within. I further understand that 71 percent of the enrollees of the Center have obtained employment upon leaving the Center. I therefore respectfully urge you to do what you can to cause a reconsideration of this decision by the Executive Branch and to make it possible for the Toyon Job Corps Center to remain in operation.

The business community is backing this program. Beverly Barron, president of the Tuolumne Chamber of Commerce in Sonora writes:

The word of the probable closing of our 5-Mile Job Corps Center, in Tuolumne County, has been received with sorrow.

Although the Tuolumne County Chamber of Commerce does not pretend to be authoritarian on the educational values involved in the Corps, we do feel that the 5-Mile Job Corps Center, here, has been doing a most beneficial job.

Further, we are always cognizant of withdrawal of any enterprise in the county, because of the effect upon our economy.

Our Board of Directors, at last Monday evening's meeting, unanimously requested that I send you this letter, protesting the possible closure of the Center. Your continuing efforts in this behalf, will be deeply appreciated.

And from Fank B. Plummer, president, Greater Redding Chamber of Commerce:

The Board of Directors of the Greater Redding Chamber of Commerce with over 500 businesses in membership strongly opposes the closing of the Toyon Job Corps at Project City, California. The hundreds of boys passing thru this camp have been accepted by this community and marvelled at for the changes brought about in their demeanor while here. Boys who could not read or write have been enabled to learn these basic rudiments of living and have gone out to secure jobs in private industry.

We have been deeply appreciative, in this tourist economy, of the fine camps for tourists that these boys have constructed for us. They are now involved in the largest project ever attempted by the Job Corps—the construction of 416 new camp sites for the coming season. Our county has an unemployment rate of 14.2%, so you can get some idea of what these new camping spaces mean to our economy. The construction work of all kinds that the Job Corps has completed here must run into the millions.

The budget of the Toyon Job Corps has brought $750,000 into this community annually since its inception and we have been deeply appreciative of this.

We respectfully submit that this is no time to cut back projects of this kind. It would be far better to cut back severely the $80 billion military budget.

And, Howard H. Heilman, president of the El Dorado County Chamber of Commerce, Placerville, wires:

The proposed closure of the Sly Park Job Corps Center in El Dorado County, California is unanimously opposed by this Chamber of Commerce. Meeting in regular session this date the County Chamber's Board of Directors established such position on the basis of the Sly Park Center's success in its training function and its reliable role in this community. Documentation of this opposition is being prepared and will follow this message forthwith.

From the educator's viewpoint, this has been "a most effective means of combating the great problems of the educational and economic dropouts of today." Gilbert A. Collyer, president of Shasta College in Redding, writes:

During the past week an announcement has come to us that the Job Corps Unit located at Toyon, just a few miles from our college, is being closed. We wish to write in connection with this closure since we have been greatly impressed by the effectiveness of this particular Federal project.

We have become rather closely acquainted with some of the work the unit has done in our community and we have met, personally, boys that were trainees. Each experience we have had with the unit has impressed us that the activity is accomplishing strong results insofar as we could measure it at this particular point.

We, of course, are not acquainted with the overall financial aspects of the program and as to how the cost of operating it may compare with other efforts to solve the problems of young men who have dropped out of the mainstream activities. I am sure that other programs will also help in this direction, but would be very skeptical that all activities should be transferred closer to the urban centers. I am sure that bringing young men into a location farther away from the congested urban areas is a very favorable aspect to the whole training program.

In addition, I could state that these trainees have won the respect of the people of the community and the surrounding region and that, while ethnically they have introduced greater heterogeneity into the area, this has been viewed favorably by most people.

I would urge your strong consideration of keeping a unit like Toyon active as a most effective means of combating the great problems of the educational and economic dropouts of today. In addition, I believe that a unit located in such surroundings will prove a valuable check on the effectiveness of various kinds of approaches to the entire problem.

Mr. Speaker, the most appealing plea came from a Job Corps trainee himself:

If they close this up, there goes my second and last chance.

Are we going to rob this boy of that last chance?

Are we going to throw these boys back on the streets without the ability to become contributing members of society?

SOLID WASTE PROBLEMS INCREASE

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. JONES of Alabama. Mr. Speaker, a timely and pertinent warning about the multiplying problems of the increasing amounts of solid wastes was printed in the April 20 issue of This Week magazine.

As our population increases and as the level of consumption rises, our Nation's towns and cities are faced with a growing problem of disposal of garbage and the castoff of modern life.

Many new techniques are being considered, but much more attention needs to be paid to this mounting problem.

So that my colleagues can know more of this serious matter, I ask that the article by Thomas Fleming from This Week magazine be included at this point as a part of my remarks:

ENGULFED IN GARBAGE

(By Thomas Fleming)

You people have been spoiled for 50 years. Rain or shine or earthquake, your little pail of garbage has been picked off your doorstep every Tuesday or Thursday. Until recently, you didn't give a damn what happened to it after that.

Are you listening? That is the voice of a modern garbage man. His name is Leonard Stefanelli and he was speaking to a group of fellow San Franciscans. But he might well have been speaking to the entire nation, warning Americans that they are in danger of being engulfed in garbage.

His is by no means the only ominous voice. Dr. Philip R. Lee, Assistant Secretary of Health, Education, and Welfare, says, "We have been running to keep pace with the growth of the . . . problem, and we are losing the race." Professor Ross E. McKinney of the University of Kansas warns, "We have already allowed the problem to exceed the solution."

There are some prophets around the country predicting that by the year 2000, garbage collection may dwarf civil rights, national defense, and crime in the streets as our No. 1 political problem.

It is by no means a fanciful prediction. Recent reports indicate that Americans are already spending $4,500,000,000 a year for refuse collection and disposal services—a sum that is exceeded only by expenditures for schools and roads.

Why is garbage becoming so big and costly a problem? Approximately 500,000 tons of residential, commercial and industrial wastes, or 5.3 pounds per person are generated in America each day. In an average year, a family of six creates 3,860 pounds of trouble for the garbage man. Of this, 990 pounds is genuine garbage—leftover food scraps and the like, what the experts call "putrescent matter"—and 2,870 pounds is rubbish.

This last statistic is the real explanation for the garbage crisis. In earlier decades, Americans carried most of their food home in paper bags. Practically everything today's supermarket shopper buys is enclosed in plastic or cardboard or glass containers.

It doesn't really matter where the junk comes from. The problem is how to collect it efficiently and what to do with it once it's collected. To the citizen, collection would seem the most important facet of the problem. Garbage strikes have threatened a half dozen American cities with disease and social chaos in the last year or so.

Sanitation experts are far more worried, however, about what to do with the stuff once it is collected. They note that 85 per cent of the money we are spending on garbage is currently going into collection (yet a startling 12 per cent of the residential population, receives no formalized collection service) and only 15 per cent of our cash is being spent on disposal.

Many people are under the impression that most garbage is burned in incinerators. Actually, there are only about 300 incinerators in the entire nation, most of them in large cities. Most of our garbage goes to what is familiarly known as the *dump*. There are 12,000 of these *land disposal sites*, as the experts call them, and a recent report of the Public Health Service declared that 94 per cent of them were "unacceptable and represent disease potential, threat of pollution, and land blight."

Nor should incinerator owners start congratulating themselves. The same government experts condemn 75 per cent of these as inadequate, either because they fail to burn enough of the garbage shoved into them or because they pour unhealthy amounts into the atmosphere as air pollution.

Aside from the disgraceful condition of most dumps, there is the blunt fact that we are running out of room for them. New York will run out of space altogether in four to eight years. Philadelphia has been trying to burn 90 per cent of its wastes for well over a decade. San Francisco has had a running battle with surrounding communities over where to put refuse.

All this adds up to what might be called, The Lament of the Garbage Man. "People make jokes about garbage men," Eugene L. Pollock, editor and publisher of *Solid Wastes Management*, a national magazine for the sanitation industry, says, "They tend to think of them as people of little standing in the community. They don't seem to realize they are talking about the fifth largest service industry in the country. Nor do they seem to realize that a lot of these so-called garbage men are executives running multimillion-dollar operations, often using computers." He also notes several major schools grant Ph.D.s in refuse disposal techniques.

Leonard Stefanelli is typical of the new breed of garbage executive. He is president of the Sunset Scavenger Co., one of the two private contracting firms which handle refuse collection and disposal in San Francisco. A good-looking, well-dressed 33-year-old, Stefanelli told a gathering of San Franciscans last year, "You people think of us garbage men as donkeys with strong backs and weak minds. But the fact is that we have spent tremendous amounts of money on modern research and development to try and reduce the bulk of waste as much as possible before disposing of it."

Most people know that garbage men feel underpaid. But few realize a more significant item in the garbage man's tale of woe. It is very dangerous work. The National Safety Council recently reported that their accident rate is highest in the country.

A great deal, however, is being done. A number of ingenious solutions are being tested or toyed with by scientists and sanitation experts around the country. One of the problems of the open dump is being solved by sanitary landfill—one of the best and cheapest methods of disposal now available. Usually it involves shredding, milling and compacting the refuse into an indistinguishable mass, which is dumped in trenches scooped out by bulldozers. It is then covered with seven or eight feet of earth, and natural decomposition over the next 25 years converts it into normal soil.

Landfill not only eliminates the old smoking, rat infested dump, it can also create new recreational sites for land-short cities and suburbs. Virginia Beach, Va., is building an outdoor theater on a 15-year-old landfill site. The Borough of Etobicoke in metropolitan Toronto has built a ski hill out of what they call "selected sanitary waste"—1,500,000 cubic yards of old refrigerators, stoves, bed springs, lumber, chemicals—everything but food wastes. The twin-peaked hill is expected to be 130 feet high when completed. Other communities have constructed golf courses, baseball and football fields and even swimming pools on landfill sites.

Around our larger cities, land is simply too scarce and too valuable to put garbage in it. San Francisco and Philadelphia are about to begin experiments in shipping their garbage 200 to 300 miles away by railroad.

Philadelphia has hired a private firm to lug the stuff out to the central part of the state, and dump it into abandoned strip mines. The cost will be $5.39 a ton, a big saving over the current $7.50 a ton for incineration. Rhode Island University, under a grant from the National Center for Urban and Industrial Affairs, is studying the possibility of burning garbage at sea in huge incinerator ships and tossing the residue overboard at selected dump sites.

The inventive Japanese have come up with another idea, a giant compacter said to reduce trash to 10 per cent of its original volume. The Japanese at first claimed that the resulting hard blocks of garbage could be used for construction work. But experts quickly demolished this idea. As garbage decays, it emits methane gas, and if you sealed these bricks inside a concrete building, within a year or so there could be an explosion.

The fondest dream of the modern sanitation expert is making garbage profitable. In the old days farmers paid for the privilege of collecting and removing garbage from Philadelphia. Today collectors get up to $8.33 a ton for this work—plus the refuse itself—and the price is considered to be a real bargain. Paper was once salvaged for the production of cardboard. Now it is stored until a private collector comes and picks it up—at a charge of $100 a month for this service. Some people have experimented with burning garbage to produce steam which, in turn, would run electric turbines. The Town of Hempstead on Long Island has an incinerator that drives a 2,500-kilowatt electric power plant and a 420,000-gallon-a-day water desalting plant. But neither here, nor anywhere else, has anyone made such operations profitable.

The brightest hope in this department has been composting. For over 25 years, various countries—Israel, Holland, Scotland, and the United States—have experimented with pulverizing and reducing the garbage to manageable brick form and selling the stuff to farmers to enrich the soil. A few years ago, a *Fortune Magazine* story grandiosely announced the opening of a composting plant in St. Petersburg, Fla., operated by the International Disposal Corp. The $1,500,000 plant lasted from July, 1966 until the early months of 1968, when it was closed as a public nuisance because of an odor problem. But after remodeling it is expected to start again soon.

The Florida plant joined a long line of composting plants, stretching from Scarsdale, N.Y., through McKeesport, Pa., Mobile, Ala., Norman, Okla., Phoenix, Ariz., and Houston, Tex.—most of which are already closed or closed part of the year. The reason lies in that earlier statistic about the preponderance of rubbish in today's garbage. Plastic bottles, aluminum cans, paper and glass are not very soil enriching.

Yet the composting idea has value. "These commodities we are throwing away today may someday be in serious short supply," says Dr. Walter R. Hibbard, former director of the Bureau of Mines. Dr. Athelstan Spilhaus, president of the Franklin Institute in Philadelphia, argues that we ought to "bank" potentially valuable wastes until we know how to get at their ingredients economically.

Still another solution would be the creation of self-destructive bottles and cans. Jerome Gould, the noted industrial designer,

is working on such a project as is Samuel F. Hulbert of Clemson University in South Carolina. Hulbert says his bottle will have the same basic elements as glass but when it breaks it will become soft and greasy and melt away.

Back on the practical, everyday level, some people are trying to take the minor headaches out of the garbage problem. Some companies have recently perfected a garbage can with a bottom made of rubber cement, that thuds instead of rattles in the early dawn. New Haven, Conn., is experimenting with the use of kitchen sink grinders in a high-rise apartment complex. The reduced garbage is piped to a central building for disposal.

All these changes, experiments and improvements point toward one conclusion. The garbage crisis can and must be solved.

The alternative may well be the policy currently being pursued in the state of Zulia, Venezuela. The government had to declare martial law and send in National Guard troops to suppress rioting stemming from a strike of sanitation men which left four dead and dozens injured. To prevent a repetition of the upheaval, authorities hastily passed several laws which clearly demonstrate the dangers of uncollected garbage in a free society. One of the laws stipulates that no couple will be allowed to marry unless they both produce certificates proving they are up-to-date in their refuse collection payments.

THE 1968 ATA NEWSPAPER SAFETY WRITING COMPETITION

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. GALIFIANAKIS. Mr. Speaker, when the American Trucking Associations, Inc., recently named the winning entries in its 1968 newspaper safety writing competition. I was delighted to note that a young man from the congressional district I was privileged to represent at that time was honored for an editorial entitled "Live Beyond Labor Day."

I salute the writer, Michael B. Smith of the Winston-Salem Journal, for the outstanding contribution he has made to highway safety. Additionally, I should like to call to the attention of all the Members of this distinguished body the content of Michael Smith's prize-winning editorial:

LIVE BEYOND LABOR DAY

There are several approaches one can take when writing an editorial about traffic safety on the eve of a traditionally bloody holiday. There is, for instance, the didactic approach, with its solemn instructions to Drive Carefully. The Life You Save May Be Your Own, or Speed Kills, Take It Easy, or If You Drink, Don't Drive, or Buckle Up For Safety, Buckle Up. It is all fine advice and it is all generally ignored.

There is the statistical approach, which will tell you that since Henry Bliss stepped off a Manhattan streetcar into the path of a speeding horseless carriage in 1899, two million other people have died in traffic accidents—more deaths than in all our wars combined. Statistics will inform you that 609 Americans died in automobiles during the Labor Day weekend last year, 30 of them in North Carolina. But few people are ever really impressed by statistics until they become one.

Finally there is the dramatic approach, with its corollary, the scare approach. Newspaper files are full of large glossy photos of bent automobiles, jagged windshields, torn metal and blood-soaked upholstery. Any Highway Patrolman or ambulance attendant or mortician knows what happens when a human body moving at, say, 70 miles an hour meets a tree or a bridge abutment or a two-ton piece of steel. Oh yes, we are temporarily sobered by talk of smashed skulls and crushed chests, but we secretly believe that *It can't happen to me.* It can.

There are many ways to illustrate the dangers of driving on a holiday, but none of them will prevent about two dozen North Carolinians who are alive today from being dead by midnight Monday, when the counting stops. Only one absolute means of protection comes to mind, and we urge it on all our readers: Please stay home this weekend. Stay home.

ROTC CONTROVERSY

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. NICHOLS. Mr. Speaker, there has been a good deal of controversy, both on campuses in particular and around the country in general, regarding the ROTC program. There has also been a great deal of misleading information disseminated, some intentionally by those who serve their own purposes and some unintentionally by those who are just plain uninformed, about this very fine program.

The April 1969 issue of Army Digest presents a very factual, and I might add "official," statement by the Department of the Army's Office of the Director of Individual Training for ROTC Affairs. This article was brought to my attention by Mr. J. T. Rutherford, himself a former Member of this body and currently the executive director of the Association of Military Colleges and Schools of the United States.

In an effort to see that the true facts regarding the ROTC program are given wider distribution. I insert the text of the article at this point in the CONGRESSIONAL RECORD:

ROTC UNDER FIRE: AN AMERICAN INSTITUTION MEETS THE TEST

(By Army Digest staff in cooperation with Office, Director of Individual Training for ROTC Affairs)

At campuses across the country, graduates in cap and gown soon will be receiving diplomas from college presidents, visiting deans or VIP's imported as commencement speakers to impart words of wisdom to the fledgling captains of industry, commerce, and various professions.

At 268 of these campuses, some 17,000 young men will be exchanging mortar boards for military hats, and academic robes for jackets with gold shoulder bars denoting brand new lieutenants. These are the students who, for the most part, elected as sophomores to fulfill their obligations of citizenship in a free Nation by enrolling in the advanced Reserve Officers Training Corps program.

Some of these dedicated young men will make a career of the military services. Each year the Army alone needs—in fact must have—at least 15,000 to fill its requirements for leaders educated in a wide variety of fields that go to make up a modern, progressive Army.

Others will meet their minimum military obligations, then return to civilian pursuits while remaining available for duty via the Reserve Forces. These graduates often have been recruited, even before leaving the campus, by commercial organizations. For while the Army must have its input of young leaders, many of these firms also are anxious to recruit the same talents. Increasingly, there is competition for the potentials for advancement represented by these young men—potentials which are increased by their proven leadership fostered through ROTC training and then developed by several years of actual military service.

Many of this year's graduates will have been scholarship winners, their tuition and incidental expenses paid through ROTC programs. Many others will have been assisted to a greater or lesser degree. It is safe to say that many hundreds of the graduates would never have been able to attain a college education were it not for ROTC assistance.

As sophomores, these men had the foresight to recognize the advantages of enrolling in advanced ROTC. They voluntarily joined despite the current criticism and vociferous outcries against the program that faces ROTC on many campuses—criticism and outcries that appear strange indeed when one considers that for many years the military services were criticized for not having a "rapport with world events," for "living in a world of their own," with leaders whose "military mind" and thinking were simply products of a "trade school."

Basic to such criticism was the implication that the military services needed the leaven of large numbers of leaders educated in many fields—men who could understand and evaluate worldwide political, economic and sociological conditions, who could comprehend the interplay of events in a world of power politics, who could generally chart the Nation's path through the maze of highly complicated events that mark the making of history.

For more than half a century the Army has made every effort to get just such men. And ROTC has provided increasing thousands of them, until today the Corps of over 150,000 is the largest and least expensive precommissioning educational system in the Army. Its graduates—by the hundreds and by the thousands each year—represent all academic disciplines. They come from varied ethnic backgrounds, from all parts of the Nation. They can be found on active duty from second lieutenants up to lieutenant generals.

Yet today the system is facing criticism from several sources. Ironically, much of the criticism comes from the same people who just yesterday were complaining that the Army was hidebound and needed leaders of greater depth and breadth of vision. Today these same people would do away with the very system that is producing exactly such leadership. Among evidences of this attitude:

Some members of staffs and facilities of various institutions of higher learning claim that the ROTC curriculum is below academic standards.

Demands are made to withdraw academic credit for ROTC courses.

The rank of the Professor of Military Science has come under scrutiny. Some educators feel sincerely that only the colleges or universities should have the right to designate professors. Some feel that the entire idea of military training on campus is in conflict with the purposes and ideals of the American system of higher education—disregarding entirely this Nation's tradition and history of dependency on a citizen army.

Some of the criticisms—those which hit the headlines all too often because of their character and source—come from small but

highly organized and extremely vociferous dissident groups. One group has actually prepared in great detail a complicated printed plan to "smash the military machine in the schools." These students carry on actual campaigns of terror—reviling other students, defiling uniforms, carrying on intense campaigns against incoming students aimed at browbeating impressionable newcomers from signing up for the Corps.

It is significant to note that some dissident groups appear to fight ROTC merely as part of a larger plan for fomenting actual revolution in the Nation. They seek to introduce class warfare among the youth of the country on the basis that ROTC produces large numbers of well-educated officers—and according to their warped view, the officers are the "oppressors" of the enlisted ranks. They would not only emasculate ROTC but would eliminate it altogether, and eliminate all military leadership along with it.

ANSWERING THE CRITICS

Yet despite all criticisms the senior ROTC enrollment today continues to thrive and grow stronger. This spring even larger numbers of young men than usual will be completing their courses to enter the Army as second lieutenants. Admittedly, the peak enrollment today may be attributed in part to selective service accompanying the Vietnam conflict. But historically enrollments in the advanced course have fluctuated according to international tensions.

Many of the critics of the program for obtaining young leaders do not realize that just as the Army has changed from the old days of close order drill, Wednesday afternoons off, bailing out the enlisted man after payday, so has the ROTC changed. It's a far cry today from the era when most efforts went into an hour or two of drill a week, combined with a few dull lectures on military courtesy and a stilted course or two on military history.

The ROTC curriculum has kept pace with the changing needs of an ever more technological Army. It actively seeks to develop fledgling leaders with the education that makes them aware of political, economic and sociological conditons, that produces future leaders with the potential for continuing growth in many fields.

ORIGIN AND HISTORY

Although ROTC had its formal beginnings with passage of the National Defense Act of 1916, training in colleges and universities dates back to 1819 when Captain Alden Partridge, former superintendent at West Point, established Norwich University, Vermont, as a military college. Similar training was provided at many other colleges and military academies, such as Virginia Military Institute, most famous graduate of which was Gen. George C. Marshall. It is noteworthy that a young officer, later to become Gen. John J. Pershing, established the Pershing Rifles as a crack drill unit back in 1892.

The Land Grant Act of 1862 provided for military training to be required at the so-called Land Grant Colleges, mostly state universities, in return for land concessions from the Federal government. Thus the Nation gave practical expression to its time-honored philosophy—civilian control of the military establishment based on a system that expects every citizen to be a vital part of the national defense, subject to call for military duty in time of war. This philosophy has been expressed by American statesmen, educators, legislators throughout our entire history. Today ROTC embodies the principle of drawing officers for our Armed Forces from the mainstream of American life in all its diversity.

KEEPING PACE

Through the years following World War II, studies have constantly been made to keep curricula in tune with the changing needs of an Army in transition. Such changes were largely undramatic, moderate breezes rather than swift winds of change. But with the ROTC Revitalization Act of 1964 came the beginning of what has become an entire New Look in ROTC.

The Act created a platform for a complete restructuring and modernization of the entire program. It is significant that this began before the present wave of criticism was even a ground swell far out on the horizon. The Act indicates that the Army and other Services were continuously evaluating, looking ahead, constantly seeking to meet changing conditions.

Principal feature of the Vitalization Act was the scholarship program under which 5,500 will annually receive tuition, book and fee costs plus $50 per month subsistence. Many of these ROTC scholarship students would never be able to attend college otherwise. Recipients are committed to four years of active duty following graduation, and must accept a Regular Army commission if offered.

Another feature is authorization of the two-year program that provides for junior college graduates and transfer students from non-ROTC institutions to join the Advanced Course program in their junior or senior years.

In making changes in the ROTC curriculum, the Army has recognized the changes in educational philosophies and concepts in the colleges themselves. With each passing year, degree standards have been raised so that a student must carefully budget his time to satisfy these requirements; as a result, less time is available for activities outside his principal areas of study. ROTC has endeavored to keep pace with this trend.

FLEXIBLE CURRICULUMS

Today's curriculum studies, and other aspects of the program, are characterized by flexibility. Currently, Army ROTC offers three choices to colleges and universities of the country—Curricula which permits practically any school to tailor its military program according to its institutional needs in conjunction with the Professor of Military Science at the particular school.

At present, about 15 percent of the host institutions are using Option A which deals mainly with military subjects.

About 80 percent of the campuses are utilizing Option B which allows 25 percent of the subjects to be selected from those offered and taught by the college.

A third, Option C, was initiated by 11 schools on a developmental basis in the fall of 1968. This is designed to present the basic course in a manner that will insure its being accorded academic credit on a par with other courses offered at that particular school. The freshman courses acquaint a student with basic concepts of warfare and problems of national defense; the sophomore course examines the concept of military force, relative effectiveness in solving international crises, the role of the military in society and its relationship to other elements of national power. Instruction may be presented by military personnel, or by civilian members of the faculty—or by both. This latter, or "team teaching" method, enables each to present its specialty in a highly interesting and informative manner.

Curriculum studies and retailoring of course content involves a continuing process of cooperation between the Army and educational institutions.

As a result of many months of study of campus and Army requirements, the entire ROTC curriculum is now being revamped to add even more flexibility to meet changing times and to become more academically oriented.

However, it should be remembered that moves toward a more academically oriented curriculum do not necessarily provide a panacea for the problems involved. The exact nature of the curriculum on any particular campus will be tailored by the institutional authorities and the Professor of Military Science concerned—a cooperative approach which should demonstrate that the curriculum is not "dictated from Washington" as some critics contend.

ROLE ON CAMPUS

A key role in ROTC is exercised by Professors of Military Science on campus. Actually the rank of professor is statutory and is prescribed in Public Law 88-647. However, this does not prevent a reevaluation of the role the military appointees play. As a department head the Professor of Military Science—or PMS for short—has full and equal status with other department heads. Normally he limits his activities on the faculty board to areas concerned with the military department unless requested by institutional officials to enter into other university matters.

Questions of PMS status are sometimes raised by certain faculty members who, through normal academic procedure, strive to attain tenure at a given school. Since advancement often depends on tenure, appointment of a non-tenured Army officer to the level of professor may generate displeasure among faculty colleagues thus affected.

It is not so much the PMS's actual rank, but his stature as a department head, with all rights and privileges of the position, that interests the Army. A solution to the entire problem may lie in changing the title which would imply all the rights and privileges of a professor and department head, minus the vexing question of tenure. This matter now is being seriously considered by Department of the Army.

In spite of such problems, it is interesting to note that there is a continual demand by colleges and universities to enter into contracts to provide ROTC. In the last two years alone, Department of the Army has approved 30 new units. These were selected from no fewer than a hundred applications nationwide. In selecting institutions, the Department of the Army considers production quality and potential, institutional support, facilities, and geographic distribution.

This year two-thirds of the institutions offering the program have elective programs. The decision is the institution's to make; the Department of the Army does not favor one program over any other. So far, though, it can be stated that elective programs are proving efficient and economical. Units adopting them exhibit a high esprit, since all cadets are volunteers. They are taking ROTC because they actively seek it.

LOOKING AHEAD

What about the future of the Army ROTC program? To a large extent, the future depends on the ability of the Army to keep pace with evolutionary developments on college campuses. Past history and present studies point to such success based on the Army's adaptability to changing circumstances.

Support for the program comes from many sources, but in the long run it is the responsible educator who recognizes the requirement for colleges to participate in the education of the Nation's young officers as a meaningful contribution to the American institution of a citizen-army, which holds the key to success or failure in a viable democracy. This type of positive support does exist and will continue to exist.

ROTC will continue to be the major source of newly commissioned officers for the Active Army and the Reserve Forces. The Army will continue to meet the challenge raised by professional educators by maintaining its flexible approach in developing progressive programs that mutually benefit the Army, the host institutions, the student and, in

the long run, the Nation. Always our Army's goal is to maintain cordial, cooperative relations based on mutual respect and understanding of the responsibilities and interests of each party involved. The objective is to produce well-educated young men with leadership potential for peaceful pursuits of civilian enterprise as well as for command in emergencies that may arise in the Nation's defense.

THE NEED FOR TAX JUSTICE FOR ALL

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. BIAGGI. Mr. Speaker, I am most anxious for this Congress to plug tax loopholes which favor the wealthy while placing a heavy burden on those Americans of small or modest means. I want to congratulate President Nixon for recognizing this in his tax message that was received yesterday.

The tax loopholes that now exist are unconscionable and scandalous.

In 1968, according to former Treasury Secretary Joseph Barr, some $35 billion in tax revenue was lost to the Treasury Department because of an assortment of tax loopholes.

If this revenue was shared by some 85 million Americans who filed individual tax returns in 1968, it would have meant a payment of $411.76 to each one.

If this revenue was shared by every man, woman and child in the United States—some 200 million in all—it would have meant a payment of $175 to each one.

If this revenue was used to fight drug addiction and crime on the streets, America would be a better and safer place in which to live today.

If this revenue was used to rebuild our ghettos, we would not be experiencing an urban crisis today.

If this revenue was used for medical research and for more and better hospital facilities, less Americans would be dying today.

If this revenue was used to bolster the grossly inadequate benefits for senior citizens, America would be a happier place in which to live today.

If this revenue was used for the education and care of needy young people, America would be able to look to the future with renewed hope for the generation of tomorrow.

It staggers the imagination to think of what we could have accomplished with $35 billion.

I am deeply concerned about tax loopholes such as the depletion allowance for virtually every mineral, especially oil; the gimmicks by which depletion allowances and losses by wealthy, gentlemen farmers can be used to liquidate taxes on other income; certain areas of tax shelter for real estate investment; the capital gains treatment for stock options; and the special tax breaks for conglomerate corporations and the no-tax status of foundations.

There are also other tax loopholes which are unfair and most disturbing.

Some wealthy Americans, for example, readily achieve tax deductions by contributing tangible property such as used furniture to a charity which will raise revenue from the sale of the gift. The wealthy donor will then take a deduction equivalent to what he paid for "the gift" when he bought it—perhaps years earlier. The charity, however, might have sold "the gift" for as little as 10 percent of its original cost.

Why then should the donor be allowed a deduction far greater than the amount derived from the sale of "the gift?" I see no valid reason for not restricting him to a deduction equal to the proceeds derived from the sale of his "gift."

While I agree with the President that the 7-percent investment tax credit has accomplished its purpose of stimulating the business economy, I do not fully support his recommendation for blanket repeal. I believe that both the investment tax credit and extra-fast depreciation writeoffs should be retained on a restricted basis as incentives to encourage investments in ghetto areas.

I am hoping that the President uses the weight of his office to help eliminate the most flagrant examples of wealthy taxpayers slipping through loopholes. These taxpayers are individuals and companies deriving their incomes from gas and oil. They benefit from a panoply of credits and deductions.

Dry holes are written off, deducted as business losses. Depletion allowances equal to 27.5 percent of gross income and ranging up to one-half of net income can be taken. About 90 percent of capital costs, which nonoil companies have to depreciate over 20 years, can be charged off the first year by oil companies through the intangible drilling and development cost deduction. This includes many of the construction costs at the site, drilling costs, mud, roads, and the like.

Finally, the oil companies have the golden gimmick by which American firms can credit the royalties they pay to the Middle Eastern sheiks and potentates, dollar for dollar, against the taxes they would otherwise owe in the United States. Not only is American currency going abroad because of this technique, but our Nation is also soaked for "the privilege" of allowing it to go over there.

As a result, many major oil companies pay little or no Federal corporate income taxes.

In 1967, the last year for which data is presently available, Standard Oil of New Jersey paid taxes of only 8 percent on net income of more than $2 billion.

Texaco paid taxes of only 2 percent on earnings of $900 million.

Gulf, Mobile, Union, Marathon, Getty, and Atlantic all paid less than 8 percent on net incomes exceeding $100 million each.

Atlantic-Richfield paid no taxes at all on a net income of $145 million.

On the other hand, the struggling middle-income wage earner with a wife and two children and $12,000 of taxable income, paid almost 20 percent of it directly to the Federal Government this year.

Piled on top of the Federal income tax bill of the middle-income family was the surtax and Federal excise taxes such as social security payments and real estate, personal property, sales and gasoline taxes.

These are heavy burdens which have been borne out of a deep sense of responsibility and loyalty to our Nation. But this year, if the taxpayer is reasonably well informed, he knows that many far wealthier than he bear a much lighter burden.

On April 13, the New York Times Sunday Magazine reported that 381 Americans—each having incomes in excess of $100,000—did not pay one penny of Federal income tax last year because of existing loopholes.

On April 14, the day before the deadline for filing tax returns, the Wall Street Journal reported—and I quote directly:

> Aghast at the income tax due by midnight tomorrow? Here's a tip on how to get off easier next April 15. Push your 1969 earnings up to $100,000. That, Treasury studies show, is the point at which the tax burden starts getting lighter . . .

I have been receiving an increasing number of letters from middle-income taxpayers complaining that some of the rich are getting richer at their expense.

If indignation continues to grow, it could lead to a breakdown in the present tax system. It is a largely self-enforcing system and its backbone is the basic honesty of the American taxpayer and his ungrudging acceptance of the fact that he has to pay a relatively large amount of taxes.

If this willingness turns to widespread cynicism as loopholes which benefit the wealthy remain intact, the system cannot survive.

While the direction and the principle of the President's proposal to remove poverty-level Americans from Federal tax rolls is commendable, it must be remembered that some of these hard-pressed individuals would incur no tax liability anyhow because of presently allowable deductions for medical expenses and other items.

I would not only like to see this Congress plug the tax loopholes that benefit the wealthy, but I hope more is done for both low- and middle-income taxpayers. Among steps that can be taken to accomplish more for these taxpayers and to achieve tax equality, I recommend:

Tax credits be allowed for the expense of higher education.

Deductions for each dependent be raised from $600 to $1,200.

Teachers be permitted tax credits for expenses incurred while pursuing courses for academic credits.

Homeowners be allowed deductions of $1,000 annually for certain necessary repairs for the maintenance and improvement of the homes in which they live.

Tenants who must undertake certain necessary repairs for the maintenance and improvement of the homes in which they live be allowed deductions of up to $1,000 annually that would otherwise go to the landlords.

Retired Federal, State, county, and municipal employees be exempt from Federal taxes on their retirement income.

Mothers who must work to support their families be allowed deductions of $800 instead of $600 for the care of one child and $1,200 instead of $900 for the care of two or more children.

Extension of head of household benefits to widows, widowers and certain divorced or legally separated individuals who have reached the age of 35.

Special tax credits be given disabled taxpayers.

Special tax credits be given to taxpayers supporting dependents who are mentally retarded or suffering from a neuromuscular disease.

Deductions equivalent to 100 percent of the cost of medical and dental treatment be given to all taxpayers when such expenses are not absorbed by insurance carriers or otherwise.

We can accomplish all of this and more if we plug the loopholes that now benefit the wealthy. It would be fair and just. It would show so many troubled Americans that the conscience of Congress is at work.

HON. ROBERT A. "FATS" EVERETT

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. HUNGATE. Mr. Speaker, the House recently lost an effective and respected Member, the Honorable "Fats" Everett. Many people will miss this public servant and among those who sense his loss most deeply are the farmers of America. This is because he was concerned with their problems and fought for them. An article appearing in the Progressive Farmer, March 1969, touches on some of his fine achievements:

ROBERT A. "FATS" EVERETT

Tennessee farmers and Southern agriculture lost a good and loyal friend when Representative Robert A. Everett passed away. Everett was not a member of the House Agriculture Committee, but this did not keep him from studying each bill that could or would affect the welfare of farmers in the Eighth District of Tennessee and other parts of the South.

From the first to the last day he was in the House, he always was mindful of the fact that he was elected to represent the rural and urban citizens of northwest Tennessee. He pleased voters of the Eighth District so well that no one challenged him for his seat in the election last fall.

A vast majority of farmers in the Eighth District have a great appreciation for a dollar. They know money is hard to come by and that a dollar misspent is a dollar lost or wasted. Everett, too, hated to see money spent foolishly, so he gained the "conservative label." However, his fellow Congressmen could count upon his vote when appropriations were for worthwhile causes where he could see economic growth and greater prosperity coming from the expenditure.

In his home district he will be remembered as a public servant who put service above self and who was never too far away from his district or absent too long to forget the needs and desires of the people he served.

Everett was first, last, and always the people's representative. So we say to his successor, "Mr. Representative, the pattern has been 'cut.' You can run for reelection many times if this goal is second to that of serving your people and being able to distinguish between their needs and their selfish demands."

CONTINUE THE MARINE COUNCIL

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, today I support wholeheartedly the passage of H.R. 8794 to extend for 1 year the life of the Marine Resources and Engineering Development Council. Since its inception under the 1966 legislation, the Council has done more than enough to justify its existence by advising and assisting the President in developing a comprehensive program in marine science affairs and coordinating activities of the Federal departments and agencies involved. The Council, under the direction of Executive Secretary Dr. Edward Wenk, is to be highly commended for the way in which it has implemented the intent of the 1966 act by promoting a national marine science program for the benefit of mankind. We are also deeply grateful for the fine work done by the Commission on Marine Science, Engineering, and Resources under the chairmanship of Dr. Julius A. Stratton. The Stratton Commission has provided us with a virtual blueprint for making the 1970's the "Decade of the Oceans" and I would highly recommend this report, "Our Nation and the Sea," to all my colleagues.

It is significant to note that the change in administrations has not meant a change in our marine science commitment. The Nixon administration has made it abundantly clear that it fully intends to press forward on this front. Vice President AGNEW has assumed the chairmanship of the National Council on Marine Resources and Engineering Development with enthusiasm and vigor and has amply demonstrated the commitment of this administration to pursuing a national marine science program. In a major policy address on February 24, 1969, Vice President AGNEW made the following statement:

We intend to use the science of oceanology to serve the pressing needs of our society. The knowledge of the seas must be used to serve the cause of world peace. And we shall pursue these policies—as the Nixon Administration shall pursue all national policies—with an emphasis on realism and a reliance upon the technological genius of our nation. . . . The past years have been a time of preparation, the present year should be one of organization, so that the next decade can be one of cooperation climaxing in realization of the sea's promise.

One of the main reasons for extending the life of the Council for 1 year is to give the new administration sufficient time to review the long list of recommendations made by the Stratton Commission. It is important to keep in mind that the Marine Council is an interim body and that one of its primary responsibilities this year will be to decide what organization is needed to continue its functions once the Council has been dissolved. The Stratton Commission has recommended the formation of an independent agency, a National Oceanic and Atmospheric Agency—NOAA—which would bring "a freshness of outlook and freedom of action which is difficult to achieve within an existing department." The Stratton Commission found that "the proliferation of marine activities—among 11 Federal departments and agencies—places an unnecessary burden on the President and the Congress" and that the objective of a national ocean program "can be achieved only by creating a strong civil agency within the Federal Government with adequate authority and adequate resources."

I heartily endorse this concept and strongly urge the Council to give this recommendation the priority status it deserves. The Executive Secretary of the Council, Dr. Edward Wenk, has wisely warned against comparing the proposed NOAA with NASA:

This has not been a crash program, nor do I believe it should be. It is not exclusively a Federal program, nor do I believe it should be.

Dr. Wenk has pointed out that private enterprise is primarily responsible for the development and exploitation of marine resources; that the successful management of activities in the coastal marine environment is the primary responsibility of State and local bodies; and that basic research and education needed to advance the entire enterprise is the basic responsibility of universities and nonprofit research institutions. At the same time, it is most important that the Government provides much of the leadership and support for ocean research and exploration and that we recognize that this can best be done through a single independent agency such as NOAA.

I am hopeful that the Marine Resources and Engineering Development Council will reach these same conclusions after carefully studying the findings and recommendations of the Stratton Commission so that we might press forward with a unified national effort as we approach the "Decade of the Oceans."

At this point in the RECORD I would like to insert excerpts from the Stratton Commission Report as they appeared in the January 1969, issue of the National Oceanography Association News:

THE COMMISSION REPORT

RECOMMENDED NEW AGENCY, NATIONAL OCEANIC AND ATMOSPHERIC AGENCY

The proliferation of marine activities (among Federal agencies now) places an unnecessary burden on the President and the Congress . . . It is our conviction that the objective of the national ocean program recommended by this Commission can be achieved only by creating a strong civil agency within the Federal Government with adequate authority and adequate resources. No such agency now exists, and no existing single Federal agency provides an adequate base on which to build such an organization. For the national ocean effort we propose unified management of certain key functions is essential. . . .

(NOAA would have the following functions: rehabilitating U.S. fisheries, research on and exploration for various ocean minerals, pro-

grams of scientific research and fundamental technology, assuring adequate manpower, providing weather and oceanic forecasts through the recommended National Environmental Monitoring and Predictions System [NEMPS], exploring beneficial weather modification, navigation and safety programs, promoting aquaculture, advising on coastal multiple-use problems, assisting and coordinating proposed State Coastal Zone Authorities, international liaison, encouraging private investment, coordinating with other Federal agencies, advising the President and Congress and continuing all present functions that would be transferred to NOAA). . . .

Initial composition

The Commission recommends that the National Oceanic and Atmospheric Agency initially be composed of the U.S. Coast Guard, the Environmental Science Services Administration, the Bureau of Commercial Fisheries (augmented by the marine and anadromous fisheries functions of the Bureau of Sport Fisheries and Wildlife), the National Sea Grant Program, the U.S. Lake Survey, and the National Oceanographic Data Center . . . An independent agency can bring a freshness of outlook and freedom of action which is difficult to achieve within an existing department. Its greater public visibility would draw stronger public interest and support . . . (the new agency) need not be regarded as the ultimate answer but rather as a step in an orderly progression of actions to achieve more effective organization of the executive branch . . . (55,000 employees, 320 seagoing ships and 38 laboratories would be brought together in NOAA). . . .

Reorganization cannot be a substitute for new programs; but neither can programs be launched with maximum effectiveness through our existing machinery of Government. Because of the importance of the seas to this Nation and the world, our Federal organization of marine affairs must be put in order.

INDUSTRY-GOVERNMENT RELATIONS

The Commission recommends that since direct Government subsidies are not required at this time to induce industry to generate capital for marine investments, Government policy should instead be directed to providing the research, exploration, basic technology, and services . . . to encourage private investment in the exploration and exploitation of marine resources. . . .

Oil and gas

The offshore oil industry generally is expected to continue to grow and to account for at least 33 percent of total world oil production in 10 years . . . the five-year term allowed by the (Outer Continental Shelf Lands Act) for exploration and development may be too short for profitable development as the industry moves further offshore into deeper waters and more hostile environment. . . . earlier notice of lease sales would help the industry to plan its exploration and development programs in a more orderly and efficient fashion. . . .

With growing demand for natural gas, it is important to encourage a greater rate of exploration and development than presently existing. . . . Two categories of Federal Power Commission regulatory policy should be modified to help encourage additional exploration and development of gas reserves: pipeline construction and wellhead price.

Offshore mining

There is no urgent necessity to develop subsea hard minerals with maximum speed regardless of cost. Nevertheless, an early start in offshore exploration and development of the required technology is warranted to determine reserves and establish a basic for future exploration. . . . The United States is almost totally dependent on foreign sources for such minerals as chromium, manganese, nickel, cobalt, industrial diamonds and tin. Forty of 72 strategic commodities come from politically unstable areas. . . . The marine mining industry is in its infancy. . . .

Technology development

The Commission recommends that strong Federal support be provided for a program to advance the fundamental technology relevant to marine minerals exploration and recovery . . . ($150 million) . . . The Government should have the function of testing new tools and equipment developed mainly by private industry and in cooperation with industry should be responsible for setting standards for the mining industry. . . .

"The Commission recommends that when deemed necessary to stimulate exploration, the Secretary of the Interior be granted the flexibility to award rights to develop hard minerals on the outer continental shelf without requiring competitive bidding. . . .

A Government-supported program is necessary to delineate the gross geological configuration of the continental shelves and slopes adjacent to the United States and to identify in general terms their resource potential and areas of greater commercial promise . . . ($150 million). . . .

General industry

A major purpose of Federal participation in a fundamental technology development program is to enlarge the national base for future productive activity by industry. . . .

National projects

Undersea operations, fixed or mobile, depend on power supplies . . . As the resources industries expand deeper into the ocean and farther from shore, the need for self-sustaining power supplies will become increasingly critical . . . the Commission proposes as a national project the construction of an Experimental Continental Shelf Submerged Nuclear Plant . . . ($230 million). . . .

To provide the facilities and the focus to improve and expand the Nation's capability to utilize the oceans, the Commission has proposed a national project encompassing Continental Shelf Laboratories . . . These laboratories are conceived as permanent structures emplaced on the shelf bottom in areas of high concentration of mineral and living resources. These laboratories would include living and working quarters for 15 to 150 men . . . ($500 million). . . .

Industry's ability to assimilate new scientific findings and technology will be critical to the success of the research and development programs . . . Hence, there is a strong need to insure that the resource industries participate in planning the proposed marine technology programs and National Projects in order to insure that technology does not become an end in itself . . . (For development of fundamental technology to investigate power, propulsion, life support and related systems to provide underwater operating capabilities at 2,000 feet, $400 million).

WEATHER PREDICTION AND MODIFICATION

(The Nation's) industry, commerce and agriculture are critically dependent on the weather controlled in large measure by global ocean conditions. The safety and well-being of its people and their property must be protected against the hazards of air and ocean. . . .

The Commission's recommendation to observe and describe the global environment adequately will require a balanced effort in research, exploration, technology, and by the latter part of the coming decade, the development of a global environmental monitoring and prediction system . . . (Benefiting from improved forecasts would be: national defense, the national economy, fishing industry, petroleum and mineral industries, the transportation industries, agriculture, protection of life and property and the scientific community). . . .

Submersibles needed

Presence of man in the ocean depths is necessary, because present knowledge does not indicate what to observe, and the versatility and comprehension that man alone can bring to the task of exploration is indispensable . . . A 20,000-foot depth capability will permit operations in more than 99 percent of the world's ocean volume with access to 98 percent of the ocean's floor, excepting only the deep trenches . . . The Commission recommends that the National Oceanic and Atmospheric Agency sponsor an explicit program to advance deep ocean fundamental technology and proceed with a national project to develop and construct exploration submersibles with ocean transit capability for civil missions to 20,000-foot depths . . . ($685 million). . . .

The Commission recommends that NOAA take the lead in fostering a wide variety of instrumentation development programs required for ocean exploration . . . ($175 million). . . .

Unified system

The Commission recommends that the Nation's civil oceanographic monitoring and prediction activities be integrated with the existing national wealth system (as well as certain aspects of the systems for monitoring the solid earth) to provide a single comprehensive system designated as the National Environmental Monitoring and Prediction System (NEMPS) . . . the scattering of responsibilities among many Federal agencies continues to cause funding and management difficulties. . . .

The Commission recommends that NOAA (Coast Guard) launch a NATIONAL PROJECT to develop a pilot buoy network . . . the pilot network would be tested and evaluated fully before a commitment is made to a major operational system . . . ($85 million) . . . The Commission recommends that NOAA (Environmental Science Services Administration) undertake a comprehensive program of research and development to explore the feasibility of beneficial modification of environmental conditions and the effects of inadvertent interference with natural environmental processes . . . ($325 million). . . .

FISHERIES

World food production must increase by 50 percent over the next 20 years to keep pace with growing populations . . . Our Nation has a strong interest in advancing development of the sea's food resources . . . The total annual world harvest from the oceans is about 50 million metric tons . . . It is, therefore, more realistic to expect total annual production of marine food products (exclusive of aquaculture) to grow to 400 to 500 million metric tons before expansion costs become excessive. . . .

The Commission recommends that voluntary steps be taken—and, if necessary, governmental action—to reduce excess fishing effort in order to make it possible for fishermen to improve their net economic return and thereby to rehabilitate the harvesting segment of the U.S. fishing industry. . . .

Conflicting laws

U.S. vessels land about one-third of the total fish consumed in the United States and harvest less than one-tenth of the total production potential available over the U.S. continental shelf. Although there are areas of successful performance—most notably in the tuna and shrimp fisheries—and although the U.S. catch is third or fourth if measured by dollar value, the U.S. fishing fleet, by and large, is technically outmoded . . . A major impediment is the welter of conflicting, overlapping, and restrictive laws and regulations applying to fishing operations in the United States . . . The Commission recommends that NOAA (Bureau of Commercial Fisher-

ies) be given statutory authority to assume regulatory jurisdiction of endangered species (under certain conditions) . . . The Commission recommends that legislation be enacted to remove the present legal restrictions on the use of foreign-built vessels by U.S. fishermen in the U.S. domestic fisheries . . . If the recommended action is not taken, the vessel construction subsidy program should be expanded . . . The Commission recommends that NOAA (BCF) establish an expanded program to develop fishing technology by improving the efficiency of conventional gear and developing new concepts of search, detection, harvesting, transporting and processing . . . expanded support for the NOAA (BCF) program to develop fish protein concentrate. . . .

The existing (international legal-political) framework is seriously deficient . . . U.S. objectives regarding the living resources of the high seas can best be obtained by improving and extending the existing international arrangements. . . .

Quota systems

The Commission recommends the United States seek agreement . . . fixing a single annual overall catch limit for the cod and haddock fisheries of the North Atlantic . . . (which), in turn, should be divided into annual national catch quotas . . . The Commission recommends that early consideration be given to instituting national catch quotas for the high seas fisheries of the North Pacific . . . The Commission urges that serious consideration be given to assuring coastal nations a reasonable opportunity to participate in the exploitation of fish stocks nearest their coasts . . . If the suggested means of prefering the coastal nation proves to be acceptable, it will also serve the important purpose of removing the impetus to extension of the territorial sea that derives from concern over access to fisheries. It may then be possible to secure agreement on a narrow territorial sea consistent with the totality of U.S. interests in the oceans. . . .

Aquaculture lags

Activity in the United States today is at a low level compared with aquaculture in other parts of the world, but it is showing signs of rapid growth . . . It should be possible to develop means for high volume production of lower valued species, suitable both for table use and for processing into new food forms in which protein content is the dominant element . . . The Commission recommends that . . . NOAA (BCF and Sea Grant) support more research on all aspects of aquaculture, economic and social as well as technical . . . ($175 million). . . .

Groups concerned with the health sciences must carefully evaluate the sea as a source of new and useful medicinal raw materials . . . The Commission recommends establishment of a National Institute of Marine Medicine and Pharmacology in the National Institutes of Health . . . ($45 million). . . .

(For general fisheries development, $530 million). . . .

COASTAL ZONE MANAGEMENT, POLLUTION AND RECREATION

The coast of the United States is, in many respects, the Nation's most valuable geographic resource. . . .

New management need

The key to more effective use of our coastland is the introduction of a management system permitting conscious and informed choices among development alternatives, providing for proper planning, and encouraging recognition of the long-term importance of maintaining the quality of this productive region in order to insure both its enjoyment and the sound utilization of its resources. The benefits and the problems of achieving rational management are apparent. The present Federal, State, and local machinery is inadequate. Something must be done. . . .

The most intensive uses of the coastal zone occur at the water's edge. . . . But—and this is a point the Commission must stress—problems of multiple uses of the coastal zone are moving seaward. . . .

Coastal authority

Effective management to date has been thwarted by the variety of governmental jurisdictions involved, the low priority afforded marine matters by state governments, the diffusion of responsibilities among state agencies, and the failure of state agencies to develop and implement long-range plans. . . . The Federal role in the coastal zone has grown haphazardly. . . . The Commission finds that the States must be the focus for responsibility and action in the coastal zone. . . . An agency of the State is needed with sufficient planning and regulatory authority to manage coastal areas effectively and to resolve problems of competing uses. . . . The Commission recommends that a Coastal Management Act be enacted which will provide policy objectives for the coastal zone and authorize Federal grants-in-aid to facilitate the establishment of state Coastal Zone Authorities empowered to manage the coastal waters and adjacent land . . . the Federal Government should meet one-half of the operating costs of the new state authorities during the first two years. . . . The key functions of the state Coastal Zone Authorities would be to coordinate plans and uses of coastal waters and adjacent lands, and to regulate and develop these areas. . . .

Zoning power

The following powers should be available to the typical Coastal Zone Authority: Planning . . . Regulation—to zone, to grant easements, licenses or permits . . . Acquisition and eminent domain . . . Development—to provide . . . such public facilities as beaches, marinas, and other waterfront developments. . . .

The Commission recommends that the Land and Water Conservation Fund be more fully utilized for acquisition of wetlands and potential coastal recreation lands. . . .

The multiplicity of Federal interests calls for Federal review of proposed state plans and their implementation and for Federal intercession if a Coastal Zone Authority fails to safeguard national interests. . . .

Coastal labs

The Nation lacks well established and well equipped research centers to investigate the problems of the estuaries and the coastal zone. . . . The Commission recommends that Coastal Zone Laboratories be established in association with appropriate academic institutions . . . ($170 million). . . .

Recreation needs

Outdoor recreation is becoming a massive rush to the water; spear-fishing and scuba diving have introduced new forms of recreation into the sea, and the future may see recreation diving from underwater habitats and touring in glass bubbles and small submarines . . . coastal zone policies should recognize the desirability of providing an outlet for the energy and innovative talent of individual entrepreneurs. There are many ways in which these energies might be applied, including aquaculture projects and underwater tourism. . . .

The disposition of wastes into estuaries and offshore waters is both a major economic use of the oceans and, at the same time, a growing national disgrace. . . . The Great Lakes and oceans are the final receptacle for most of the Nation's wastes. Pollutants carried down the rivers or deposited directly from the shores may be trapped permanently within the estuarine system and may work damage that cannot be repaired. . . . Oil spillages and boat toilets are two of the most publicized sources of marine pollution. . . . Existing water pollution control legislation is inadequate in dealing with spillage of hazardous materials. Financial responsibility should be assigned to owners and operators of offending vessels and shore installations. . . . The 1968 Federal Water Pollution Control Administration research and development program of $66 million is inadequate to permit exploration of bold new approaches, which may hold the key to far more efficient waste management than present methods. . . .

The Commission recommends that NOAA launch a National Project to explore the techniques of water quality restoration for the Great Lakes . . . ($175 million). . . .

MARINE SCIENCE/TECHNOLOGY

The Commission finds that the U.S. position of world leadership in marine science depends mainly on the work of a small number of major oceanographic institutions . . . the Nation does need a small group of geographically distributed laboratories that will be given such facilities and support to develop a high capability for ocean research . . . The direct management of these laboratories, which might be designated as University-National Laboratories, should be assigned to universities with a strong interest and demonstrated competence in marine affairs . . . ($445 million) . . . The Commission recommends that Federal marine science laboratories be strengthened by adequate funding and staffing . . . ($215 million) . . . The Government assigns a high priority to the military applications of marine science. This is to be expected . . . The Commission recommends that the Navy maintain and, as required, expand its broad program of oceanographic research in particular its underwater acoustics research program.

The Commission recommends that NOAA establish a National Project to increase the number and capability of private and Federal test facilities for research, development, testing, and evaluation of undersea systems . . . ($500 million). . . .

Technology key

While science provides the key to understanding, technology is the key to expanded utilization of the oceans . . . specific goals should be established which will challenge the Nation and accelerate its movement into the seas . . . As a primary goal . . . the capability to operate at the 2,000-foot depth is attainable and, because of the known richness of the resources to be found out to that depth, immediately rewarding . . . The Commission recommends that the United States establish as a goal the achievement of the capability to explore the ocean depths to 20,000 feet within a decade and to utilize the ocean depths to 20,000 feet by the year 2000.

Private industry to date has done the most to develop civil marine technology . . . the Federal Government has failed to give serious support to civil marine technology . . . The Commission recommends that NOAA initiate a dynamic and comprehensive fundamental technology program. The objective of the program should be to expand the possibilities and lower the cost of marine technological applications by industry, the scientific community and government . . . ($750 million).

COMMISSION MEMBERS

Following are the members of the Commission on Marine Science, Engineering and Resources and, where noted, the study panel of which a member was chairman:

Commission Chairman, Dr. Julius A. Stratton, chairman, the Ford Foundation. Chairman, Panel on Manpower, Education and Training.

Commission Vice Chairman, Dr. Richard A. Geyer, head, Department of Oceanography, Texas A&M University. Chairman, panel on Industry and Private Investment.

David A. Adams, Commissioner of Fisheries, North Carolina Department of Conservation and Development.

Carl A. Auerbach, professor of law, University of Minnesota Law School. Chairman, International Panel.

Charles F. Baird, Under Secretary of the Navy.

Jacob Blaustein, director, Standard Oil Company.

James A. Crutchfield, professor of economics, University of Washington. Chairman, Panel on Marine Resources.

Frank C. DiLuzio, Assistant Secretary—Water Pollution Control, Department of the Interior.

Leon Jaworski, attorney.

Dr. John A. Knauss, dean, Graduate School of Oceanography, University of Rhode Island. Chairman. Panel on Environmental Monitoring and on Management and Development of the Coastal Zone.

John H. Perry, Jr., president, Perry Publications, Inc. Chairman, Panel on Marine Engineering and Technology.

Taylor A. Pryor, president. The Oceanic Foundation.

George E. Reedy, president, Struthers Research and Development Corporation.

Dr. George H. Sullivan, consulting scientist, General Electric Reentry Systems.

Robert M. White, administrator, Environmental Science Services Administration, Department of Commerce. Chairman, Panel on Basic Science.

VALLEY OF FLOWERS CELEBRATION—FLORISSANT, MO.

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. HUNGATE. Mr. Speaker, I would like to extend an invitation and bring to the attention of my colleagues in the House the following celebration on May 3 and 4 in my congressional district:

THE VALLEY OF FLOWERS

The Florissant Valley from its earliest days has been known for its rich, black soil and flourishing vegetation which gave the village and valley the name of Florissant.

In 1804 Major Amos Stoddard in a visit to Florissant described the valley as the most fertile and valuable in the country. As late as 1923 Harry Burke wrote of the clipped lawns with old-fashioned flowers, honeysuckle, rose and iris—where you may still glimpse the pointed ears and laughing eyes of Pan.

The first organized effort to promote the preservation of its flowering environment came in the 1930's when the Florissant Valley Road-Side Improvement Society was formed to clean up the countryside and to plant ornamental shrubbery and trees. In the 1950's another effort was made to promote the natural beauty of the area when the local businessmen set aside a day each spring called "Valley of Flowers Day".

The postwar growth that changed Florissant from a village to a city changed the lush farmland to thriving subdivisions, and the present Valley of Flowers celebration began in 1963, sponsored by the Florissant Chamber of Commerce. The success of the annual affair was such that by 1967 the Chamber sought to enlarge the sponsoring organization. The Missouri Community Betterment Committee of Florissant whose membership includes representatives of civic, service and religious organizations as well as interested citizens, rose to the challenge. With community-wide participation, thousands of visitors are expected to join in the 1969 Valley of Flowers Celebration on May 3 and 4. Each visitor is sure to find something of particular interest to him whether it be old homes, antiques, auctions, special exhibits, folk singing or bands, and every visitor is sure to enjoy delicious barbecued ribs and old fashioned homemade ice cream.

On Sunday, May 4th a parade with marching bands, clowns and antique cars as well as decorated cars and floats will end at the Knights of Columbus Grounds where the new Valley of Flowers Queen will be honored as she begins her reign in the Florissant Valley.

NO EXCUSE FOR VIOLENCE IN UNITED STATES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. DERWINSKI. Mr. Speaker, the Polish-American newspaper has developed a reputation for sound, sober editorial comments.

I was especially impressed by its article Saturday, April 19, dealing with violence in the United States, which follows:

NO EXCUSE FOR VIOLENCE IN UNITED STATES

It is utter nonsense to supinely accept the judgment frequently voiced by both foreign and domestic critics that violence in the United States is the symptom of a critical and perhaps fatal breakdown in the moral fiber of our people who are now senselessly engaged in dismantling the legal, economic and social structure of our society.

It is especially ludicrous when violence and lawlessness in the U.S. is looked upon with shock in countries such as France, very nearly embroiled in a civil war of her own; Germany, with an unparalleled record of brutality; Russia, with one of the most barbaric backgrounds in world history, or other communist countries whose governments are founded on the concept and daily practice of oppression and brutal disregard for the value of human life.

Violence of the type that could one day precipitate World War III exists in China, in Cuba, and in the Middle Eastern countries.

But, the fact that there are few countries in the world with a national record justifying their throwing rocks at the United States does not excuse in any way what is happening here or explain it. Far from being too violent, it may be that the people of the U.S. are not violent enough.

This country has gone further along the way of advancing the cause of individual freedom and opportunity than any other nation in history. This has been our national purpose and the reason why millions of the world's oppressed came to our shores.

Perhaps the American people have leaned too far over backwards to avoid any semblance of violent oppression of the individual's freedom. Perhaps this is why leaders in education and government and the courts have, by their collective action, fashioned the new "policy of permissiveness" that encourages individual, as well as mob, license and undermines the rule of law—the basis of liberty itself.

It seems to many that what we are experiencing in the United States is not a sickness of our society, but rather what will prove to be in the perspective of history, a relatively short period of confusion concerning the proper application of legal and economic principles vital to the life and development of a free society.

Certainly, the vast majority of Americans support our institutions which have more successfully than any others in the world secured human freedom within a framework of order and material abundance. Most people voluntarily live according to standards of behavior that do not outrage the rights, property, and lives of those around them. Laws are really only necessary for the small minority who don't have the desire, judgment, or responsibility to make such standards part of their own behavior. Such people must be controlled.

There is no future in a policy of law enforcement which allows a mob or well-organized group of any kind to do what would be patently a crime if it were undertaken by an individual. The alleged goodness of the cause being pursued does not change the imperative need to stop with the force of police power those who go beyond the law. There is much evidence that public sentiment is changing, but the drift toward anarchy is something that cannot be stopped overnight. Public policy follows public opinion.

New laws will not solve the problem. As an example, the most restrictive gun legislation in the world may disarm the law-abiding citizen, but it will never stop the criminal or the deranged person from firing an assassin's bullet. The future of the United States lies in upholding the freedom and security of the law-abiding individual and implementing the will of the people to enforce decent standards of behavior upon those few who have no standards of their own.

BILL WORKMAN TO RECEIVE HONORARY DEGREE

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. WATSON. Mr. Speaker, this year The Citadel, the military college of South Carolina, will confer an honorary degree upon one of its most distinguished graduates, William D. Workman, Jr.

It is indeed fitting that Bill Workman receive this honorary degree. As the editor of The State, the largest daily newspaper in South Carolina, Bill Workman has established an enviable reputation as one of the most respected journalists in America.

Mr. Speaker, I can recall any number of reasons why Bill Workman is so richly deserving of this honor, but the following editorial from the Charleston, S.C., News and Courier, in just a few well-chosen words explains why, more eloquently than I could ever do. I include it as a part of my remarks as follows:

FITTING HONOR

Among South Carolina men of achievement receiving honorary degrees from universities this year is W. D. Workman, Jr., editor of The Columbia State.

We are especially pleased that The Citadel has decided to honor Mr. Workman, our longtime colleague. Bill Workman, as he is known to thousands of South Carolinians, is a dedicated alumnus of The Citadel. More than that, he has demonstrated outstanding leadership in South Carolina. Currently, he is helping revise the state's outdated Constitution.

We doubt that any Ph. D. in political science knows as much about the machinery of state government in South Carolina as W. D. Workman.

Thus he truly deserves an honorary doctorate. We won't have any trouble getting accustomed to referring to him as Dr. Workman.

HOW TO DESTROY A UNIVERSITY

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. PODELL. Mr. Speaker, I was deeply shocked by the chilling tableau presented of young students emerging with deadly weapons in their hands after recent events at Cornell University. It is well to note that this institution has been willing to go more than half way in meeting demands of these students.

It is obvious these young people have not fully understood the meaning of a university or principles they are trampling upon. Their methods are almost guaranteed to prevent them from realizing their goals.

A university is a state of mind as well as an institution of higher learning where students may master one or more disciplines. Weapons in the hands of a minority who seek to coerce a majority unbalance that state of mind. Because a university stands for the best in any society and is in the forefront of any efforts made to advance it, all its elements have a major obligation to place reform efforts within the framework a university affords. Injecting a threat of armed violence is an act of violence and contempt against the very concept of higher learning. By their actions, these students have struck a body blow at their own cause. Reform is not accomplished at the point of a gun—certainly not reform that is lasting or worthy in and of itself. Violent reform contains the seed of its own destruction.

It is, therefore, imperative that the administration of Cornell University and all other American colleges and universities take a stand against such tactics. By such action they will be defending the university concept as well as their individual institutions.

Dissent and disagreement leading to discussion and compromise are more than welcome. Extortion and desire of the few to impose their will upon the many is a negation of everything a university purports to represent. How long ago was it when a shocked world observed as the Nazis took over bastions of learning—the German universities? Have we forgotten what transpired next?

Tyranny of this sort is not to be suffered. Our Nation, students, faculties, and institutions need not suffer the insufferable any longer. Do these strident students not know how their actions are polarizing American thinking? Are they not aware of whose hands they are playing into?

Are they prepared to use those deadly weapons they obviously brandish so cavalierly? When you play a man's game with a man's tools, you must be prepared to pay a man's penalties. There are forces of reaction in the United States who are even now licking their collective chops in anticipation of cashing in on the opportunity now being offered them so foolishly. All free institutions will suffer as a result. All free people will lose out.

When there is a deliberate attempt made to destroy the very essence of a democratic society, that society has a right to fend off such efforts. No one possesses a right to use guaranteed liberties as vehicles to destroy the society which grants them.

We dare not enshrine nihilism in the name of dissent. We cannot allow foundations of free inquiry and advancement of knowledge to be attacked and destroyed in the name of a warped idea of justice which is rapidly evolving into racial separatism. We will not permit an immature collective concept of equality to become destructive license.

THE ASSOCIATION AND THE GENERATION GAP

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1969

Mr. REES. Mr. Speaker, we of southern California are keenly aware that most non-Californians believe we are a little odd. I would like to risk proving this thesis by taking this opportunity to honor seven young men who wear their hair long and who sing and play in a pop music group. I refer to The Association, a band that makes its home in the Los Angeles area.

It is not unusual for Congress to pay tribute to an organization such as this, but I would like to take a moment here to explain why I believe The Association is an unusual group, earning unusual attention. Perhaps then you will not think me so odd.

The Association is a band that was formed 3 years ago in a small coffee house in Pasadena. Since then, The Association has become one of the most widely recognized and commercially successful young folk-rock bands in the history of popular music. And while accomplishing this, the individual members of The Association have acquitted themselves in a manner that brings credit to young people everywhere.

The Association has received nearly every award to be won—several "gold" records certifying at least 1 million copies of a record sold and no less than seven Grammy nominations—for best vocal group, best contemporary rock and roll recording performance, best contemporary rock and roll group performance, and best contemporary album. The Association also has won the applause of fans throughout Europe and the Orient.

Perhaps the most important thing The Association has done is span the generation gap, linking young and old. In the pleasing melodic sound of The Association, parents have found something in pop music they can share with their children. The Association's most ardent fans are young people, of course, and hundreds of these teenagers write The Association each week, asking personal advice. Every letter is answered and always the advice is good: Stay in school, give your parents a chance to explain, listen to all opinions—not just those of friends—and then make up your mind. As a result, many parents have written members of The Association to thank them for giving their time, and The Association has, in turn, written parents, giving them some advice.

Young people are grateful The Association exists, and so, apparently, are their parents. So, Mr. President, I think we should express our gratitude, too. And say "Welcome" whenever The Association comes to town—your town, my town, any town. We need people who can communicate, and in the field of communication, The Association excels.

SECRETARY STANS REFORMS THE CENSUS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. FINDLEY. Mr. Speaker, Secretary of Commerce Maurice Stans has moved decisively to make some major reforms in the 1970 census questionnaire. Many Members of Congress, including myself, have expressed concern over the relevancy of many of the questions intended to be asked. Mr. Stans, in an early action as Secretary of Commerce, directed a review of the census questionnaire with a view toward modification and reform. Last week I received a letter from him in which he outlined the scope of his review and the reforms which had been made. Several Members of Congress received similar letters, but because of the widespread interest in this matter, I include the full text of his letter along with supplemental material in my remarks at this point:

THE SECRETARY OF COMMERCE,
Washington, D.C., April 17, 1969.

Hon. PAUL FINDLEY,
House of Representatives,
Washington, D.C.

DEAR MR. FINDLEY: I have recently received from various Members of Congress a number of questions about the 1970 Decennial Census. I am sure that you have been receiving similar inquiries from your constituents.

The main purpose of this letter is to advise you of some immediate changes in census procedure which I have ordered. These changes include a substantial reduction in the number of individuals who will be asked to respond to the longer census forms. Approximately three million households previously designated to receive a 66-question form will now receive a questionnaire containing only 23 questions.

Questions relating to the adequacy of kitchen and bathroom facilities have been reworded to remove any implication that the government is interested in knowing with whom these facilities may be shared.

The Secretary of Commerce is exercising greater supervision over the general operations of the Bureau of the Census and independent experts have been retained to advise on census matters.

The questionnaire which will be mailed to households in 1970 will be accompanied by a cover letter explaining the great need for census data and emphasizing the confidentiality of all responses.

In addition to these changes, which are being implemented immediately, these further steps will be implemented after the 1970

census: (1) proposed questions will be submitted to the appropriate Committees of Congress two years in advance of future censuses; (2) an increased number of representatives of the general public will be appointed to various advisory committees which contribute to the formulation of census questions; and (3) a blue-ribbon Commission will be appointed to fully examine a number of important questions regarding the Census Bureau, including whether or not the decennial census can be conducted on a voluntary or a partially voluntary basis. The Commission would also examine and offer proposals for modernizing and improving the operations of the Census Bureau.

Because the 10-year lapse of time between decennial censuses can result in unfamiliarity regarding their nature and purpose, I felt it might be helpful to provide you with some basic data and information concerning the questions to be asked in 1970, the scope of the data sought, and the uses to which the results are put.

Some of the most frequently asked questions, along with my answers, follow:

1. Question. *Is the 1970 census more extensive than previous censuses?*

Answer. No. The number of questions to be asked in 1970 is about the same as in 1960, less than in 1950 and 1940, and far less than in some earlier censuses. Of the average household heads to be queried in 1970, four of five will answer 23 questions, three of twenty will answer 66 questions, and only one of twenty will answer 73 questions. Under certain unusual circumstances, some household heads will be asked to answer 89 questions.

2. Question. *Will the citizen's right of privacy be protected in the 1970 census?*

Answer. Yes. Whatever a respondent reports remains strictly confidential under the law. Every employee of the Census Bureau takes an oath of confidentiality and is subject to severe penalties for violation of the oath. In the long history of the census, there has never been a violation of the confidentiality of the information given.

3. Question. *Would the 1970 census yield adequate results if the response were voluntary rather than mandatory?*

Answer. Voluntary response at its best falls far short of response to a mandatory inquiry. Since the first Decennial Census in 1790, response has been mandatory. It is so in every other country of the world where a census is conducted. Professional statisticians will testify that a voluntary census would be unreliable and practically useless. A voluntary procedure would yield distorted and deficient statistics for whole groups of people and for entire areas. This procedure would very likely to especially prejudicial to low-income groups.

4. Question. *Who uses the census results?*

Answer. Census data are used by every Federal government department, State and local governments, and the private sector. Many laws depend upon accurate census reports. Questions such as those on housing are specifically required by statute. Government programs on poverty housing, education, welfare, agriculture, transportation, veterans, and senior citizens require and rely upon the census tabulations. Many of the decisions of the Congress would be almost impossible in the absence of reliable census data.

These questions are illustrative of those which have been asked in recent weeks. The answers are necessarily brief. Enclosed is a memorandum which explains in more detail the purposes and uses of census information. If you have questions concerning the 1970 census, we would be pleased to discuss them with you at your convenience.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce.

PURPOSES AND USES OF 1970 CENSUS INFORMATION

1. NAME, SEX, RACE, DATE OF BIRTH, AND MARITAL STATUS

Questions 1 through 12 are designed to identify household occupants by name, relationship to head of household, sex, race, age and marital status. These questions will be asked of 100 per cent of the population.

2. THE HOUSING QUESTIONS

The Census of Housing, required by act of Congress in 1940 (13 U.S.C. 141), contains thirty five (35) questions regarding the adequacy of housing facilities. Fifteen questions will be asked of 100 per cent of the population; five will be asked of 20 per cent; five will be asked of 15 per cent; and ten will be asked of 5 per cent. Some sample questions and comment on their uses follow:

Kitchen and bathroom

Question H–3 (100 per cent): Do you have complete kitchen facilities?

☐ Yes, for this household only.
☐ Yes, but also used by another household.
☐ No complete kitchen facilities for this household.

Question H–7 (100 per cent): Do you have a bathtub or shower?

☐ Yes, for this household only.
☐ Yes, but also used by another household.
☐ No bathtub or shower.

Comment: The absence of a kitchen and/or a bathroom for the exclusive use of the household is a major indicator of urban blight and slum conditions. This information is needed by HEW, HUD and other Federal, State and local agencies.

Value of property

Question H–11 (100 per cent): If you live in a 1-family house which you own or are buying—

What is the value of this property; that is, how much do you think this property (house and lot) would sell for if it were for sale?

Comment: Section 301 of the Housing Act of 1948 (12 U.S.C. 1701e(b)) directs the Secretary of HUD to prepare and submit to the President and Congress estimates of national urban and rural non-farm housing needs. The requirements of various public laws make it necessary to determine the value of property and, as an alternate, the rent paid for rented units.

Housing equipment

Question H–22 (15 per cent): Do you have air-conditioning?

Question H–27 (5 per cent):

(a) Do you have a clothes washing machine?

(b) Do you have a clothes dryer?

(c) Do you have a dishwasher?

(d) Do you have a home food freezer which is separate from your refrigerator?

Question H–29 (5 per cent): Do you have a battery-operated radio?

Comment: When the Congress provided for the Census of Housing, it included the words "housing (including utilities and equipment)." The presence of certain household equipment provides a measure of adequacy of housing and of levels of living. The items included above are those which have particular effects on the needs for power, water and waste disposal, and related services. The question concerning radio is related to the need for communication in case of emergencies or power blackouts.

3. PLACE OF ORIGIN AND MIGRATION

Quesions 13 through 19 are concerned with identifying the country of origin, languages spoken, and patterns of housing mobility. These questions will be asked of 15 per cent of the population. Some sample questions and explanatory comments follow:

Birthplace of parents

Question 14 (15 per cent): What country was his father born in?

Question 15 (15 per cent): What country was his mother born in?

Comment: These questions, along with that regarding the birthplace of the individual, serve to identify those groups known as Puerto Ricans, Mexican-Americans, and Cubans. The census is the *only* source of information concerning the numbers, distribution, and characteristics of these groups. This information is of importance to the Immigration and Naturalization Service, the Congress, HEW, and to other Federal and State agencies.

Residence 5 years ago

Question 19 (15 per cent):

(a) Did he live in this house on April 1, 1965?

(b) (If no) Where did he live on April 1, 1965?

Comment: The Departments most needing this information are Agriculture, HEW, Labor, Commerce, and HUD. This information is also of importance to the Council on Urban Affairs, which has established a subcommittee to consider the problems relating to internal migration.

4. EDUCATION

Questions 20, 21 and 22 deal with the number of years of school attended. They are designed to reveal the educational level of individual citizens, and they will be asked of 20 per cent of the population.

5. MARRIAGES AND BABIES BORN

Questions 24 and 25 request information concerning marriages and the number of babies born. They will be asked of 5 and 20 per cent of the population, respectively. The purpose of these questions is to provide information needed in the preparation of estimates of the future growth of the population. All agencies of Government are concerned with such estimates, and with information on the rates of growth of the white and non-white populations. Agencies such as HEW and HUD which are concerned with family welfare and the care of dependent children need this information in implementing their programs.

6. MILITARY SERVICE

Question 26 asks whether male respondents have served in the military and, if so, during what period. This question is asked of 15 per cent of the male population. This information is needed by the Veterans Administration and other Government agencies.

7. EMPLOYMENT AND OCCUPATION

Questions 27 through 39 are concerned with employment history and status, amount of time worked, occupation, and related facts. These questions will be asked of 20 per cent of the population. Examples follow:

Did you work any time last week?

Question 29 (20 per cent):

(a) Did this person work at any time last week?

(b) How many hours did he work last week (at all jobs)?

Comment: The Manpower Development and Training Act of 1962 necessitates that the Department of Labor have census data on employment, unemployment, and occupation. Census data on unemployment are used to establish the eligibility of communities applying for assistance under the Public Works and Economic Development Act of 1965 and for a wide variety of other programs.

Place of work

Question 29-c (20 per cent): Where did he work last week?

Comment: The Department of Transportation and HUD are concerned with major transportation and traffic problems associated

with trips from home to place of work. This question provides data necessitated under the Highway Act of 1965 and also provides estimates of daytime population needed by the Office of Civil Defense.

8. INCOME

Questions 40 and 41 request information concerning income from all sources, including employment, welfare, veterans' benefits, etc. These questions will be asked of 20 per cent of the population. Income data are needed by a number of Government agencies and for a variety of Federal programs. For example, income data are needed to implement the Elementary and Secondary Education Act of 1965, and also for allocation of funds under the Manpower Development and Training Act of 1962. The Appalachian Regional Development Act necessitates information on per capita income. The Department of Agriculture needs this data for its food distribution programs, including the school lunch program.

NIXON FIGHTS INFLATION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. DERWINSKI. Mr. Speaker, a very objective commentary of President Nixon's budget was carried in the Chicago Daily News, Wednesday, April 16.

This editorial commentary is, I believe, a very fair evaluation of Mr. Nixon's budget.

The editorial follows:

NIXON FIGHTS INFLATION

President's Nixon's "hard-choice" moves to cut back the budget he inherited leave no doubt that he means business in the battle against inflation. He is probably right in expecting the proposed cuts to be unpopular, since they will touch just about everyone in one way or another. Yet the need to stem inflation is so clear that short of a fast ending to the war in Vietnam nothing else he could do would be more popular.

Mr. Nixon took his time in confronting this paradoxical situation, and predictably is taking his lumps from those who demand speedier action as well as those who would rearrange the spending priorities. But on both counts the President's moves demonstrate a plan carefully thought out and capable of fulfillment. The deliberate pace of his first three months in office is in keeping with his wish to "wind down" some of the supercharged tensions that have afflicted the nation. The budget cuts reflect an intensive re-examination of a governmental structure so vast as to be almost incomprehensible.

To those critics who have begun to compare unfavorably the slow pace of the new administration with the hectic "100 days" of his predecessors, Mr. Nixon had an effective reply in his Monday message to Congress. "This administration," he said, "will gladly trade the false excitement of fanfare for the abiding satisfaction of achievement. Consolidation, co-ordination and efficiency are not ends in themselves; they are necessary means of making America's government responsive to the legitimate demands for new departures."

In trimming the budget, Mr. Nixon proposed no abrupt shifts in direction. Nearly every department of government is affected, including a $1.1 billion cut in military spending. But there is clearly no intent to terminate or cripple beyond repair any of the major domestic programs established in the last few years.

One may wish that the cutbacks in military spending were even greater, and that the money thus saved could be channeled immediately into meeting the pressing needs of the cities. Even though the Vietnam war makes demands that cannot be ignored, the evidence of waste in the name of defense continues to mount, and further study here could surely point to further savings.

Yet Mr. Nixon by no means ignores the cities' needs. And by promising to begin sharing federal revenues with cities and states he opens a new prospect of alleviating the fiscal crises faced by local governments throughout the country.

The details of the President's domestic programs remain to be spelled out, but the broad outline is encouraging indeed. And if his planned budget surplus of $5.8 billion—the largest since 1951—does pan out, and inflation is brought under control, the consequent return to stable growth of the economy would make all manner of things possible that are now in the limbo of undelivered promises.

STEEL IMPORTS: FREE TRADE IS A TWO-WAY BUSINESS

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. MILLER of California. Mr. Speaker, recently, the Oakland, Calif. Tribune, published by former Senator William Knowland, in its feature editorial objectively commented on the serious problem of the high importation of steel products into the United States. As one of a group of western Congressmen who, in 1968, served on an ad hoc committee on steel imports, I worked for an equitable answer to the problem. There has been some voluntary import restraint by foreign nations which is a step in the right direction. However, I feel the problem should be further carefully evaluated either through legislation or voluntary negotiations.

I offer for the RECORD the April 6 editorial of the Tribune:

STEEL IMPORTS: FREE TRADE IS A TWO-WAY BUSINESS

The dispute over steel import quotas may represent President Nixon's first big clash with leaders of his own party on a major policy issue.

Senate Republican Leader Everett M. Dirksen of Illinois and his assistant, Sen. Hugh Scott of Pennsylvania, are among a group of 30 Senators of both parties who are cosponsoring legislation to limit steel imports to 9.6 per cent of the annual U.S. domestic consumption of steel.

The issue is an especially thorny one because there is merit on both sides of the argument.

President Nixon is cool to the idea of import quotas because it could pose a threat to the continued expansion of free trade in the world. Besides diplomatic difficulties, any protectionist movement overseas could become an economic headache to the Nixon administration because part of America's current prosperity is based on foreign sales.

But the Senators who advocate quotas are just as sincerely convinced that the United States cannot afford to continue to ignore the steel import question. They have a considerable case to make.

Between 1955 and 1968, steel imports climbed from one million to 18 million tons a year, or nearly 18 per cent of the domestic U.S. market. At the same time, due to a variety of factors which will be reviewed later, American steel exports declined from five million tons a year to less than 1.5 million tons.

Although U.S. steelmakers have introduced tremendous advances in operating efficiency, American-made steel still suffers a competitive disadvantage because its labor costs are three and four times higher than other steel-producing nations. U.S. steel makers must pay higher transportation costs to ship exports, too.

And there is one further disadvantage that outweighs all the other in terms of congressional interest. That is the simple fact that despite all the glowing public testimonials to the value of free trade, many foreign nations protect their domestic industries with a variety of non-tariff barriers. These include border taxes, licensing controls, currency exchange controls, import surcharges, quotas, rebates and in some cases, a flat prohibition of an import that might threaten a basic domestic industry.

Steel is a particular victim of many of these restrictive practices and the cost in exports has been obvious. The advocates of a quota, limiting steel imports to a reasonable percentage share of the U.S. domestic market, contend that the nation simply cannot afford to permit its domestic steel industry to slowly be strangled by subsidized foreign competition.

We share the Nixon administration's hesitance about import quotas. Once applied in one industry, the clamor for similar controls from other products threatened by imports could swiftly escalate. But there is no question that the U.S. industry has a valid case to make against the subtle and open nontariff barriers it confronts in trying to expand its export sales.

The major steel-producing nations which export to the United States would be wise to consider voluntary ceilings and other steps to counter-balance the unfair trade restrictions that have been raised against U.S. produced steel and other products.

If something isn't done soon on a voluntary basis, Congress will be forced to take action to equalize the competitive situation between foreign producers and the U.S. industry. The United States supports the idea of free trade. But free trade is a two-way street.

A STAMP FOR MACARTHUR

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. BIAGGI. Mr. Speaker, I wish to bring to the attention of my colleagues in the House of Representatives, a newspaper column written by Mrs. Jo Hindman which appeared in the April 10, 1969, issue of the Montrose Ledger, Montrose, Calif. I am pleased to include the following article in the RECORD:

A STAMP FOR MACARTHUR

(By Jo Hindman)

The historic return of the great soldier and statesman, General of the Army Douglas MacArthur, revealed him as an American hero. Yet the great leader has been postally ignored, despite groundswells of appeal for a commemorative MacArthur stamp issue.

The General was pushing back the foe when he was abruptly relieved of command in Korea (World War II). Higher ups intended chastisement. But the American people admired MacArthur. They greeted him with shouting acclaim, cheered him along

streets lined mile upon mile with delighted crowds. Assemblages overflowed with the throngs that gathered to show him respect.

One most memorable celebration occurred on January 26, 1955, MacArthur's 75th birthday. Californians feted the five-star General. He had arrived in Los Angeles by airplane the night before, in a dense fog that made landing difficult. At the three major assemblies during the day-long fiesta, the General delivered speeches of major importance.

At the dedication of his statue in the Los Angeles park that bears his name, an imposing two-winged mural was unveiled, bronze-embossed with his famous Soldier-Statesmen words: "Battles are not won by arms alone. There must exist above all else a spiritual impulse—a Will to Victory. In War there can be no substitute for Victory."

The Statesman added: "Could I have but a line a century hence crediting a contribution to the advance of Peace, I would gladly yield every honor which has been accorded by War." People from all walks of life—day laborers, waitresses, clerks, professionals—contributed donations that paid for the monument.

But strangely, the slighting of General MacArthur by individuals in high government circles has persisted, even after his death in 1964, as though some secret jealousy endures with the implacable resolve to blot out the great man's rightful place in American history.

As this is written, and as the remainder of the postal stamp program for 1969 is being developed, another philatelic drive is underway. Citizens are flooding Postmaster-General Winton M. Blount, U.S. Senators, Congressmen and the Citizens Stamp Advisory Committee, reviving another demand for a commemorative Douglas MacArthur stamp.

Congressman Mario Biaggi (N.Y.) has introduced a bill, H.R. 6723, now referred to the Committee on Post Office and Civil Service. The measure directs the Postmaster-General to issue a special postage stamp in honor of General Douglas MacArthur in tribute to his career and accomplishments as a professional soldier and as a citizen of the United States. Design and denomination are to be selected by the Postmaster-General.

Favored is a design that would include Douglas MacArthur's birthplace at Little Rock (Ark.), now the site of museums, cultural facilities and the historic Arsenal building erected about 1833.

The date being widely requested for the MacArthur stamp release is November 11, 1969, Veterans Day. Do include the date in your correspondence to Postmaster-General Blount or to your elected representatives at Washington, D.C., when asking their support for the MacArthur commemorative postage stamp.

DIRECT POPULAR ELECTION OF THE PRESIDENT

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. REID of New York. Mr. Speaker, I am introducing today a constitutional amendment providing for direct popular election of the President. There is also a companion bill that would conform the dates of election of representatives to the new dates for presidential election that my amendment proposes.

The electoral college system was conceived of in 1787 as a barrier between the people and their choice of a President. Alexander Hamilton said in Federalist No. 68:

> A small number of persons, selected by their fellow citizens from the general mass, will be most likely to possess the information and discernment requisite to such complicated investigations.

Times have changed. All Americans, with access to television and newspapers and with presidential candidates touching down in every corner of the land, possess the information to make a judgment on their President. No longer can it be said that any group of citizens is better qualified than any other to select the Chief Executive.

But the issue, in my view, goes considerably beyond the mere elimination of the elector and the electoral college system. I seek to make each American's vote count, pure and simple, in the tally for President. Where he lives or how his neighbors vote should not dilute or increase the effect of his vote.

In addition, my amendment would provide for a runoff election in case no pair of candidates for President and Vice President receive at least 40 percent of the vote. In these respects, it is identical to the resolution submitted by Senator BIRCH BAYH in the other body. However, my bill differs from Senator BAYH's in that it would move up the dates for the election, providing that the initial election shall be held on the second Tuesday in October, and the runoff—if required—on the first Monday in December. This would allow sufficient time for both election and runoff and would, hopefully, shorten the presidential campaign which is too long in terms of money, energy, and achievement.

Mr. Speaker, I do not think that the President of this Nation should be elected by a process which makes it possible for him to win merely by virtue of a majority of the electoral college and not a majority of the popular vote. This has happened three times in the 19th century and a change of 1 percent in the popular vote meant that it could have happened again at least seven times since 1900.

Nor do I believe that we can ever have a people's President unless we fully and finally provide for direct popular election. Patchwork alteration of the system will only produce cries for reform again in a decade. I do not think that we will be doing the Nation and our posterity a service by closing our eyes to the inexorable trend toward a direct and immediate voice for the people. Our recognition of this fact should be made clear in the first instance by our system of electing the President.

Subcommittees in both the House and the Senate are now considering various electoral reform proposals. I would hope that agreement is reached speedily that direct popular election is the amendment that should be submitted to the Congress and to the States for their ratification.

To change the constitutional basis for electing the President is, however, not to perfect the process. We also need realistic changes in the committee, contribution and expenditure provisions of the Federal Corrupt Practices Act, and we need, I believe, new legislation to assure fairness in voting in presidential elections in all States. I have already cosponsored with Mr. BRADEMAS and others a measure to insure that change of residence would not deprive an American of his vote for President. In my judgment, we need, as well, measures to insure that votes are not bought, ballot boxes are not stuffed, and tallies are not padded. Considerable study is necessary before a perfect system can be designed in this regard and that is why I merely point out the parameters of the problem today instead of introducing legislation to cure them.

Our political system must be made responsive to the majority of Americans and to their demands for change, for compassion and for an opportunity to be heard. The first step to that end is to make their votes count, fully and equally.

It is my understanding that the distinguished Judiciary Committee, after taking extensive testimony on this subject, is now meeting in executive session on the several bills that have been introduced. I am hopeful that they will report out legislation along the lines I have discussed in the very near future.

ROLE OF THE DOMESTIC FREIGHT FORWARDER

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. MURPHY of New York. Mr. Speaker, Mr. G. Russell Moir, chairman of the U.S. Freight Co., recently contributed an article to the Distribution Manager magazine concerning the role of the domestic freight forwarder in the surface transportation industry. Russ Moir, an expert in the transportation field, has been with U.S. Frieght Co. since 1929. He rose through the ranks of the company and in 1966 was elected chairman of the board and chief executive officer. In addition Mr. Moir is chairman of the board of governors of the Freight Forwarders Institute which represents the major segment of the forwarding industry, and he also serves as a director and panel chairman of Transportation Association of America.

"Role of the Freight Forwarder" delineates the case of the freight forwarding industry for greater equity in the marketplace. Under leave to extend my remarks, I wish to include this article in the CONGRESSIONAL RECORD and commend it to the attention of my colleagues:

ROLE OF THE DOMESTIC FREIGHT FORWARDER

(By G. Russell Moir)

We have deliberately permitted transportation to develop in tight compartments in this country. Indeed, we have fashioned our law so that we have not encouraged the development of a system of transportation, although that is still the ultimate goal of our transport policy—on paper.

In the political arena, each system can muster the strength to prevent effective action which it considers adverse to its interest.

We cannot appreciate what we do not understand, and being busy men, preoccupied with our own problems, I am afraid most of us in transportation have failed to try hard enough to understand the other fellow's problems.

The freight forwarder has a long, colorful and, to me, exciting history, large chapters of which have been written only in the tomes where the decisions of courts and agencies are recorded in the dry language of the decisional process, and in the reports and debates of Congress and its Committees. The freight forwarder has an important role in the current transportation scene and a vital place in the coordinated, containerized, intermodel transportation picture.

Finally, the forwarder has problems, the resolution of which would be greatly facilitated by the understanding and cooperation on the part of certain interests who have heretofore either withheld their cooperation. Or who have resisted efforts to remove the roadblocks to forwarder progress because, we think, they do not fully understand what is involved.

By the middle of the 19th Century, the freight forwarder had achieved considerable prominence on the transport scene. One of the important functions of the forwarders of that day was to coordinate service on the sprawling but disconnected railway lines. A report of a special committee of the Ohio State Legislature, filed in 1867, describes the forwarding organizations of the time and states:

"They (forwarders) issued through bills of lading, and provided agencies at the points of delivery for the adjustment of losses, and supplied thereby the great want of the mercantile community, of prompt dispatch of freight and settlement of claims."

Two things of current interest characterize the history of the forwarder of the last century. One, he was invariably held to have the status of a common carrier, though he frequently sought to avoid it. And, two, he made mutually agreeable arrangements to compensate the railroads and boat lines as one common carrier to another.

These two matters are of current interest because today (more than a hundred years after the foregoing legal determinations became firmly established) the contention is still seriously made that forwarders are not, in all respects, common carriers, and the people who make such contentions vigorously oppose any change in the present restrictive law which prevents forwarders from coordinating their services with railroads on a carrier-to-carrier basis. So, let's go back to 1888 and look at the language of a typical decision. The case is Block against Merchants' Despatch Transportation Co., a forwarder. The Supreme Court of Tennessee is speaking. After holding the forwarder to be a common carrier, the Court said:

"The contract of shipment was made by the defendant (Merchants' Despatch) in its own behalf for the whole route, and not on behalf of others or for a part of the route only. For a specified sum, to be paid to it for the whole service, the defendant promised through transportation from New York to Clarksville, receiving the goods in its own name at point of shipment and binding itself to deliver them at point of destination. It did not own or claim to own a single line of railroad, though several were to be used in the performance of its contract. It was compelled to rely upon others for the carriage of its freight, and for its own benefit, and not for the benefit of the shippers or consignees; it reserved to itself the selection of the lines it would use; the reservation necessarily embracing the privilege on the part of the defendant making its own arrangements as to terms, with such lines, and carrying with it the duty of paying them for their services." (6 S. W. 881)

I direct your attention to the fact that the foregoing decision was rendered after the Interstate Commerce Act was enacted and that at that time and for quite some time thereafter the forwarders and railroads dealt with each other not on a rate basis, as shipper and carrier, but on a mutually agreed upon basis. In that regard, forwarders and the early express companies were indistinguishable.

For reasons which no one seems to have taken the trouble to record, the forwarding industry took on a new complexion beginning just before the end of the last Century. In place of the contractual arrangements with underlying carriers, the new breed of forwarder compensated the rail lines on the basis of their carload rates and lived on the "spread."

This method of operation, which has continued until today, has given rise, now and again, to the most phenomenal absurdity of reasoning. Perhaps I should say it has led some people to accept, as fact, the most precise of non sequiturs. The non sequitur may be stated this way:

"The freight forwarder compensates the railroads the same way a shipper does, therefore the forwarded is a shipper."

Those who accept this ridiculous proposition do not hesitate to take the next step and argue that the forwarder, having become impressed with the role of rail shipper, may not and should not be given any other status by law. I hope I can persuade you that the freight forwarders not only may but should be given the right to work with the railroads as cooperating carriers, as they did throughout the early history of railroading in this country.

To return, briefly to the march of history, the role of the forwarder as a coordinator took on vital new significance with the appearance of the motor truck on the highways of the country. Far-sighted Joseph B. Eastman, of the ICC, dissenting in the Freight Forwarding Investigation of the 1930's said:

"So far as trucks are concerned, the forwarding companies . . . have utilized trucks very extensively in their operations . . . taking advantage of every opportunity to use them where greater economy of efficiency would result. They have been among the most successful practical exponents of the principle of coordination between rail and truck services." (229 I.C.C. 201 (1938).)

By the time the burgeoning young motor carrier industry was regulated, in 1935, a strong partnership had been forged between the freight forwarders and literally thousands of the truck lines, many of which had no other means for sharing in long-haul movements than through the forwarders.

The freight forwarders paid the motor carriers largely for the assembly and distribution but sometimes for the line-haul movement of forwarder traffic, an amount arrived at by negotiation and stated in a contract. It is one of the oddities of history that Congress, seemingly, overlooked the very important arrangements between motor carriers and forwarders when it passed the Motor Carrier Act. At least no provision of the Act, by specific reference, authorized continuation of the arrangements.

The forwarders thought, and contended formally, that the definition of a motor carrier was broad enough to embrace the operations of forwarders, and they applied for motor carrier certificates, at the same time filing joint rates with their connecting motor carriers pursuant to the terms of the Act.

The ICC and ultimately the Supreme Court held that forwarders were not regulated by the Motor Carriers Act and therefore that there was no authority for the joint rates then in effect. This made the regulation of freight forwarders inevitable, because it was clear to everyone that the off-line service that forwarders had established could not be continued on an extensive basis if forwarders were treated as shippers and required to pay the local rates of the motor carriers.

After extensive hearings and long deliberation, Congress finally enacted the Freight Forwarder Act, which became Part IV of the Interstate Commerce Act, in 1942.

At one time or another, I am sure that most of you have had occasion to take part in the making of laws by Congress, and you are fully aware that in the highly competitive situation which exists today all transportation law is a compromise. Over a period of more than three years, Congress considered a number of forwarder bills. One was written by the forwarding industry. Joseph Eastman wrote one at the invitation of Congress.

Finally, a bill, which was agreed to in principle by the forwarding and trucking industries, was introduced. Strangely enough, the bill introduced at the joint instigation of the forwarders and the American Trucking Associations, H.R. 3684, provided for joint rates between forwarders and rail, motor, and water carriers. What came out as law differed from all of those bills.

The three critical areas of forwarder regulation which were the subject of a good deal of tugging and pulling by various interests were the definition of a forwarder, the ownership provisions, and the provisions relating to the working arrangements between forwarders and other carriers. After more than a quarter of a century of regulation and several changes in the law we still have problems in all of those areas.

Originally, the definition of a freight forwarder in the Act did not contain the words "common carrier." Our lawyers tell me that the original definition of a forwarder was, indeed, the classic definition of a common carrier, and that to add to it made about as much sense to a lawyer as Gertrude Stein's "A rose is a rose is a rose."

Nevertheless, the definition was misconstrued and to clear up all misconceptions, Congress found it necessary in 1950 to amend the definition and add to it the words "as a common carrier." Unfortunately, there are still some people who refuse to accept the fact that the term "common carrier" means the same thing when applied to a forwarder as when applied to a truck line or some other carrier. The people who think that way oppose any and all updating of transportation law that is designed to help the freight forwarder.

FLAGRANT DISCRIMINATION

The ownership provisions of forwarder regulation are perhaps the most flagrant example of undisguised discrimination in the history of regulatory law. The law provides that a forwarder may not buy a rail, motor or water carrier, with or without ICC approval, but that any one of such carriers is free to buy a freight forwarder without asking for authority or proving that the acquisition would be in the public interest.

It is elementary that if common ownership of a forwarder and a truck line is achieved, it makes no difference who bought whom. The result is the same either way.

In 1962 and again in 1963, the ICC drafted and supported legislation to remove this one-sided ownership law and give forwarders the same right which all other common carriers have with respect to acquisitions. ICC approval would have been required before a forwarder could acquire a carrier of another kind, and the reverse would also have been true.

In support of the Commission's bills, our industry showed that it needs the right to buy short-haul motor carriers because we are finding it more and more difficult to obtain efficient and economical assembly and distribution service from the truck lines.

The long-haul motor carriers, who are the competitors of the forwarders, are rapidly acquiring the short-haul carriers who provide off-line service for our industry. When they become part of a competing system of carriage, these short-haul carriers understandably cease cooperating with the forwarders.

Despite the clear legal and economic justification for such legislation, it did not survive the barrage of opposition which competitors of the forwarding industry threw against it.

The problem has not gone away. It has worsened.

A solution must be found. It would be helpful if the ICC would permit forwarders, as it has the express agency, to extend their terminal areas to embrace the general scope of their assembly and distribution operations. Whatever the answer, the competitors of the forwarders should not be able to write it to suit their own plans.

By the initial Forwarder Act, Congress provided for the temporary continuance of the existing joint rates between forwarders and motor carriers. The hope was expressed, in the Committee reports, that ultimately the motor carriers would establish "assembly and distrbution" rates, as authorized by Section 408 of the Act, which would be an effective substitute for joint rates.

That did not turn out to be the case, and in 1950, by the same Act of Congress which added the common carrier amendment to the definition of a forwarder, the temporary joint rate authority was changed so as to provide for contracts between forwarders and motor carriers—on a permanent basis.

The great thrust of the drive to secure forwarder regulation in the first instance was to preserve the status quo, and to remove the threat to the coordinated service which forwarders had established by reason of their flexible joint arrangements with motor carriers. Little emphasis was placed upon the arrangements between forwarders and railroads because, as I have said, from about the turn of the Century forwarders had been utilizing rail carload service and paying the published carload rates of the railroads.

Consequently, while some of the initial bills provided for joint rates between forwarders and all other types of carriers, no one pressed for anything more than the *status quo*, and no authority was included in the Act for forwarders to compensate railroads or water carriers on anything other than a tariff basis.

By the mid 1950's it was becoming apparent to those close to the picture that the forwarder was being hampered in the achievement of his full potential as a coordinator and intermodalist by the fact that he is held to the category of a shipper in dealing with those who should be his partners—the railroads. As time went on that fact became crystal clear.

Efforts were made in 1956, and were renewed in the 90th Congress, to expand the existing law so as to authorize contracts between forwarders and railroads as well as between forwarders and motor carriers.

Those efforts have not been successful but we hope that with better understanding the obvious merits of the proposed legislation will overcome the self-serving arguments of those who, for competitive reasons, do not wish to see any expansion or improvement in forwarder service.

It does not make any sense that the freight forwarder, who was described by Joseph B. Eastman 30 years ago as the most successful practical exponent of coordinated rail and truck service and who, in the intervening years, has underscored the truth of the statement, should be deprived of the most useful tool that a coordinator could have—the right to make contracts with the railroads.

What has changed the picture? Why contracts with railroads now when none were authorized before?

We have moved into a new era of transportation. Railroads have abandoned LCL, leaving nobody to serve the small-lot shipper except forwarders and motor carriers and the forwarders, because of rising rail line-haul costs have been very largely forced out of the short-haul movements. Piggybacking has appeared prominently on the scene and international containerization is on every transportation drawing board.

The piggyback success story is legend now, and it started when Plan III and Plan IV rates, which forwarders could use, were published beginning in 1958. Almost overnight the piggyback development gained revolutionary proportions. The truckers gradually entered the field, but in doing so they employed the forwarder method, not the end-to-end joint-rate method which we once thought was the only basis open to them under the law.

According to the ICC's "monthly Comment" for September, 1968, Class I motor carriers reported, in 1967, a total of 346,000 trailers moved in piggyback service, and only 35,000 of that number moved under true joint rates, or Plan V. Plan I accounted for 240,000 of the trailers. And Plan I, of course, is just freight forwarding performed by a motor carrier instead of an authorized forwarder.

FORWARDERS PAY MORE

It is true that the ICC has ruled that Plan I is a joint rate, but the Commission describes it as substituted service and, by rule, limits the service to points on the motor carrier's line. The same rule, issued in Ex Parte 230, authorizes the motor carrier to limit its participation to pick-up and delivery service, leaving the entire line-haul to the railroad. The critical point—critical indeed from our standpoint—is that the truck lines buy their rail service under Plan I at a flat, contract charge which is a great deal less than we, as forwarders, pay for the identical transportation.

As if it were not enough that the motor carriers have, in effect, been franchised to go into our business whenever, under Plan I, the railroads agree to give them a discount charge, the law has now been so interpreted that the trucks may engage in the forwarding business on the same basis employed by us—the rail tariff rate basis.

This means that the motor carriers now are free to operate both as motor carriers on the highways and as freight forwarders on the railroads, according to their own choice. And we cannot even compete with them on equal terms when they choose to use the method assigned to us by law rather than their own.

We did not rest our case for the forwarder-rail contracts bills of the last Congress, H.R. 10831 and S. 3714, solely on the traditional American concept of fairplay and equal regulation. We called attention to the need to preserve competition for the benefit of the shipping public.

Pointing out that there is a virtual crisis in the transportation of small shipments we suggested that the problem will get worse instead of better unless the forwarder, who specializes in that field, is permitted a more flexible basis of dealing with the railroads.

There is not much chance that so long as forwarders are required to pay the published tariff rates of the railroads they will be able to reinstate their short-haul service, which they have largely been forced to abandon (or to expand their service into areas not now adequately served).

But if forwarders and railroads are permitted to more effectively coordinate their services, with the working arrangements and charges expressed in contracts tailored to the operations, there is no doubt in my mind that forwarders will be enabled to expand and improve their service.

PARTNERS VS. COMPETITORS

This can be done, I am confident, without in any way depleting the revenues of the railroads—indeed it will improve rail revenues by generating new tonnage. The railroads and forwarders are partners, but they are not permitted to work in partnership. The only way in which a shipper can obtain rail service for his LCL shipments today is through the instrumentality of the forwarder.

Why should the railroads not be permitted to work with their partners, the forwarders, on at least as flexible a basis as they are permitted to work with their competitors, the long distance truck lines?

As you probably know, hearings were held on the legislation I refer to on both the House and Senate side and a House Subcommittee favorably reported a bill to the full Interstate and Foreign Commerce Committee, but the bills died in Committee. The legislation was supported by numerous shippers and truck lines, individually and collectively. It was also strongly opposed.

We can understand why the long-haul truck lines, through their central organization, would oppose such legislation. They wish to suppress competition.

But we think that some of the shippers and the one railroad group which opposed the bills, the Eastern roads, were laboring under some mistaken concepts. And we hope that in time they will come to understand that such legislation should receive their support.

Basic to all of the arguments of those who opposed the contracts bills was the thoroughly discredited contention that freight forwarders have, and *ought to be held to*, a dual status. Admitting that forwarders are full common carriers insofar as the shipping public is concerned, the opponents said forwarders are and must remain shippers in their relations with the carriers with whom they deal.

We are surprised that anyone, at this point in time, would seriously make that argument. It has been refuted by precedent, by decisions of courts, and by the Interstate Commerce Act.

For years prior to the enactment of forwarder regulation in 1942, forwarders dealt with motor carriers not as shippers but as connecting common carriers. Under Part IV, forwarders have always dealt with motor carriers as connecting carriers.

Under recent decisions of the Commission and the Supreme Court, common carriers by motor vehicle, by water and by express may have their freight transported by railroad and pay the rail published rate, the *same as a forwarder*, and yet those carriers continue to enter into contracts or divisional arrangements with railroads.

Moreover, the proposed legislation does not give forwarders a new right to contract—it only extends the right they already have so as to include the railroad portion as well as the motor carrier portion of the through forwarder operation.

The Senate Commerce Committee and the Congress disposed of the "dual status" argument 18 years ago by adding the words "as a common carrier" to the definition of a freight forwarder over the same objections of the same interests who now oppose the Contracts bill.

The 90th Congress has passed into history, and with it the bills to recognize the right of freight forwarders to deal with railroads on a common carrier basis. We know that we are right in asking for this kind of legislation and we will not give up because the opposition is strong.

The Department of Transportation takes the position that freight forwarders have the undisputed status of common carriers. DOT not only supports the legislation, it would like to have it expanded so as to authorize joint rates between forwarders and all other carriers. Moreover, the DOT's "Trade Simplification Act of 1968," which was introduced in both Houses of the Congress, includes freight forwarders within its definition of covered common carriers, and authorizes forwarders to enter into joint rates for international transportation with all other regulated common carriers.

BEAM IN MOSCOW

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. RARICK. Mr. Speaker, our brand-new Ambassador to Moscow, Jacob Beam, has arrived.

In his maiden speech to Soviet President Podgorny, Mr. Beam is reported as calling for the United States and the U.S.S.R. to "devote our energies to reducing and ultimately eliminating areas of tension in the world, especially where such tensions could result in armed conflict."

One wonders why Mr. Beam did not remind the Soviet President that those are Russian tanks, guns, mortars, and bullets killing our boys in South Vietnam and that one of the first energies to reduce world tension would be for the Russians to halt their arms escalation in Vietnam.

In fact, recent reports over Radio Moscow report Soviet technicians are rebuilding and expanding the port facilities at Haiphong in order to move a greater flow of Soviet supplies by sea.

I insert two news articles, as follows:

[From the Asbury Park (N.J.) Evening Press, Apr. 18, 1969]

AMBASSADOR ASKS SOVIET, U.S. ACCORD

Moscow.—U.S. Ambassador Jacob D. Beam presented his credentials at the Kremlin today and made a bid for the United States and the Soviet Union to work together for "a more stable and peaceful world order."

Beam specifically mentioned arms control and elimination of areas of tension as points demanding the attention of the two countries.

In his presentation speech to Soviet President Nikolai V. Podgorny, Beam said: "I believe that as we succeed in reducing our own mutual differences we open the way to working together to solve other fundamental problems of mankind which are in themselves a threat to the peace and stability of the world."

Beam said, "The United States and the Soviet Union have a common obligation to use their power and influence to foster a more stable and peaceful world order. We must, in cooperation with nations everywhere, devote our energies to reducing and ultimately eliminating areas of tension in the world, especially where such tension could result in armed conflict."

[From the Washington (D.C.) Post, Mar. 22, 1969]

SOVIETS CLAIM CHINESE IMPEDE ARMS FOR HANOI

(By Robert S. Elegant)

HONG KONG, March 21.—The Soviet Union asserted today that Peking was creating great obstacles to the flow of arms and commodities across Chinese territory to North Vietnam, but indicated that the movement had not been stopped.

Moscow Radio further declared in a Chinese-language broadcast that Soviet technicians, and materials were now rebuilding and greatly expanding the facilities on North Vietnam's chief port, Haiphong, in order to move a greater flow of Soviet supplies by sea.

The Moscow statement came after widespread reports from vaguely identified sources that Peking had totally stopped the movement on Russian and East European arms and other goods to North Vietnam by Chinese railways.

The last paragraph of a news report extolling the bravery and hard work of Soviet sailors and technicians, noted: "at the present time, when the Maoist authorities are creating all kinds of obstacles in order to restrict the passage on aid from the Soviet Union and other socialist countries across Chinese territory, the labors of Soviet seamen are of the greatest significance for the livelihood and struggle of Vietnamese patriots."

The short-wave broadcast, addressed to the Chinese people was an element of the vituperative dialogue between Peking and Moscow which has followed upon armed clashes between frontier guards on the two largest Communist powers since the beginning of March.

The Russian statement that the Chinese were "interposing obstacles and restraining" the flow on goods overland was seen as firm evidence that Peking had not cut off all such supplies.

THE ADMINISTRATION'S TAX REFORM PROPOSAL

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, yesterday, April 21, the White House sent a long awaited message on tax reform to the Congress of the United States. This tax reform message reveals the most recent step in the unfolding of the administrations fiscal policy.

In the not too distant past we have seen the administration request and Congress agree to raise the national debt ceiling $12 billion. As a second step the President on March 26 sent a message to Congress requesting an extension of the 10-percent surtax as a necessary measure, along with budget surpluses, to fight inflation. Then on April 15, the Nixon administration disclosed its budget proposals which made some 50 revisions in President Johnson's nondefense budget. The net reduction for the nondefense budget was $2.9 billion while defense spending was to be cut only $1.1 billion.

As each of these fiscal policy measures has been announced I have asked the same question: Could not comprehensive tax reform achieve the same fiscal ends?

Therefore when the administration's tax reform proposals were released yesterday, I was optimistically waiting to see tax reform pursued with the same vigor as raising the debt ceiling, extending the surtax, and cutting moneys from domestic programs had been pursued.

I was, however, a bit disappointed that the President's tax reform proposals were not more comprehensive.

I find that in an effort to make extension of the 10-percent surtax more palatable President Nixon has offered some very good tax reform proposals. I have no quarrel with what he has proposed: a minimum tax, tax exemption for poverty level families, repeal of the 7-percent investment tax credit, allocation of deductions, elimination of mineral production payments, elimination of the multiple corporation gimmick, eliminaton of losses on "hobby" farms, an examination of foundations, controls on charitable deductions—these are all worthy reforms.

What concerns me is what he did not propose. Many of the most needed and obvious tax reforms were not among his proposals. I sincerely hope that we are not going to find ourselves saddled with a 10-percent surtax for 6 months and a 5-percent surtax for the next 6 months without getting a truly comprehensive tax reform that will bring relief to the middle-income taxpayers who, I thought, have been making their voices heard on this topic.

President Nixon said that his Treasury Secretary would provide recommendations and analysis of the impact of other possible tax reforms no later than November 30, 1969. Yet we are being asked to approve extension of the surtax as of June.

Much research has already been done. Some areas of our tax structure have been all but studied to death. Certain reforms should be proposed now—further study will only make their already clear merit more obvious.

I have proposed in H.R. 5250 the following reforms which I am deeply disturbed to find are absent from the Nixon administration proposal:

Taxation of capital gains upon death.

Elimination of the unlimited charitable deduction.

Elimination of special tax treatment on stock options.

Elimination of the $100 stock dividend exclusion.

Removal of the tax exemption on municipal industrial development bonds.

Establishment of a municipal bond guarantee corporation.

Reduction of the oil depletion allowance from 27½ percent to 15 percent.

Establishment of similar tax rates for estate and gift taxes.

Elimination of payment of estate taxes by redemption of government bonds at face value.

Elimination of accelerated depreciation on speculative real estate.

Further study will not show us that much more about these reforms. The President himself said that tax shelters are "preferences built into the law in the past." What is required is a decision as to whether these preferences shall continue.

Who benefits from stock options, oil depletion allowances, special capital loss treatment, municipal bond's exempt interest, accelerated depreciation, unlimited charitable deductions? Only the very rich. By not proposing these reforms I fear that the President leaves himself open to charges that he has decided to favor and keep preferences for the rich and for the corporations at the expense of the American wage earner who is being asked to support a renewal of the surtax without really meaningful tax reform.

The President stated that under his proposal there would be no substantial gain or loss in revenue. This need not be the case. Estimates of what tax loopholes cost the Treasury go as high as $50 billion a year. If the administration would propose a tax reform bill with some real

substance a surtax, be it 5 percent or 10 percent, would not be necessary.

The administration's attempt to tie repeal of the 7-percent investment tax credit with extension of the surcharge misses the mark. Both are measures to slow up an overheated economy—just as raising revenue through tax reform and cutting the budget. The basic choice is which of these methods to use. My vote will go for tax reform and relief for the taxpaying individuals who work for wages or operate small businesses and pay the majority of our income tax.

TONY CURTIS' NEW PROJECT "I.Q."

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. REES. Mr. Speaker, in these times of internal stress at all levels of American society, it is indeed gratifying to point out that there are citizens among us who will take time from their personal interests to devote energy and efforts on behalf of their fellowmen.

Actor Tony Curtis has assumed the national chairmanship of the I.Q.—I quit smoking—program of the American Cancer Society and in doing so announced the program's goal would be to encourage 42 million Americans to quit cigarettes. According to society officials, about 2 million Americans already have given up the habit.

Tony Curtis gave up cigarettes 10 years ago and has volunteered his services to the society "because I feel responsible not only to my family but to other people."

The busy actor, along with his wife, the former model Leslie Meredith Allen, will undertake a major portion of their free time to devote all the energies to the American Cancer Society and its goals. The actor will begin a series of nationwide television and radio appearances. He will also tape a series of personal messages and visit as many cities as his schedule will permit. The messages will utilize rock bands for an "approach that smacks of today."

Tony Curtis is celebrating his 20th anniversary in the business which includes some 50 of Hollywood's top films.

Tony Curtis was born in New York of Hungarian immigrant parents. At an early age he had to learn to cope with the jungle tactics of neighborhood hoodlums. A turn for the better came when he became a Boy Scout and exchanged steamy asphalt streets for summers at camp. A dropout from high school, he joined the Navy early in World War II and served aboard the submarine U.S.S. *Dragonette*. While loading torpedoes at Guam, he was injured and lay paralyzed for several weeks. After recovery he was discharged and returned to finish school.

His earliest acting experience was at the YMHA on East 92d Street in New York. Out of the Navy he studied at the Dramatic Workshop under the GI bill of rights. He was later signed by Universal Pictures and his film career began.

Today the name of Tony Curtis is respected and known throughout the world by peoples of all nationalities. Over 200 million people have seen his films.

On April 20, Tony Curtis will receive one of the highest honors of his career when he goes to Montreal, Canada, to receive the Eleanor Roosevelt Humanitarian Award as the outstanding citizen of the North American Continent. He will receive the award from the Montreal Israel Bond Organization. Previous winners of this honor have been the late Albert Einstein, the late Bernard Baruch, and Vice President Hubert Humphrey.

Despite the fame and fortune that Tony Curtis has earned these past 20 years, he still has found time to help his fellow Americans and other people throughout the world and it is truly an honor to pay tribute to this outstanding American.

MARYLAND MARINE COLONEL, GI DIE IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. LONG of Maryland. Mr. Speaker, Lt. Col. Harry L. Morris, Jr., and Sgt. Joseph Oreto, two fine young men from Maryland, were killed recently in Vietnam. I would like to commend their courage and honor their memory by including the following article in the RECORD:

MARINE COLONEL, GI DIE IN VIETNAM: SHRAPNEL KILLED OFFICER—SERGEANT SLAIN ON PATROL

A Marine Corps lieutenant colonel and an Army sergeant, both from Maryland, have been killed in Vietnam, the Defense Department announced yesterday.

They are:

Lt. Col. Harry L. Morris, Jr., 43, who died April 7 of shrapnel wounds. He was the husband of Mrs. Carolyn A. Morris, of 5355 Pooks Hill road, Bethesda.

Sgt. Joseph A. Oreto, 21, of Westminster, who was killed April 13 while on patrol near the Cambodian border.

Sergeant Oreto had been in Vietnam since November. He was stationed with the 11th Air Cavalry near Bien Hoa.

"He was against killing of any kind, but he felt he should do his duty," a relative said yesterday.

STUDENT PRESIDENT

Although born in Washington, Sergeant Oreto spent most of his life in the tiny Prince Georges community of Accokeek.

He was remembered by relatives as being a bright, athletic young man. While attending Gynn Park Junior and Senior High School in nearby Brandywine, Sergeant Oreto played varsity football and was president of the student council.

After graduation in 1965, he attended St. Mary's College in St. Mary's City which was then a two-year college. He was a police cadet with the Washington police department when he was drafted into the Army in January last year.

Sergeant Oreto is survived by his wife of six months, the former Georgia Croft, his parents, Mr. and Mrs. Joseph G. Oreto, of Pikesville, Tenn.; two brothers, Michael and Angelo Oreto, both at home; three sisters, Julia and Pamela Oreto, both at home, Mrs. Mary Lou D'Altorio, of Pittsburgh; and his maternal grandparents, Mr. and Mrs. Charles McCloud, of Pikesville.

WRITINGS OF FATHER LESTER

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. GUBSER. Mr. Speaker, from time to time I have inserted articles in the CONGRESSIONAL RECORD by Rev. William Lester, S.J., and am pleased to include more of his succinct and interesting writings. Father Lester is an ordained Jesuit priest who welcomes questions of a moral nature pertaining to today's life from members of any religious denomination. His answers are based on the timeless viewpoint of traditional Judeo-Christian principles.

More of Father Lester's writings follow:

[From the Los Angeles Herald Examiner, Sept. 7, 1968]

CHAVEZ OR GROWERS?

(By Father Lester)

DEAR FATHER LESTER: Who has the moral side—the Delano grape growers or Caesar Chavez? D.G.

DEAR D.G.: Workers have a right to unionize in order to gain a balance of power with management. The growers morally cannot prevent this unionization. But they can prevent a particular union from taking over if they are reasonably certain that the union would be run unjustly.

Personally, I am inclined to be on the growers' side of this dispute. The very fact that Chavez's teacher and associate is Marxist Saul Alinsky is almost enough to bang the scale down hard in favor of the growers. (Alinsky's only criterion of morality is fear of reprisal. For him there are no intrinsic rules of fairness. He "uses" existing power structures like the Church and becomes a Buddhist among Buddhists and a Catholic among Catholics until he is strong enough to destroy the establishments.)

Daily evidence, too, seems to indicate that Chavez's principles are those of Alinsky. A just man, for instance would not blithely resort to secondary boycotts nor sign contracts which he could not fulfill nor lessen the advantages of the worker under the guise of adding to them. Furthermore, Chavez's religiosity is much too ostentatious not to be contrived. Like Alinsky's good pupil, he seems to be "using" the Church.

[From the Sunnyvale Standard, Oct. 4, 1968]

FATHER LESTER DISCUSSES: LIMITS OF ACADEMIC FREEDOM

(NOTE.—Father Lester welcomes questions of a moral nature pertaining to today's life from members of any religious denomination. His answers are based on the timeless viewpoint of traditional Judeo-Christian principles.)

DEAR FATHER LESTER: As a moralist do you have any answer to the problem today on college campuses of maintaining academic freedom yet denying freedom to overturn violently the academic establishment? In other words, can we morally allow the campus to be used as a staging area for violent social change or revolution?

DICK R.

DEAR DICK: Academic freedom has its limitations. It is difficult, though, to agree upon them in a pluralistic society.

However, we must all admit that schools, as well as any other organization or person, are not free to promote actions contrary to just laws or humanity. They may tolerate some advocacy of injustice as long as it, like the shabby soap-box orator in the park, con-

stitutes no real danger; but they cannot be allowed to use freedom to overturn freedom.

The very purpose of schools, too, is to lead students to the truth, the good and the beautiful. In their guidance, therefore, they must keep students within proper bounds so they can familiarize them with what is true, good and beautiful and not let them waste time wallowing in hog-mire.

DEAR FATHER LESTER: I'm a young business woman, have a good figure and an especially good bust-line.

Since the see-through blouse is now fashionable and being worn by many celebrities, would there be any moral wrong-doing in my showing off this becoming fad?

DEL.

DEAR DEL: I doubt today's average American male can tolerate an attractive woman revealing that much of herself to him without being provoked to sex—licit or not. If that judgment is correct, the blouse is immoral.

DEAR FATHER LESTER: I must compliment you on seeing through many of the shallow, modern-day, false justifications given for actions which are not in the best interest of the individual or his society.

I know of one philosopher, Ayn Rand, who would agree with your interpretations almost to the letter and she claims to be an atheist.

R. T.

DEAR R. T.: Thank you for your kind compliment. I hope, though, I will not lose your admiration when I say that Ayn Rand and I are really poles apart—almost as far as I am from Karl Marx.

Rand has no room for the individual's responsibility towards the community. For her, the individual is god.

Marx, on the other hand, would make the community god.

Marx would deny man the freedom he needs to perfect himself as a person—an intellectual being; Rand would deny man the concern he must rightfully have for others.

Their errors show up, too, in their concepts of property. Marx would have everything owned and used in common; Rand would have everything owned and used in private.

(The traditional viewpoint subscribes to private ownership but holds that everyone has a certain claim to the use of the world's material goods.)

DEAR FATHER LESTER: Dr. Ralph Abernathy, the successor to Dr. Martin Luther King, is pushing for a "guaranteed income" whether or not the person works. One article quoted the amount as being $20 monthly.

I not only can't see how the government can afford this, but I wonder if a guaranteed income is moral.

ROY C.

DEAR ROY: The guaranteed income seems definitely immoral.

It is immoral to encourage indolence. And any form of a guaranteed income cannot but encourage perpetual vacations and immediate retirements. The difference between what so many people can earn and what they would be given for nothing is simply too small to make work appetible.

True love for the neighbor rules against encouraging him to indolence. Rather, love means helping him stand on his own feet and do for himself as a man should.

St. Paul, a rather good moralist, warns us: "If anyone is unwilling to work, do not let him eat." (2 Thess. 3:10)

DEAR FATHER LESTER: Five big antibiotics manufacturers are being sued for conspiring to fix prices throughout the Western Hemisphere.

I know monopolies are illegal, but are they immoral?

P.N.

DEAR P.N.: They are immoral when they are unlawful or used to extract more money than necessary and just.

They are civilly outlawed because usually they are unnecessary temptations.

[From Twin Circle, Oct. 13, 1968]

THE MORAL ANGLE—IF YOU ASK ME

(By Father William Lester, S.J.)

Eldridge Cleaver has a prison record a page long. His convictions include rape and assault to kill. He's a Black Panther and preaches racism and violent revolution. Even though he does have some following, is it moral for colleges to bring him in as a speaker?

INTERESTED CITIZEN.

DEAR INTERESTED: Schools have a duty to lead students to truth, beauty and good. To achieve that goal they must allow an academic freedom limited only by what is obviously false, ugly and evil. They cannot allow students to be patently misguided. Anyone preaching racism and unlawful violence cannot, therefore, be given a campus podium as though his doctrine were not obviously untrue and evil. Some school administrators will agree with the above principle, yet defend the good of having speakers like Cleaver on campus. They say this gives students firsthand knowledge (so much better than secondhand) of the opponent's thinking. I agree, of course, that this knowledge is good and should be had—if the price is not prohibitable. It is good, for instance, to know the psychology of a murderer, but not at the price of being one. So it is good to hear a racist in person, but not at the price of honoring him and gaining recognition and respect for him. Some administrators agree with that principle, too, but then deny that the college lectern gives the speaker public respect and recognition. They need a vacation.

[From Twin Circle, Nov. 3, 1968]

THE MORAL ANGLE—IF YOU ASK ME

(By Father William Lester, S.J.)

In a recent column you stated you were inclined to be against Cesar Chavez, the grape strike leader in California, because he is a long-time student of Marxist Saul Alinsky. Please, do you have to stoop to Red-baiting? You also opined that Chavez was "using" the Church. Just who in the Church is he using? You owe an apology to Messres. Alinsky and Chavez. GEORGE B.

DEAR GEORGE: Would you also say that I was Red-baiting if I stated that Mao Tsetung, Brezhnev, Kosygin and Castro were Marxists? Or would you have me play make-believe and denominate red as white and white as blue? Saul Alinsky speaks for himself very clearly in his manual for agitators, "Reveille For Radicals" (University of Chicago Press, 1946). It is pure doctrinarie socialism. In the book he looks for the salvation of mankind through peoples' organizations—a word he uses often for proletariat and peoples' world. For him, all existing organizations, Church and labor included, have had their opportunity of bringing peace and security and happiness to the world; they have all failed. But in his peoples' organizations, each individual would so love the humanity in the other that there would never be any question of quarrels, wars, greediness, disease, destruction, deterioration; each would find peace, security and happiness (pp. 218–9). (God should have checked with Alinsky before making any plans.) According to him, too, all of the people must control and own the means of productivity. Capitalism is evil, monopolistic. Even labor unions today have been perverted from socialism, but hopefully they will return. Only the rule of the proletariat can save the world (pp. 33–53). Logically, as a materialist, he holds the only norm of morality is fear of reprisal (pp. 54–5). To achieve his goal, he teaches the necessity of "using" the existing power structures—churches, labor unions, any organization whatever. Yet these power structures are to be condemned once he comes into power (pp. 97–101). Do you still want me to apologize for labeling Alinsky a Marxist? But Chavez, as I said, has been a close student and associate of Alinsky for the past ten years. Would it not be right, therefore, to suspect that he holds with Alinsky and also "uses" the Church?

[From the Los Angeles Herald-Examiner, Dec. 28, 1968]

PIKE WRONG?

(Father Lester)

(NOTE.—Address your questions to Father Lester in care of this newspaper enclosing a stamped, self-addressed envelope.)

DEAR FATHER LESTER: What's the moral angle on Bishop Pike and his "communication" with his deceased son?

NOAH W.

DEAR NOAH: Fortune telling and calling up dead spirits have always been forbidden to Jews and Christians. If God has anything to reveal to humans, He will definitely do it His way and not in a manner opposed to His own evident plan.

In any supernatural communication, God must give evident signs that He is speaking or we rightly infer that it comes from the evil spirit.

DEAR FATHER LESTER: Is it a moral necessity to follow what our military leaders tell us we must do?

B. D.

DEAR B.D.: Soldiers must follow the directions of their leaders—except in matters that are morally evil. They cannot, for example, directly kill innocent people even though their officer commands it.

Soldiers seldom have reason to balk when they fight under a just, legitimate government. Most of their directives come under the norm of common sense—like the reported-as-true words of George Washington to his men as they were getting ready to cross the Delaware: "Get in the boat, men; get in the boat."

DEAR FATHER LESTER: I thought I understood that if one's life really depended on it, a person could break any moral rule.

For instance, to keep a little sister as well as herself from starving, a woman could be a prostitute.

I. G.

DEAR I. G.: Wrong. A person may never do moral evil.

It is the only really important evil in the whole world. It is the deformation not of a person's body but of his character.

On the other hand, physical evil—like malnutrition or a broken leg—does not affect character directly. A person can be minus both legs and arms and starving, yet still be what counts—a good man.

DEAR FATHER LESTER: Can you define pornography?

SAM W.

DEAR SAM W.: In 1957 Supreme Court Justice William J. Brennan Jr. defined a work as obscene if "to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest." Now, in

my judgment, that fairly well defines patent pornography.

A few rapid corollaries: (1) What is not obscene for one community may be obscene for another. (2) The individual community is best protected from pornography by using its own standards. (The tolerant San Franciscan is no judge for an Amish community.) (3) A higher court should not suppose that it knows the moral attitude of an individual community better than the latter's own citizens.

DEAR FATHER LESTER: Even though it might be legendary, do you think it was all right for William Tell to shoot that apple off his son's head?

BILL T.

DEAR BILL: It was better than missing.

[From the Sunnyvale Standard, Jan. 17, 1969]

FATHER LESTER DISCUSSES: VALUE OF CORPORAL PUNISHMENT

(NOTE.—Father Lester welcomes questions of a moral nature pertaining to today's life from members of any religious denomination. His answers are based on the timeless viewpoint of traditional Judeo-Christian principles.)

DEAR FATHER LESTER: A judge in Oklahoma City recently gave a 17-year-old youth a choice between a lashing and five years in prison for receiving stolen cartons of cigarettes. The boy took 20 lashes on his bare back with a stiff leather strap and was sent home.

The judge thought the whipping did the boy a lot of good and that there would be fewer boys getting into trouble if corporal punishment were handed out more often.

The judge may be correct, but isn't whipping immoral cruelty?

ROY K.

DEAR ROY: Corporal punishment in itself is not cruel. A smarting bottom, for instance, can teach a child to be kind to himself by not playing with kitchen knives; his spanking was an act of love on the part of his parents. Only if the punishment exceeds the crime or is inflicted purely for vengeance is it cruel. (Cruelty and pain, punishment and vengeance are not synonymous as so many people erroneously think.)

In my judgment, a reintroduction of some corporal punishment often would help more than jail sentences to lessen crime. Such suffering is a lesson that is humiliating, quickly over with, yet easily remembered. The young miscreant can take no pride in a whipping, nor can he become hardened in a criminal attitude by association with jail companions.

Furthermore, stiff, quick punishment minimizes the community's own loss through crime.

DEAR FATHER LESTER: I heard that scientists—like neuroscience professor Dr. Robert Livingston at University of California in Los Angeles—claim a Russian's brain differs from an American's, a white man's from a black man's, a hippie's from a square's. They say the molecules and atoms of these different brains actually become set in different patterns from every other, but between cultures there may be vaster differences still.

Doesn't that mean that man isn't responsible for what he thinks and how he acts?

DENNIS Z.

DEAR DENNIS: The human brain is a collection of sense organs for use of the intellect.

One man's brain can have a better sense organ of memory, imagination and so forth than another's. This physical condition is inherited and determines whether the man's intellect will function well or poorly. Ordinarily, though, brain variation results in little more than a variation in mental quickness and has only slight effect on man's basic outlook on life; it would never account for the difference in attitude between hippies and squares.

Man's external sense of sight, sound, etc. may fail and not report all due sense knowledge. His brain, too, which synthesizes, correlates and stores all the facts sensed externally may function poorly. But usually the great differences in life-outlook between men result from the spiritual variation in acquired intellectual knowledge, reasoning habits and the will to accept reality.

Because man has a spiritual nature, he—not his physical brain molecules—is basically responsible for his actions.

DEAR FATHER LESTER: If an artist paints a copy of a more famous artist's work and then peddles it as an original, what would you call it?

B. G.

DEAR B. G.: "A Fraud As Painted By A Fraud."

[From the Sunnyvale Standard, Mar. 3, 1969]

FATHER LESTER DISCUSSES: OUR COMPLICATED INCOME TAX LAWS

(NOTE.—Father Lester welcomes questions of a moral nature pertaining to today's life from members of any religious denomination. His answers are based on the timeless viewpoint of traditional Judeo-Christian principles.)

DEAR FATHER LESTER: How can anyone be expected to comply with the income tax law if the normal person can't figure it out? Isn't such a law unjust?

A friend of mine told me, too, that Mortimer Caplin, while heading the Internal Revenue Service a few years ago, admitted to him privately that he couldn't understand it either.

STUART F.

DEAR STUART: Law is an ordinance of reason for the common good, made by the person or persons who have care of the community, and promulgated.

But a law which is not clearly expressed is not promulgated. It cannot bind people until it tells them what it expects.

Every person, of course, cannot know and easily understand all laws—for instance, the laws binding corporations; yet, laws governing common everyday matters, like traffic and taxes, should be known and capable of being understood by the average citizen. People who are sophisticated enough to establish a corporation can be reasonably expected to know the laws pertinent to their business.

DEAR FATHER LESTER: Should there be an "ouch" in taxes? Should taxes hurt as California Governor Reagan says?

EDITH M.

DEAR EDITH: People should run their government; hence, they should be completely aware of the taxes they pay and how the money is spent. The power to allocate money independently of taxpayers' supervision naturally makes administrators the masters rather than the servants of the community.

People who "ouch" are aware of the tax bite and will want to oversee the use of their money.

On the other hand, if taxes are hidden and sweetly extracted, people will seldom realize that they are gradually losing the power to govern themselves. Withholding is this type of tax.

(California Assemblyman John G. Veneman, who is proposing that his state adopt the withholding system, foolishly claims that it will not increase the tax rate. But anyone with basic arithmetic knows that a citizen can collect at least bank interest, if nothing more, on the money he must save for his taxes; yet if that money is withheld from him, he forfeits to the state the interest he could make. This profit is most certainly an extra tax.)

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. GUDE. Mr. Speaker, recently, on April 11, the Metropolitan Washington Council of Governments celebrated its 12th anniversary. The council, of which I am a member, embodies a concept which I have long espoused—that of interjurisdictional cooperation in dealing with metropolitan problems, and also cooperative concern about city problems among contingent suburban areas and the city itself.

In this day of crying needs for communication and cooperation, it is encouraging to observe a voluntary communications system among our local governments which not only discusses the pressing problems of our metropolitan area, but acts to help solve them. I speak of the Metropolitan Washington Council of Governments, founded 12 years ago on April 11.

The third oldest council of governments in the Nation, and by far the most advanced and productive, our area organization has compiled an impressive record of achievement in assisting the 15 major local governments of Metropolitan Washington to cope with area-wide problems which defy solution by any one local government.

Some of these accomplishments by COG include:

The establishment of radio and teletype networks linking area police and fire departments.

Helping to establish an area-wide police computer system to give local police agencies split-second access to needed data from every section of the region.

Pioneering the air pollution battle with a scientific laboratory analyzing our air on a 24-hour-a-day basis and with a guide ordinance which is the basis for air pollution laws adopted in every major jurisdiction of our urban area.

Conducting the area's first major transportation survey since 1955, the most complete ever attempted here, interviewing 100,000 citizens to determine travel needs and habits as part of a regional transportation plan being prepared by COG's transportation planning board.

Preparing "mutual aid agreements" so police and fire departments can aid each other in large-scale emergencies.

Production of 25 major reports in 1968 and this year on crime prevention and law enforcement, police training, transportation needs, community resources issues, airports and air travel demand,

health facilities, employment, housing and a listing of public building projects scheduled through 1973, plus a wide variety of other reports on Metropolitan Washington's urban problems.

Reviewing in the past year, as part of its responsibility as Washington's official metropolitan planning agency, 125 Federal aid applications from local, State, and special agencies for projects totaling more than $160 million in Federal grants.

Conducting courses in public administration, rapid reading, and municipal public relations for staff members of its local governments, in association with the International City Managers' Association.

Aiding in the establishment of the Metropolitan Washington Urban Coalition, first proposed by COG's president, to attack the region's pressing social problems.

The establishment of a link-up for all public libraries in Metropolitan Washington, through a joint lending arrangement giving citizens in any part of the region access to books in all public libraries in the area. The system is the first to link all libraries in an interstate area, only the second in any region and the first to be developed through a council of governments.

Evidence of the support for such united approaches to regional problems is the presence of similar councils of governments in 150 metropolitan areas across the Nation. This clearly shows that our local elected officials recognize the need to act against areawide problems and are moving to do so through this voluntary but productive device.

Mr. Speaker, as a member of the Metropolitan Washington Council of Governments, I am pleased to join in the tributes being paid to COG and to wish it continued success as it carries on its efforts in behalf of our area's local governments and their officials.

DWIGHT D. EISENHOWER CENTER FOR HISTORICAL RESEARCH

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. BOW. Mr. Speaker, in the days since the passing of Gen. Dwight David Eisenhower many suggestions have been made to honor him by naming various places in his memory.

My purpose today is to call attention to my bill (H.R. 10001) to establish a National Armed Forces Historical Museum Park and the Dwight D. Eisenhower Center for Historical Research, both to function as a part of the Smithsonian Institution.

I wish to point out that this project to honor the general and our former President was approved by him, the only such project of which I have knowledge. His approval was stated in a letter addressed to Chief Justice Earl Warren on February 7, 1969, after the Chief Justice had written to General Eisenhower on behalf of the Board of Regents of the Smithsonian Institution to explain the project.

Inasmuch as General Eisenhower gave his personal approval to the Dwight D. Eisenhower Center for Historical Research, it is my hope that all who wish to honor him will join in support of this proposal.

The exchange of letters between the Chief Justice and General Eisenhower follows:

JANUARY 27, 1969.

Hon. DWIGHT D. EISENHOWER,
Walter Reed General Hospital,
Washington, D.C.

MY DEAR GENERAL EISENHOWER: You will recall that it was my privilege to serve as chairman of a special committee which you convened during your presidency to consider and make recommendations concerning the establishment of an American Armed Forces Museum. It was your conviction that such a museum, properly conceived, could make a substantial contribution to our citizens' knowledge and understanding of American life. In your instructions to the committee, you stressed that the museum should be a dynamic educational venture reaching beyond the mere collecting and cataloguing of military hardware. You espoused two themes as especially appropriate: an exposition of the contributions which the military forces have made to American society and culture, and an analysis of the meaning of war in today's civilization.

After considerable study, your committee submitted a report to you recommending that a National Armed Forces Museum be established under the auspices of the Smithsonian Institution. In pursuing your suggested themes, the committee advocated the establishment of a study center for historical research and scholarly study into the meaning of war, its effect on civilization, and the role of the armed forces in national development.

These recommendations were incorporated into Public Law 87–186, approved August 30, 1961, which also established a National Armed Forces Museum Advisory Board to advise and assist the Regents of the Smithsonian Institution on matters concerned with portraying the contributions of the armed forces to American society and culture.

I have had the additional privilege of serving as a member of this Advisory Board under the enthusiastic chairmanship of the Honorable John Nicholas Brown, my distinguished fellow Regent of the Smithsonian, who also served as a member of your original committee. Inspired by the ideas sown during your presidency, the work of the Advisory Board has progressed to the point where the Smithsonian Institution has proposed development of a National Armed Forces Historical Museum Park in the Fort Foote area of Prince George's County, Maryland, on the Potomac River, and for a study center to stimulate historical scholarship in military affairs and to provide for increased public awareness of the issues raised by military security in a democratic society.

At its most recent meeting, on January 15, 1969, the Board of Regents of the Smithsonian Institution unanimously approved the Advisory Board's recommendation that the study center be designated as the Dwight D. Eisenhower Center for Historical Research in honor of your distinguished public service and your unparalleled contributions toward the shaping of a free world.

The Board of Regents has asked me to inform you of their action, and I take pleasure in enclosing a draft of the proposed legislation which will be introduced in the 91st Congress in the near future.

This legislation seeks to attain the goals which you envisioned a decade ago. The museum park and study center will provide an appropriate monument to American courage and resourcefulness; but, perhaps more important, the Eisenhower Center may light man's way toward a more complete knowledge of himself and thus secure for future generations the security with freedom for which you have worked so long and arduously.

On behalf of the Board of Regents, I hope this will meet with your approval.

Sincerely yours,

EARL WARREN,
Chief Justice of the United States,
Chancellor of the Smithsonian Institution.

WALTER REED HOSPITAL,
February 7, 1969.

Hon. EARL WARREN,
Chief Justice of the United States,
Supreme Court of the United States,
Washington, D.C.

DEAR CHIEF JUSTICE WARREN: I welcomed your excellent letter respecting the proposed museum and study center and am most grateful for the honor paid me by the Board of Regents of the Smithsonian Institution in proposing that the study center bear my name.

It is, perhaps understandably, my general disposition to view favorably a study center of this type, and also the museum park, so conceptually you can fairly indicate to any interested person that I would generally support these ventures. On the other hand, I feel particularly sensitive about the extremely difficult fiscal circumstances in which our new President has been placed. I am hesitant to be positioned as urging upon him new Federal expenditures over and beyond the immense spending proposed by the previous Administration, unless such expenditures are explicitly required for urgent national purposes.

So if it is feasible for me to do so, I should like to embrace your excellent work in principle while holding in abeyance my personal endorsement of immediate expenditures of additional Federal funds.

I am informed that the President's Budget Bureau has just received from Smithsonian the copy of the proposed legislation and has the entire matter under active review. Perhaps in three or four weeks, one can make a more accurate appraisal of the fiscal contingencies that these proposals entail.

Again my warmest appreciation to you, to John Nicholas Brown and all others concerned with these matters.

With warm regard,

Sincerely,

DWIGHT DAVID EISENHOWER.

GETTYSBURG, PA.

Mr. Speaker, I share the general's concern about the fiscal situation, and I point out that there is no intention to proceed at once to the construction of the museum and center authorized in the bill. There is an urgency, however, to authorize the project so that initial planning, involving no new appropriation, can proceed.

At this point, I wish to extend in the RECORD the language of the bill itself, as follows:

H.R. 10001

A bill to establish a National Armed Forces Historical Museum Park and Study Center

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That this Act may be cited as the "National Armed Forces Historical Museum Act of 1969".

DECLARATION OF POLICY

SEC. 2. Pursuant to the provisions of the Act of August 30, 1961 (75 Stat. 414, 20 U.S.C. secs. 80–80d), and in furtherance of the purposes thereof, the Congress hereby finds and declares—

(1) that a living institution demonstrating the historic commitment of the people of the United States to the cause of freedom and commemorating the magnitude of American military and naval achievement, in peace and war, would be an appropriate memorial to the valor and sacrificial service of the men and women of the Nation's Armed Forces, and an inspiration to the present and to future generations of America;

(2) that the importance of deterring war in the present age, and in preserving a free, peaceful, and independent society clearly points to the need for increased understanding of the issues raised by military security in a democratic society and of the demands placed by national defense upon the full energies of all the people;

(3) that the National Armed Forces Museum Advisory Board, created by the Act of August 30, 1961, and the Board of Regents of the Smithsonian Institution, recommended that a National Armed Forces Historical Museum Park be established at a site in Prince Georges County, Maryland, to consist of so much of those lands which the Secretary of the Interior has been authorized to acquire in fee simple under section 19 of the Federal-Aid Highway Act of 1968, and so much of those lands already under the jurisdiction of the Secretary of the Interior as a part of the park and parkway system of the National Capital, as lie within the boundaries approved by the National Capital Planning Commission on January 12, 1967, and which are shown on a map bearing the National Capital Planning Commission file number 75.20/3208–24744, on file in the records of said Commission;

(4) that the National Armed Forces Museum Advisory Board and the Board of Regents of the Smithsonian Institution further recommended establishment of a study center for historical research into the meaning of war, its effect on civilization, and the role of the Armed Forces in maintaining a just and lasting peace; and

(5) that by relating the Nation's military and naval history to all other aspects of man's unending quest for freedom and enlightenment, the establishment of such a museum park and study center would be consonant with the purposes of the Smithsonian Institution, created by Congress in 1846 "for the increase and diffusion of knowledge among men."

THE MUSEUM PARK AND STUDY CENTER

SEC. 3. (a) There is hereby established in the Smithsonian Institution a National Armed Forces Historical Museum Park (hereinafter referred to as the "Museum Park"), including facilities for the display of naval craft, which shall be administered by the Board of Regents of the Smithsonian Institution with the advice of the National Armed Forces Museum Advisory Board.

(b) There is hereby established a study center, which shall be known as the Dwight D. Eisenhower Center for Historical Research (hereinafter referred to as the "Center"), in honor of the thirty-fourth President of the United States, who contributed so greatly toward the shaping of a free world.

(c) The Secretary of the Smithsonian Institution, with the advice of the National Armed Forces Museum Advisory Board, may appoint scholars and, where appropriate, provide stipends, grants, and fellowships to such scholars, and acquire or accept the voluntary services of consultants and panels to aid the Smithsonian Institution in carrying out the purposes of this Act.

(d) The Board of Regents of the Smithsonian Institution with the advice of the National Armed Forces Museum Advisory Board, may solicit, accept, and dispose of gifts, bequests, and devises of money, securities, and other property of whatsoever character for the benefit of the Museum Park and the Center; any such money, securities, or other property shall, upon receipt, be deposited with the Smithsonian Institution, and unless otherwise restricted by the terms of the gift, expenditures shall be in the discretion of the Board of Regents for the purposes of the Museum Park and the Center.

(e) The Secretary of the Smithsonian, with the advice of the National Armed Forces Museum Advisory Board, is authorized to employ the director the chairman of the Center, and the superintendent of exhibits, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The Board of Regents of the Smithsonian Institution, with the advice of the National Armed Forces Museum Advisory Board, may employ such other officers and employees as may be necessary for the efficient administration, operation, and maintenance of the Museum Park and Center.

(f) To carry out the purposes of this Act, the Board of Regents of the Smithsonian Institution and the Secretary of the Interior are hereby authorized to enter into an agreement for the joint use of lands described in section 2(3) above.

(g) The Smithsonian Institution, with the advice of the National Armed Forces Museum Advisory Board, shall prepare plans and specifications for the Museum Park and the Center, including planning for the design and development of all buildings, facilities, open spaces, and other structures, in consultation with the Commission of Fine Arts, the National Capital Planning Commission, and the Department of the Interior.

(h) Development of the Museum Park and the Center shall be planned to permit construction, when authorized, in stages over a period of years as appropriate. In view of the approaching bicentennial of the American Revolution, priority in construction shall be given to such displays and supporting facilities as will have special significance during the period of the bicentennial.

CONGRESSMAN WHALEN ANNOUNCES RESULTS OF ANNUAL THIRD OHIO DISTRICT POLL OF CONSTITUENTS

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. WHALEN. Mr. Speaker, I would like to take this opportunity to inform the House of the results of my annual poll of constituents in the Third Ohio District.

The survey sampled attitudes on eight questions. It went out in January and received an overwhelming response from residents in the Greater Dayton area.

More than 21,000 of the 155,000 poll cards sent out where returned. This indicates a very high level of interest in national affairs, a fact which I greatly appreciate.

In summary, the following were reflected in the answers:

The income tax surcharge should not be renewed.

The Paris peace talks will not resolve the Vietnam war conclusively.

The peace talks, however, are the best means of terminating the war.

Lowering the voting age to 18 showed virtually a deadlock in views with 48 percent against, 47 percent for, and 5 percent undecided.

The electoral college ought to be abolished and replaced by direct vote of the people.

A bare majority favored continuing the space program at about the level of fiscal 1969 expenditures.

The power of the President to commit American troops to combat without the specific approval of Congress should be curbed.

The Post Office ought to be converted into a Government-owned corporation to operate on a self-supporting basis.

Mr. Speaker, I insert herewith a tabulation of the poll results:

1969 3D CONGRESSIONAL DISTRICT POLL RESULTS OVERALL AND BY CATEGORY

[Note: Answers are expressed in percentages. In some cases, answers do not total 100 percent due to rounding]

Questions and answers	Overall	Sex		Party			Age			
		Male	Female	Republican	Democrat	Independent	18 to 24	25 to 44	45 to 64	65 and over
1. Viewing the economy as it stands today, would you favor renewing the 10 percent surtax when it expires on June 30?										
Yes	28	31	21	31	25	24	35	27	23	43
No	62	60	65	57	65	66	50	63	66	53
Undecided	10	9	14	11	10	10	15	10	11	3
2. Do you feel that the Paris peace talks will result in a conclusive settlement of the Vietnam war?										
Yes	20	21	18	19	26	17	20	24	14	23
No	65	64	67	62	67	69	68	59	75	47
Undecided	15	15	15	18	7	15	13	17	10	30
3. Regardless of how you answered the previous question, do you consider the Paris peace talks to be the best means of terminating the Vietnam war?										
Yes	50	48	54	52	50	48	50	52	48	53
No	33	36	27	31	35	36	33	31	39	20
Undecided	17	16	19	17	15	17	18	17	14	27
4. Do you favor lowering the minimum voting age to 18?										
Yes	47	47	47	41	57	50	58	52	41	30
No	48	49	48	54	39	45	35	44	53	67
Undecided	5	5	5	6	4	4	8	4	6	3

1969 3D CONGRESSIONAL DISTRICT POLL RESULTS OVERALL AND BY CATEGORY—Continued

[Note: Answers are expressed in percentages. In some cases, answers do not total 100 percent due to rounding]

Questions and answers	Overall	Sex		Party			Age			
		Male	Female	Republican	Democrat	Independent	18 to 24	25 to 44	45 to 64	65 and over
5. Should the electoral college be abolished and the President elected solely by the direct vote of the people?										
Yes	79	79	78	72	88	82	80	79	79	67
No	16	17	15	20	11	13	13	16	15	23
Undecided	5	5	7	8	1	5	8	4	6	10
6. Which 1 of the following most closely reflects your attitude toward the Nation's space program?										
(a) Continue with funding at about the present level ($4,000,000,000 in fiscal year 1969)	51	53	47	54	44	51	43	59	48	30
(b) Accelerate, increase funding if necessary	16	17	12	15	19	13	35	17	8	13
(c) Cut back, reallocate funds to social welfare programs	21	19	26	17	33	19	13	17	26	37
(d) None of the above	12	11	15	13	4	17	10	7	18	20
7. Should the power of the President to commit American troops to combat without the specific approval of Congress be curbed?										
Yes	65	63	70	66	64	65	50	64	69	77
No	29	31	26	27	30	32	45	29	28	17
Undecided	6	6	5	7	6	2	5	7	3	7
8. Do you support the proposal to convert the Post Office into a Government-owned corporation to operate on a self-supporting basis?										
Yes	67	70	62	72	60	64	60	68	65	80
No	16	15	18	15	20	16	30	15	17	7
Undecided	17	15	20	13	20	21	10	17	19	13

NEW YORK STATE BAR REPORTS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. ROSENTHAL. Mr. Speaker, the Committee on Federal Legislation for the New York State Bar Association recently prepared three excellent reports on improving our foreign aid programs, establishing neighborhood information centers, and encouraging the growth of cable television. I believe that these constructive and thoughtful comments on three timely national issues provide the subject matter for lively discussion and merit the attention of my colleagues.

The reports follow:

CABLE TELEVISION REGULATION*

Cable television can permit a technological revolution in communication, making it possible for citizens in their homes to select from a very large number of alternate channels and programs. It may ultimately permit each household to be tied in directly to an information system or library so that almost any stored data or new information entering the system which the recipient desires to inspect can be received. The long-range implications of such potentialities are very great. This would also mean that the medium would permit more individual choice.

This report deals with the legal structure for permitting use of these possibilities for the future.

The cable television industry, sometimes called CATV for community antenna television, began as the result of a technological discovery, the coaxial cable through which television signals can be distributed to individual homes. Initially, CATV was used to bring clearer signals to small communities suffering from poor reception due to topographical conditions or remoteness from broadcasting stations. Today, cable television systems are being installed even in large cities which already support as many as seven over-the-air channels; and in addition to providing the basic clear signal service, cable systems have begun to originate their own programming.

The importance of cable TV to the television industry as a whole was emphasized by the Communications Task Force appointed under Former President Johnson. Its report has not been officially released but excerpts from the report relating to cable TV were printed in the New York Times on December 10, 1968 (p. 41, cols. 3–8). The task force suggested that, as a major goal for the future, government should foster an industry so structured that a wide variety of needs, interests and tastes can be achieved at low cost, both to the communicator and the viewer. The task force further indicated that it is precisely this diversity that cable TV can bring to the industry which now concentrates chiefly on programming intended to appeal to mass audiences.

Since the growth of CATV has been accompanied by increasing regulation by both the Federal Communications Commission (FCC) and local authorities, the continued proliferation of which may inhibit its future growth. This Committee believes that a review and evaluation of such regulation is essential at this time.

REGULATION BY THE FCC

When a government agency denies entry into cable television service or prevents systems from carrying certain kinds of programming, it is limiting freedom of the press. Since *National Broadcasting Company* v. *United States*, 319 U.S. 190, 226 (1943), the courts have justified the FCC's intervention in broadcast television on technological grounds. Because the electromagnetic spectrum will only support a small number of over-the-air stations, the courts have held that government may properly see to it that this scarce resource is used in the public interest. Such reasoning, however, may not be applicable to cable television systems which carry their signals over wire and can increase the number of channels indefinitely.

However, apart from any constitutional limits to regulation, cable television, as the concluding link in a process of interstate radio communication, is clearly within the scope of the Federal Communications Act.[1] Moreover, there is an intimate economic relationship between broadcast and cable television, both as competitors and as producer-distributors; and regulation of cable television may be related to the FCC's congressional mandate to promote "radio communication service."[2] In any event, the courts have accepted these rationals for the Commission's assertion of at least some jurisdiction over cable television.[3]

Historically, FCC regulation of cable TV has assumed three forms: (1) the requirement that each CATV upon request carry the signals of all stations operating in its own area of coverage; (2) the prohibition against duplicating the programming of any local station on the same day a given show is aired on the local station without permission; and (3) the prohibition, subject to waiver by the FCC in special cases, against importing signals from distant stations into the top 100 geographical markets which include approximately 89% of the nation's television homes. More recently, in December 1968, the FCC announced plans to require cable TV systems to originate programs. These types of regulation are not discussed in detail here since we believe they present less serious problems than other types of regulation principally entry and program content restrictions discussed below.

The FCC's decision to require CATV systems to originate programs is consistent with the role in diversification of programming envisioned for cable TV by the Communications Task Force. Such a requirement should not place a heavy burden on cable TV operators. Since subscriber revenues are normally sufficient to cover the costs of distributing CATV signals, advertising revenue is not as important to CATV systems as it is to over-the-air broadcasting systems. Consequently, in order to expand his list of subscribers, a cable TV operator has a positive incentive to offer a varied programming mix, including items which would not attract a commercial sponsor, even if that required him to bear a portion of the programming costs. With an abundance of channels, CATV systems can provide such diverse programming as local news, children's programs, shopping information, the stock market ticker, reports of local governmental agencies, foreign and old film festivals, academic courses, and high school and college theatrical or sporting events. Much of this type of programming could be created with amateur or semi-professional talent in modest studios using simple camera equipment. The moderate costs of such programming might as well be offset by an increased subscriber audience. So long as the requirement of program origination does not become a form of regulation of program content, serious constitutional questions can be avoided.

REGULATION BY LOCAL AUTHORITIES

Local governments through the imposition of licensing requirements are regulating CATV systems in a variety of ways, including control of marketing entry, rate regulation and regulation of program content; the

* This report was prepared for the Committee by Professor Leonard Chazen of Rutgers University School of Law at its request and thereafter approved by the Committee.

[1] 47 U.S.C. 152(a) (1962).

[2] 47 U.S.C. Section 151 (1962); see also 47 U.S.C. Sec. 307(b) (1962).

[3] See *United States* v. *Southwestern Cable Co.*, 88 Sup. Ct. 1994 (1968); *Carter Mountain Transmission Corp.* v. *FCC*, 321 F. 2d 359 (D.C. Cir., 1963); cert. denied, 375 US 951 (1963).

FCC might also use its statutory authority to engage in entry limitations.

A. *Regulation as a Public Utility:* Most cable television systems operate under municipal franchises. These licenses may restrict a system's construction activities, its charges to subscribers or its programming policies. The licensee, in turn, has sometimes been granted an exclusive cable franchise for a specified area.

The basis for this form of regulation is an analogy between cable television and the traditional public utilities, particularly telephone service. Once a cable TV system has cabled a street, it has borne the major expense of providing the households along the street with cable service. This gives the system substantial power to deter prospective competitors and to extract a monopoly price from its customers. Furthermore, there are wide locational differences in the cost of providing cabel TV service. The more densely an area is populated with cable subscribers, the cheaper it is for the system to serve them. Just as the regulatory agencies responsible for local telephone service often prevent the franchisee from reflecting locational variations in its prices so as not to discourage use of the telephone in costly, lightly-settled areas, licensing agencies may wish to make sure that cable television is available to all at so-called "reasonable rates."

The policy of assuring service at reasonable rates often leads to restrictions on entry in the form of exclusive franchising as a part of a regulatory scheme. If municipalities merely wished to guard against monopoly pricing, they would not have to award exclusive franchises. A city could be divided into regions according to the cost of installing the cable, and in each one cable TV systems could be limited to a compensatory price. But under this kind of regulation, there is likely to be no cable service in places where cost-related prices are prohibitively high. By protecting the licensee's market position elsewhere, entry restrictions compensate him for operating at a loss in high-cost areas.

This justification for entry restrictions is a familiar part of public utility regulation. But when a telephone company receives an exclusive franchise, the awarding agency is not engaged in a restriction on first amendment freedoms. A telephone company with an exclusive franchise has no right to interfere with the content of the conversations that pass over its lines. An officially sanctioned cable television monopolist, on the other hand, decides for his customers what programs they shall receive and, by selecting the number of channels in the system, how much choice they shall have. So long as the cable provisioner is an exclusive franchise, the customers have no recourse if he fails to satisfy their needs other than to cancel their subscriptions and receive no cable television service. It is submitted that a serious constitutional question is arised when the imposition of economic regulation impinges upon first amendment freedoms.[4]

An alternative to banning entry restrictions that would permit local regulation would be to allow local governments to award exclusive franchises, but to require that the franchisee operate as a common carrier. Anyone seeking use of a cable channel could rent one at a price set by the franchisee. Then the cable monopolist would have a relationship to the programming it carried that was much like the telephone company's. The franchised carrier could place no resrtictions of his own on programming content and would influence the quantity of cable programming only through the price it set for channel usage. This would not preclude reasonable classifications such as reduced rates for non-profit public service programs, nor do we deal with the ultimate limits concerning material a carrier might be entitled to reject. The common carrier approach has been rejected for broadcast television, but there technological limits are crucial. Because spectrum limitations resrtict the number of over-the-air television channels, broadcast time commands a scarcity price. It has been feared that worthwhile material would not get on the air if access to the small number of channels were allocated exclusively through price. But there are no such spectrum limits on cable television, and the financial burden of operating a channel is less onerous. In any environment of channel abundance, price rationing and programming for wide diversity of tastes may be compatible, and the common carrier approach may be an attractive long-run solution that would permit local governments to pursue economic regulation without submitting decisions about program content to a single franchised monopolist.

We see no reason why Congress or the FCC could not preempt local jurisdiction in this area in order to promote a federal policy of the free entry into communication services which would foster the growth of cable TV. The wisdom of forbidding local authorities to award exclusive franchises depends on the importance of the regulatory objective that would be sacrificed—equal service at an equal price throughout the jurisdictional area. This goal is a prominent part of public utility regulation of services such as telephone and power which are regarded as essentials. Television may fall into this category; and, if the cable were destined to replace broadcasting, there would be a stronger case for allowing local authorities to do whatever is necessary to make cable TV available to all at non-prohibitive rates. But generous projections of cable's growth find it reaching fewer than half the television households in the United States. Through controls on the broadcast signals that cable systems carry, the FCC seems determined to preserve over-the-air television and that goal was not challenged by the Communications Task Force. At the present stage in the development of cable TV systems it is neither necessary nor wise to regard cable TV as an essential public utility which should be regulated in the same manner as a natural monopoly.

B. *Programming Controls:* Local licensing authorities have long been engaged in programming regulation, for example, by indicating a preference for prospective franchisees that produce the programs they originate instead of relying on films.

Such regulation presents a grave constitutional issue, for unlike entry restrictions and signal controls it involves the government in the content of cable television. In effect a government agency's disapproval of the material being offered becomes grounds for denying an official license—a practice ruled unconstitutional in another context by the Supreme Court.[5] Broadcast regulation has been made an exception to this principle because of the scarcity of over-the-air channels. But as discussed earlier, cable television is free from both the technological and economic constraints that restrict the number of broadcast channels.

One prominent aspect of cable programming regulation is a distinction between approved original productions and second-hand fare such as films which are considered to duplicate what is already available from broadcast television. Categories as broad as these are unreliable guides to programming judgments. A cable system may offer a type of film that is unavailable from the broadcast channels; merely presenting the same material more frequently than the broadcast stations or at more convenient times may be a significant service. Such judgments are better left to the marketplace than to a government administrator.

Moreover, local regulations regarding programming may conflict with national goals. Some local licensing commissions, for example, may forbid program origination which the FCC has announced will be a requirement of cable TV systems. Again we see no reason why Congress or the FCC should not preempt local jurisdiction with regard to this type of regulation.

RECOMMENDATIONS

Government restrictions on entry into cable television service interfere with freedom of the press. Although these barriers may be an integral part of an economic regulatory scheme designed to guarantee equal cable service at equal rates, the service they assure is not an essential one, since the FCC through the impositions of signal controls continues to provide for the survival of broadcast television. Therefore, to encourage the growth of cable TV systems and the diversity of its services, either Congress or the FCC could abolish exclusive franchising by local governments without fear that it is sacrificing a vital municipal interest. The goal of protecting over-the-air television is best served by making cable systems responsible for preserving a minimum number of broadcast signals while an amendment to the Copyright Act will eliminate the unfairness of allowing cable systems to exploit programming material without compensating the producer.[6]

Of all the forms of cable television regulation, programming controls present the most serious constitutional issues. Broadcast television has long been treated as an exception to the principle that the contents of communications are invalid grounds for withholding a government license. Cable television, however, is not subject to the technological and economic limitations which have justified this exception and, therefore, should not have to submit its programming to the approval of a government agency. Such an approach would permit the greatest use of the long-term potentialities of cable television, with its great possibilities for future expansion of our communications.

Respectively submitted.

COMMITTEE ON FEDERAL LEGISLATION:
Richard A. Given, Chairman; Anthony P. Marshall, Secretary; Leslie H. Arps, New York City; Harold Baer, Jr., New York City; Mark K. Benenson, New York City (abstaining); Edward S. Blackstone, New York City; Vincent L. Broderick, New York City; Mason O. Damon, Buffalo; David M. Dorsen, New York City; John T. Elfvin, Buffalo; Robert B. Fiske, Jr., New York City; Lawrence W. Keepnews, New York City; Norman Kellar, Kingston; Herbert C. Miller, New York City; George W. Myers, Jr., Buffalo; James M. Nabrit, III, New York City; Bernard Nussbaum, New York City; Robert Patterson, Jr., New York City; Charles B. Rangel, New York City; Arthur C. Stever, Jr., Watertown.

CITIZEN INFORMATION SERVICES

There is widespread frustration and disenchantment on the part of citizens today because information about benefits, rights, entitlements, and other matters relating to services offered by federal, state, local and private agencies is difficult to obtain. There likewise is widespread concern among agencies and professional persons about the availability and adequacy of information.

The inadequacy of information, advice and

[4] See Comment, "Refusal of Radio and Television Licenses on Economic Grounds," 46 Virginia Law Rev. 1391 (1960); Compare *Southwestern Operating Co.* v. *FCC*, 351 F. 2d 834, 838–39, (D.C. Cir. 1965) (Bazelon, C. J. Dissenting).

[5] *Hannegan* v. *Esquire*, 327 U.S. 146 (1964).

[6] Cf. *Fortnightly Corp.* v. *United Artists Television, Inc.*, 88 Sup. Ct. 2084 ((1968).

referral services is perceived in small towns and rural areas as well as in large urban centers; and is felt by persons of varying income, education and ethnic background.

We believe that there is a need for publicly and privately supported independent centers which would provide accurate information and skilled advice to citizens enabling them to benefit from services to which they are entitled.

THE NEED

A recent study, directed by Dr. Albert Kahn of Columbia University, "Neighborhood Information Centers (1966)," looked into the feasibility of adapting Britain's successful Citizens' Advice Bureau (in operation since World War II) to the United States. Kahn found evidence that information, advice and referral services are urgently needed in this country but concluded that the American situation demands its own special approach in organization of such services.

Kahn pointed out that, as the means of making services available become more complex, the individual in search of information gets lost and tends to become alienated from institutions and from government itself. Only a handful of persons specially educated and equipped can find their way through the maze of municipal, county, state and federal departments and programs, as well as the conglomeration of voluntary and private agencies which offer benefits to specified classifications of people under various conditions. The identity, location, extent and limitations of these services confound professionals. The poor and middle classes (left out of so many programs in the last decade) who have the greatest need and the least knowledge, are the primary victims of this confusion.

Many agencies and civic organizations have developed their own information and referral services, but these usually reflect specialized functions or a limited perception of responsibility; and, even if they were coordinated (which they are not), these fragments of information do not make a comprehensive whole. This is not a reflection upon the agencies; indeed, it would be unreasonable to expect that agencies committed to specific services could take on the burden of providing information about all services.

These agencies generally favor an instrument which would borrow whatever can be successfully transplanted from the British system, but create its own mechanisms for responding to the American problems of vastness and diversity and the interlocking municipal, state, federal and private systems.

STRUCTURE AND CHARACTER

We believe that the following features are basic to the development of adequate citizen information centers in the United States:

Neutral image

The service should not be identified with any specific group, rich or poor, or with any ethnic group, interest or lobby, but should provide information, advice and referral to all citizens in a setting Kahn called as "nonstigmatized as the Post Office."

Independence

The citizen information service should not be weighted in favor of or attached to any existing local, state or federal agency or any private service or political or other interest group. Rather, information resources should be developed impartially within an independent structure. In such a structure personnel would be in a position to take an unbiased, integrated view of the person seeking assistance and give advice or make a referral which would not reflect any specialization of interest. An independently organized service would encourage people to drop in, ask a question, and chat without being marked as a "person with a problem." Consequently, they could receive help in the early preventive stages, before troubles became more costly to handle. Independent organization would also favor the development of the information service's potential for feedback in decision-making: The results of referrals would be made known to service agencies as an additional guide to their work.

A resource for the entire community

The citizen information centers should make a special effort, through the media and the staff, to make all segments of society confident that they will find a friendly, hospitable atmosphere and answers to their questions. The citizen information centers should serve all in search of information; all citizen-serving agencies; and, through advisory committees and a national office, policy and government bodies who request the results of its experience.

Effective staff

The citizen information centers should be under the direction of a professional, and, where a partially computer assisted center is contemplated, a systems analyst-consultant. The staff should be a mix of persons skilled in dealing with people and agencies, paraprofessionals, and volunteers. Neighborhood people who fit into any of these categories should be hired where possible. The only hard and fast rule, however, should be effectiveness: ability to perform the assigned task, friendliness, flexibility, concern for human beings and sensitivity to their problems; and, last but not least, acceptability to those served.

Resources file

Each citizen information center should develop the kind of information that is relevant to the needs of the local clientele. In addition, information about resources further afield should be provided through professional advisory committees and a national office. A common approach should govern collection, storage, retrieval, and up-dating of data so that comparative research and exchange of information would be possible.

CONCLUSION

The term citizen is here employed in its broadest sense, for the citizen information service should be available to the newcomer and the immigrant, as well as to the resident of long standing.

With a service set up and run by local citizens for the benefit of the established community and the stranger within the gates, the citizen information service would act not only as a link between the individual in need and the sources of help, but as a force for building a more civilized society.

Such a service would make contact with people at all levels and points of need, and would be in a position to report upon hardships, inequities, bottlenecks, insufficiencies and redundancies. Thus, an outgrowth of the citizen information center's primary function would be that of providing information to decision-makers, administrators and legislators; and should ultimately help to create a more reasonable and dignified quality of life.

We believe that the need for citizen information services would justify federal legislation to establish or assist in the establishment of neighborhood information centers meeting the standards we have outlined.

Respectfully submitted.

Committee on Federal Legislation; Richard A. Givens, Chairman; Anthony P. Marshall, Secretary; Leslie H. Arps, New York City; Harold Baer, Jr., New York City; Mark K. Benenson, New York City; Edward S. Blackstone, New York City; Vincent L. Broderick, New York City; Mason O. Damon, Buffalo; David M. Dorsen, New York City; John T. Elfvin, Buffalo; Robert B. Fiske, Jr., New York City; Lawrence W. Keepnews; New York City; Norman Kellar, Kingston; Herbert C. Miller, New York City; George W. Myers, Jr., Buffalo; James N. Nabrit III, New York City; Bernard Nussbaum, New York City; Robert Patterson, Jr., New York City; Charles B. Rangel, New York City; Arthur C. Stever, Jr., Watertown.

REPORT ON LEGAL STRUCTURE FOR THE U.S. FOREIGN AID PROGRAM

For the last several years, the foreign aid program has suffered from diminished public support and therefore repeated cutbacks in funding. Criticisms of the program have come from many sources.

The program has also been beset by instances of fraud against the foreign aid authorities and diversion of funds to improper ends.[1] At the same time, as emphasized by the House Foreign Affairs Committee,[2] as well as by repeated statements by successive Presidents, aid remains essential to our highest national objectives.

On January 21, 1967, President Dwight D. Eisenhower said:

". . . our world is where our full destiny lies—with men, of all peoples and all nations, who are or would be free. . ."

* * * * *

"From the deserts of North Africa to the islands of the South Pacific, one-third of all mankind has entered upon an historic struggle for a new freedom: Freedom from grinding poverty."

* * * * *

"To build . . . peace is a bold and solemn purpose. To proclaim it is easy. To serve it will be hard. And to attain it, we must be aware of its full meaning—and ready to pay its full price."[3]

The late John F. Kennedy, at Independence Hall, Philadelphia, on July 4, 1962, quoting Lincoln's words spoken in the same Hall on Washington's birthday in 1861, announced a solemn Declaration of Interdependence, declaring "Our vow to do our part to lift the weights from the shoulders of all . . . And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor."[4]

In a message to Congress of February 1, 1966, President Johnson stated:

". . . today the citizens of many developing nations walk in the shadow of misery: half the adults have never been to school; over half the people are hungry or malnourished."

* * * * *

"Our response must be bold and daring. It must go to the root causes of misery and unrest. It must build a firm foundation for progress, security, and peace."

* * * * *

"We extend assistance . . . because it is in the highest traditions of our heritage and our humanity. But even more because we are concerned with the kind of world our children will live in."[5]

President Richard M. Nixon in his acceptance speech in 1960 stated that a dam in India might be as important as one in this country.[6] In 1968, he emphasized the need for our allies to share with us the cost of promoting development.[7]

The goal of sharing such burdens would be advanced by proposals for exploring unity of free peoples supported by Mr. Nixon together with such leaders as Hubert Humphrey, Eugene McCarthy, Dwight D. Eisenhower, Nelson A. Rockefeller, Robert F. Kennedy, and Barry Goldwater. H. Con. Res. 48, 90th Cong., 1st Sess. (1967), to this end was favorably reported by the House Foreign Affairs Committee in 1968. H. Rep. No. 1656, 90th Cong., 2d Sess. (1968). This proposal for a United States delegation to explore this matter was unanimously approved by the Committee on Federal Legislation of the

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Footnotes at end of article.

New York County Lawyers' Association (Vincent L. Broderick, Chairman) shortly after the Czechoslovak tragedy of August 1968. CONGRESSIONAL RECORD, volume 114, part 21, pages 28103–28104. Also in New York State Bar Association *Bulletin of Committee on Federal Legislation* 24–25 (Jan. 1969). The proposal was also unanimously approved by this Committee in its "Report on Resolution Calling for United States Delegation to Confer with other Free Nations Concerning Future Steps Toward Unity," January 2, 1969.

Pending the evolution of such efforts, the United States cannot shirk its responsibilities as the major industrialized power in the world and as the most powerful industrial economy not under totalitarian control. Accordingly, every effort must be made to strengthen the legal structure for our aid programs. Lawyers must be especially concerned with this, both because it is a prerequisite to the ultimate goal of world law[8] and because there is no specific political constituency to represent the needs involved in this program which is necessary for the future of all.[9]

The Committee on Federal Legislation of the New York County Lawyers' Association has recommended the adoption of long-range authorizations and funding to strengthen the legal foundation for this important program. The County Lawyers' Committee has also recommended that the amounts to be voted be fixed in the appropriations without advance limitation in authorizing legislation. The Committee cited other laws containing open-end authorizations without limitation in advance of the amount to be voted, such as the statute creating the Foreign Service Act of August 13, 1946, Sec. 1071, 60 Stat. 999, 22 U.S.C. Sec. 801, note ("Appropriations to carry out the purposes of this Act are hereby authorized"). The Committee also referred to programs under which advance commitments of funds are made for long-range projects such as the Demonstration Cities Act,[10] and the highway program.[11] Another example is the space program.[12] The Committee concluded:

"1. The basic authorization should be open-ended with no specified expiration date, subject, of course, to further amendment by Congress at any time.

"2. The authorizing legislation should permit appropriations of such sums as may be necessary. The amount to be voted should be fixed when appropriations are enacted and no ceilings on monies to be voted should be contained in the authorization statute.

"3. Appropriations, at least for long-range projects, should be for the entire amount necessary for such projects and should remain available until expended. There is no constitutional difficulty in this procedure, since the only limitation in the Constitution on the duration of appropriations is for armies, where funds are limited to a term of two years. Article I, § 8, clause 12.

"In our view, these basic reforms will ultimately become indispensable for aid to be the fully effective tool of our foreign policy which it should be. The longer such reforms are delayed the more waste and ineffectiveness the aid program will encounter." Quoted in New York State Bar Assn. *Bulletin of the Committee on Federal Legislation*, 25–26 (Jan. 1969).

We endorse these Recommendations.

At the same time, other measures are necessary to assure that there is more effective use of funds expended in connection with the foreign assistance program.

In the past, a substantial amount of foreign aid has been made available in the form of grants or loans to provide dollar exchange to finance imports of commodities to be sold in the regular commercial channels of the recipient country's economy. The importer pays in his local currency into a "counterpart fund" used for generating funds for local investment.

The reasoning behind this type of assistance is that a commodity import program will bolster the local economy and deter inflation. However, the program was beset by a number of abuses. A serious challenge to the integrity of the program involved several cases of exporters, who were asked by unscrupulous importers to pay "kickbacks" to them on transactions financed with A.I.D. funds. The importers requested such payments in order to obtain dollars they otherwise could not get, which in turn frequently ended up in numbered secret Swiss bank accounts[13] and like depositories for secret funds. All this was reflected in the price of the items for which the A.I.D. furnished the dollars. Post-audit of A.I.D.—financed transactions and follow-up investigation of suspected irregularities has resulted in prosecutive action and administrative recoveries by A.I.D. authorities. Continued vigilance is important and we would recommend the establishment within the A.I.D. Agency of a surveillance organization to monitor the program.

Another abuse, which has been inherent in the more-or-less "shotgun" approach of subsidizing the entire economy of the country through a commodity import program, involved the use of A.I.D. funds for purchases of items which were not essential to the developmental needs of the recipient country. However, controls have been tightened so that each grant or loan agreement specified the type of commodities to be procured with the funds. In addition, under a new procedure recently put into effect, suppliers are required to apply for commodity eligibility for each shipment to be financed with aid funds.

More aid funds might well be channeled into specific programs or projects involving education, specific investments, or designed to aid developing economies at the "rice roots" and through technical assistance and efforts in the nature of the Peace Corps.[14]

In aid to education, training in fields which will give practical benefit to the recipient country is of great importance. Basic education is equally vital. Particularly important is education tied to job opportunities and job needs in the developing country.[15] Funds for sending qualified teachers to developing nations should be expanded.

Encouragement of action by the private sector to aid in the growth of the economies of developing nations is important, but cannot in our view be a substitute for an aid program based on an adequate long-term legal foundation designed to meet needs which it is not normally profitable for private capital to undertake. Expanded trade is likewise highly desirable, but cannot be a substitute for pinpointed assistance directed at specific needs.

The program we envisage would operate in a more specific manner with less of a "shotgun" approach of subsidizing entire economies through injections of imports. It might involve greater rather than less investment. It should save countless dollars and lives in the end.

In being more specific, the program would concentrate more on particular planned projects and aims. This does *not* mean that the number of participating countries should be more limited. The impact on the future of this nation does not depend on the number of national boundaries involved. We therefore regard limitations on the *number of countries* covered by aid as a weakening of the necessary legal structure for an effective program.

Our aid is not given to obtain gratitude or for short-term political dividends alone, however important these may be. It is based on the reality of what the French Jesuit biologist Pierre Teilhard de Chardin has called "the planetisation of mankind." What affects mankind affects us all. We ignore this challenge and opportunity at our peril.

Respectfully submitted.

Committee on Federal Legislation:
Richard A. Givens, Chairman; Anthony P. Marshall, Secretary; Leslie H. Arps, New York City; Harold Baer, Jr., New York City; Mark K. Benenson, New York City; Edward S. Blackstone, New York City; Vincent L. Broderick, New York City; Mason O. Damon, Buffalo; David M. Dorsen, New York City; John T. Elfvin, Buffalo; Robert B. Fiske, Jr., New York City; Lawrence W. Keepnews, New York City; Norman Kellar, Kingston; Herbert C. Miller, New York City; George W. Myers, Jr., Buffalo; James M. Nabrit III, New York City; Bernard Nussbaum, New York City; Robert Patterson, Jr., New York City; Arthur C. Stever, Jr., Watertown; Charles B. Rangel, New York City.

FOOTNOTES

[1] E.g., *United States* v. *Olin Mathieson Chemical Corp.* 368 F. 2d 525 (2d Cir. 1966), 63 Cr. 217 (S.D.N.Y.); "Improper Practices, Commodity Import Program, United States Foreign Aid, Vietnam, "Hearings Before the Permanent Subcommittee on Investigations of the Committee on Government Operations, United States Senate, 90th Cong. 1st and 2nd Sess., Part 1 (Apr. 25–27, 1967), Part 2 (Aug. 1–3, 1967, Jan. 31, 1968).

[2] H. Rep. No. 1587, 90th Cong., 2d Sess. (1968). These views were recently reemphasized by the Report of the President's General Advisory Committee on Foreign Assistance Programs (Oct. 25, 1968) (James A. Perkins, Chairman).

[3] Hofstadter, *Great Issues in American History* 444–45 (Vintage ed. 1958).

[4] Kennedy, *The Burden and the Glory* 108–112 (Nevins ed. 1964) See id. 141–43.

[5] United States Code, Cong. & Admin. News, 89th Cong., 2d Sess. 96–104 (1966).

[6] *New York Times*, July 29, 1960, p. 9.

[7] Compare Ripon Society, "Multilateral Foreign Aid" (Jan. 1968).

[8] See Luce, "The Rule of Law: Its World Implementation is Man's Hope, 49 A.B.A.J. 727 (1963); Jones, "Law and the Idea of Mankind," 62 Colum. L. Rev. 753 (1962); Givens, "The World Rule of Law, Foreign Aid and Declaration of Interdependence, "52 A.B.A.J. 1046 (Nov. 1966).

[9] The Bar has accepted special responsibility for pointing out needs not otherwise represented in our political processes, such as those of migratory farm workers, *e.g.*, Committee on Federal Legislation, The Assn. of the Bar of the City of New York, "Migratory Labor", 20 Record of the Assn. of the Bar of the City of New York, 518 (1965), 4 Reports of Committees of the Assn. of the Bar of the City of New York Concerned With Federal Legislation 108 (1965), 111 Cong. Rec. 12, 853 (daily ed. 6/11/65).

[10] 80 Stat. 1259–64 (1966).

[11] 23 U.S.C. Sec. 118b.

[12] 42 U.S.C. Sec. 2459.

[13] See the situation described in Brief for the United States, *United States* v. *Olin Mathieson Chemical Corp.*, 368 F. 2d 525 (2d Cir. 1966); as to the abuses of foreign bank accounts in certain cases, see "Legal and Economic Impact of Foreign Banking Procedures on the United States, "Hearings Before the House Committee on Banking and Currency, 90th Cng. 2d Sess. (Dec. 9, 1968).

[14] See generally Mead, "The Underdeveloped and the Overdeveloped," 41 Foreign Affairs, 78 (October 1962); Jackson, "Foreign Aid: Strategy or Stopgap," 41 Foreign Affairs 90 (October 1962); Galbraith, "A Positive Approach to Economic Aid," 39 Foreign Affairs 444 (April 1961); Goodfriend, "The Only War We Seek" (1951).

[15] Support of academic education leading to higher academic degrees for large numbers not tied to fields in which jobs are likely to be available may fit graduates for jobs which do not exist and thus be counterproductive.

NATIONAL SECRETARIES WEEK

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. MURPHY of New York. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following remarks by Mrs. Hope Piper, District of Columbia Chapter, National Secretaries Association, in tribute to the secretaries of the Nation who are, this week, celebrating National Secretaries Week:

NATIONAL SECRETARIES WEEK

"Better Secretaries Mean Better Business" will be the theme of the 18th consecutive annual Secretaries Week to be observed April 20–26, sponsored by the National Secretaries Association (International), the world's leading secretarial association. The intervening Wednesday, April 23, is set aside as Secretaries Day.

Mrs. Lenore S. Forti, CPS, NSA's International President, emphasizes that Secretaries Week is for *all* secretaries whether or not members of NSA.

For the 27 years of existence, NSA has been concerned with elevating the standards of secretarial performance by means of continuing "learning labs" of education. While certainly some criticism about secretaries must be a matter of genuine concern, about 90% of it is unjustified due to an awareness gap of what today's secretary is really all about. Management and personnel agencies are not always fully cognizant of NSA's official definition of a secretary:

"A secretary shall be defined as an executive assistant who possesses a mastery of office skills, who demonstrates the ability to assume responsibility without supervision, who exercises initiative and judgment, and who makes decisions within the scope of assigned authority."

The ultimate in secretaryship is the attainment of the Certified Professional Secretary rating, sponsored by NSA. This two-day exam is open to all qualified secretaries.

FEDERAL CONTROL OF EDUCATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. RARICK. Mr. Speaker, today the Members will vote on continuing Federal control of education under a promotional scheme that the Federal Government is aiding education.

We have all taken an oath to support and defend the Constitution which is silent on the Central Government's having any power either to control or to aid education.

In fact, the Constitution does not even mention education—unless we accept that Earl Warren has legal power to breathe new wordage into the Constitution thereby altering our oaths of office to conform to his objectives and goals.

Such are the sentiments of Hon. E. F. W. Wildermuth, attorney and counselor at law, a member of New York State bar for 40 years. A learned gentleman in the grace of living who loves his country and the constitutional system of limited powers, Mr. Wildermuth urges loyalty to the system instead of defiance against representative government.

I include Mr. Wildermuth's recent letter and an article written by him which appeared in Freedom magazine, January–February 1967:

JAMAICA ESTATES, N.Y.,
April 21, 1969.

Hon. JOHN R. RARICK,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN RARICK: Your item on federal control of education arrived today and I would appreciate your making this letter a part of the record of the proceedings had in connection therewith.

It has long been my opinion that Congress is without power or authority under the Constitution to enact laws pertaining to education . . . the word "Education" does not appear in the Constitution.

In their wisdom, the Founding Fathers provided in the Constitution for a division of federal powers among the legislative, the executive and the judicial branches established by the Constitution. The purpose was to prevent the creation of an all-powerful centralized government. They also provided that all the powers not granted by the Constitution were reserved to the States and to the people.

The anti-Americans in this nation have converted the federal powers of taxation into a weapon designed to destroy constitutional government by creating an all-powerful federal government in defiance of the constitutional mandate to the contrary, via tax gouging and other unlawful and lawless means, under deceptive and misleading guides too numerous to mention.

Even if the Constitution authorized federal interference in education, practical experience dictates that the area of local school curriculum annot properly or effectively be directed from a swivel chair in Washington, assuming that a Commissar of Education was truly motivated by a burning desire to pledge his life, his fortune and his sacred honor for his distant posterity to be worthy of his forefathers who did as much for him. What Commissar was ever truly so motivated? To those anti-Americans who consider "Commissar" to be a dirty word, what other person sworn to uphold and defend the Constitution and who openly defies the Constitution, has effectively demonstrated that he was truly so motivated?

Congress will better extend its energy and employ its time by concentrating the repeal of ALL its enactments which can or do contribute to the creation and expansion of federal powers. As a matter of fact, I urge that we end our hypocrisy, by proposing the repeal of the Constitution. In this manner the proponents of repeal will be enabled to undertake to convince the electorate of the futility of self-government under the Constitution and the opponents will be provided with an opportunity to extol its virtues. There seems no other effective way in this time of chaos and crisis to determine if law and order can be restored. If we cannot restore law and order, of what value is making believe that we live under a Constitution?

With kind regards and best wishes, I am,

Sincerely yours,

E. F. W. WILDERMUTH.

WHAT HAS HAPPENED TO THE SUPREME COURT'S SENSE OF SELF-RESTRAINT

(By E. F. W. Wildermuth)

Judicial tyranny has been rampant in this nation since about 1937 and continues at an accelerated pace because the U.S. Supreme Court relentlessly and persistently pursues a practice of discriminating reversal, on a wholesale basis, of precedents earlier established in the public interest. Its unceasing usurpation of legislative and executive power has been conducted with reckless abandon in a manner to threaten the very stability and substance of constitutional government.

A distinguished member of the Court, Justice Owen J. Roberts, pointed out the court-made evils being visited upon Americans when in 1944 he said:

"The evil resulting from overruling earlier considered decisions must be evident . . . (the result is that) . . . the law becomes not a chart to govern conduct but a game of chance; instead of settling rights and liabilities, it unsettles them . . . But the more deplorable consequence will inevitably be that the administration of justice will fall into disrepute. Respect for tribunals must fall when the bar and the public come to understand that nothing that has been said in prior adjudications has force in a current controversy . . . The tendency to disregard precedent in the decision of cases like the present has become so strong in this court of late as, in my view, to shake confidence in the consistency of decision and leave the courts below on an uncharted sea of doubt and difficulty without any confidence that what was said yesterday will hold good tomorrow . . ."

In another case in the same year, Justice Roberts protested the majority of that Court's continued defiance of judicial restraint, as follows:

"The reason for my concern is that the instant decision, overruling that announced about nine years ago, tends to bring adjudications of this tribunal into the same class as a restricted railroad ticket good for this day and train only. I have no assurance, in view of the current decisions, that the opinion announced today may not shortly be repudiated and overruled by justices who deem they have new light on the subject. In the present term the Court has overruled three cases . . . It is regrettable that in an era marked by doubt and confusion, an era whose greatest need is steadfastness of thought and purpose, this Court, which has been looked to as exhibiting consistency in adjudication, and a steadfastness which would hold the balance even in the face of temporary ebbs and flows of opinion, should now itself become the breeder of fresh doubt and confusion in the public mind as to the stability of our institutions."

In so destroying the stability of the Constitution, the U.S. Supreme Court opened the door to unlimited change by arbitrary decree of any temporary majority of that Court, in addition to unlimited usurpation of power and thus ever onward to unlimited judicial despotism in government.

Changing times and conditions cannot justify or excuse the usurpation of power by our highest judicial tribunal. The destruction of the stability of our Constitution by the Supreme Court is judicial tyranny and it matters not what euphemism is used to cloak such utter disregard for judicial restraint with some degree of respectability.

With respect to judicial self-restraint, Justice Stone, an illustrious member of our highest judicial tribunal, expressed his alarm at the unjudicial trend being pursued by a majority of that Court when in 1936 he said:

"While the unconstitutional exercise of power by the executive and legislative branches of the Government is subject to judicial restraint, the only check upon our

exercise of power is our own sense of self-restraint."

HARLAN FOR RESTRAINT

An outstanding and able member of the present Court, Justice John Harlan, courageously admonished in 1961, as follows:

"The Court, in my opinion, has forgotten the sense of self-restraint . . ."

In 1964, in the so-called "reapportionment" case, Justice Harlan made further reference to the continued failure of a majority of the Supreme Court to exercise judicial self-restraint when he said:

"No thinking person can fail to recognize what the aftermath of these cases . . . will have achieved at the cost of a radical alteration in the relationship between the States and the federal government, more particularly the federal judiciary . . .

"Finally, these decisions give support to a current mistaken view of the Constitution and the constitutional functions of this Court. This view, in a nutshell, is that every major social ill in this country can find its cure in some constitutional 'principle', and that this Court should 'take the lead' in promoting reform when other branches of the Government fail to act. The Constitution is not a panacea for every blot upon the public welfare, nor should this Court, ordained as a judicial body, be thought of as a general haven for reform movements."

WARREN OPPOSED MEDDLING

The present Chief Justice of the United States, a vigorous proponent of reapportionment of the legislatures of the respective States, once vigorously opposed meddling with the legislature of California. In 1948, while Governor of that State, he declared:

"Many of our counties are far more important in the life of the State than their population bears to the entire population of the State. It is for this reason that I have never been in favor of such redistricting the representation in the Senate to a strictly population basis. It is for the same reason that the Founding Fathers of our country gave balanced representation to the States of the Union . . . equal representation in one house and proportionate representation based on population in the other.

"Moves have been made to upset the balance of representation in our State even though it has served us well and is strictly in accord with the American tradition in the pattern of our national government. There was a time when our State was dominated by boss rule. The liberal election laws and the legislative reapportionment of the system have liberated us from such domination. Any weakening of the laws would invite a return to boss rule which we are now happily rid of. Our State has made almost unbelievable progress under our present system. I believe we should keep it."

WHY THE CHANGE?

What catapulted the 1948 zealous protector of American tradition in the pattern of our national government to leadership in his judicial capacity in a revolutionary adjudication, the natural consequence of which is to destroy the constitutional guarantee of a republican form of government to each State? Is not the judicial destruction of constitutional guarantees judicial tyranny? Also, does judicial self-restraint encompass judicial destruction of constitutional guarantees?

Further, in regard to the Supreme Court's utter falluer to exercise judicial self-restraint, the writer published an article in the Congressional Record for April 20, 1961. An excerpt follows:

"It will be recalled that in 1952, Chief Justice Vinson and Associate Justices Minton and Reed, in a dissenting opinion, held that the U.N. Charter superseded the U.S. Constitution when they voted to uphold President Truman's seizure of the nation's steel industry, on the ground that the U.N. Charter obligated the United States to resist aggression in Korea and therefore authorized him to take any steps he deemed necessary in the prosecution of the war.

"In view of this strange behavior by the dissenters, what guarantee do Americans have that a majority of the Supreme Court may not one day succeed in subordinating our Constitution to the U.N. Charter or to any other treaty?"

Does judicial self-restraint encompass the Court's eventual subordination of our Constitution to the UN Charter?

Are Americans powerless in this reign of tyranny by the U.S. Supreme Court? The following bit of cynicism appears to indicate that we are:

"The decline and fall of the 50 State governments will be completed in our lifetime. The movement of political power from State capitols to Washington, D.C., is inevitable and unstoppable whether we like it or not."

This quotation is from the Cincinnati Enquirer and was reported from an address to the assembled students at Ohio University in July, 1964, by television commentator, David Brinkley.

The decline and fall of our 50 State governments may very well be completed in our lifetime unless a genuine, effective two-party system is revived, for free government based on constitutional principles cannot survive without such system.

The U.S. Senate has the power and the duty to protect Americans from tyranny by the federal judiciary. The President is empowered by the Constitution to nominate federal judges for appointment by and with the advice and consent of the Senate. The tenure of all federal judges is fixed by the Constitution as being during "good behavior." No other Presidential appointments are conditioned upon "good behavior."

Since appointments to the federal judiciary are subject to the "advice and consent" of the Senate, it is both the prerogative and duty of the Senate to determine when a federal judge violates the condition of his appointment in either his official or social conduct. The failure to exercise judicial restraint, the usurpation of legislative or executive powers and the failure to uphold and defend the Constitution (or any one of these) do not constitute "good behavior" within the purview of the Constitution.

A notion prevails that federal judges are appointed for life and may be removed only by impeachment. There is no basis in law or fact for such notion, and it may well be that the prevalence of this myth among Senators accounts for their failure to have acted to "clean up" the Supreme Court before this late date.

The basic law of this nation was embodied in the Constitution. The Founding Fathers were keenly aware of the weaknesses inherent in people, from their own bitter experiences. Accordingly, they sought to protect self-governing citizens from what they had suffered by providing safeguards against power-hungry public officials and those who destroy constitutional government. For instance, this Government was divided into three separate and independent branches so as to prevent the concentration of power and the abuses which flow therefrom. In their wisdom, they sought to protect citizens from abuses by judicial officers who did not have to give an account of their stewardship to the voters. Accordingly, the tenure of office of all federal judges was conditioned on their "good behavior," and so continues to be. All federal judges are bound to good behavior under penalty of having their tenure of office terminated upon a factual finding by the Senate that the standard of good behavior it has established, or may establish, has been violated.

The U.S. Constitution is the People's basic law and the framers of the Constitution intended that no federal official be authorized or permitted to make or change it. Alexander Hamilton made the following observation in "The Federalist" (# 53) in 1788:

"The important distinction so well noted in America between a constitution established by the people, and unalterable by the government; and a law established by the government, and alterable by the government, seems to have been little understood and less observed in any other country."

COURT DECISIONS NOT SUPREME LAW

In the past 25 or more years, the People's basic law has not been accorded the respect to which it is entitled by the three branches of our federal government. For instance, the U.S. Supreme Court has suffered many self-inflicted wounds by its frequent excursions into nonjusticeable matters. Under the Constitution, the judicial power of the United States extends only to cases and controversies. It does not extend to public administration or to law making. The decisions of the Supreme Court are not the supreme law of the land. Article VI, Par. 2 declares:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made . . . under the authority of the United States shall be the supreme law of the land . . ."

In 1964, Justice Hugo Black made the following observation:

"There is no constitutional provision which gives this Court such law making power . . . I think the New York law here held invalid is in full accord with all guarantees of the Federal Constitution, and that it should not be held invalid by this Court because of a belief that the Court can improve upon the Constitution."

The limitation of judicial power proscribed by the Constitution precludes the possibility of the Supreme Court's lawful intervention in all non-justiceable matters. Yet, the Court's despotic will-to-govern has been made clear and unmistakable by its meddling in the fields of religion, race relations, education, morals, politics, subversion, State's right, law enforcement, passports, the postal power, communications, labor relations, local law and order such as the manner in which candidates are elected to represent the people in Congress etc. Yet, as of now, the U.S. Senate has done nothing to protect American citzens from such wrongful exercise of judicial power.

The intervention by the Supreme Court into nonjusticeable matters has created more issues than have been clarified and has unnecessarily created much dissension and division among Americans. The Court's meddling in matters which are not authorized by the Constitution has caused this nation to undergo a complete erosion of the heritage which at one time made the United States of America the envy of the world.

In 1930, Justice Holmes wrote a dissenting opinion expressing his alarm at the *carte blanche* indulged by a majority of the Court, in which he said:

"Although this decision hardly can be called a surprise after Farmers' Loan & Trust Co. v. Minnesota, 280 U.S. 204, and Safe Deposit & Trust Co. v. Virginia, 280 U.S. 83, and although I stated my views in those cases, still, as the term is not over, I think it legitimate to add one or two reflections to what I have said before. I have not yet adequately expressed the more than anxiety that I feel at the ever increasing scope given to the fourteenth Amendment in cutting down what I believe to be the constitutional rights of the States. As the decisions now stand, I see hardly any limit but the sky to the invalidating of those rights if they happen to strike a majority of this Court as for any

reason undesirable. I cannot believe that the amendment was intended to give us *carte blanche* to embody our economic or moral beliefs in its prohibitions. Yet, I can think of no narrower reason that seems to justify the present and the earlier decisions to which I have referred."

SENATE LETHARGY

More than 36 years have passed since the "no limit but the sky" pronouncement and the U.S. Senate continues to sit idly by while the Supreme Court continues to usurp legislative powers and to otherwise function in excess of the jurisdiction expressed in the Constitution. It would seem that when outstanding members of the Supreme Court complain about the excesses indulged by a majority of the Court, that the least the Senate should do in the public interest would be to hold public hearings and examine the matter. Such Senatorial inaction leads to the inescapable conclusion that by such inaction, it has aided and abetted judicial tyranny in this nation and has wholly failed to protect Americans against acts of officials who are in no way directly accountable to the voters for their official behavior.

It is appropriate for the Senate to take special note of the following judicial wisdom expressed by Justice Frankfurter in 1958:

"It is not the business of this Court to pronounce policy . . . Self-restraint is the essence of the judicial oath, for the Constitution has not authorized the judges to sit in judgment on the wisdom of what Congress and the executive branch do."

It is clear that the Court no longer regards the Constitution as the measure of constitutionality and that it is utterly lacking in judicial self-restraint, the essence of the judicial oath.

Witness for instance, the behavior of some members of the U.S. Supreme Court, as described by Hon. Howard W. Smith, distinguished Congressman from Virginia, CONGRESSIONAL RECORD, volume 112, part 13, page 16834:

"And I was deeply distressed to see members of the Supreme Court sitting on those front seats, hearing discussed and advocated a piece of legislation the constitutionality of which they would soon be called upon to pass upon, applauding . . . applauding the revolutionary call that 'we shall overcome' ".

Is the U.S. Senate, in the light of the foregoing, yet willing to sit idly by and tacitly classify such behavior by justices of our highest tribunal as "good behavior" within the purview of the U.S. Constitution?

The attention of the Senate is respectfully directed to some words of wisdom by Edmund Burke, noted political philosopher, author and orator (1729–1794), when he said:

"For evil to triumph, good men need only do nothing."

DECEPTIVE MAGAZINE SUBSCRIPTIONS SALES

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 22, 1969

Mr. ROONEY of Pennsylvania. Mr. Speaker, a number of Pennsylvania newspapers last week carried an informative series of articles which focused upon deceptive magazine subscriptions sales practices being used to dupe consumers in my own State.

This series, written by the Associated Press reporter, Tony May, examines some of the typical deceptive sales pitches and includes comments from Deputy Attorney General Benjamin Kirk, who is assigned to the Pennsylvania Bureau of Consumer Protection, and from representatives of the subscription sales industry.

Fraud and deception in magazine subscription sales are commonplace, Mr. Speaker, in Pennsylvania and virtually every State in the Nation. Thus far, neither the magazine publishers nor the subscription sales companies have taken effective steps to clean up these sales practices.

Since I first began investigating magazine subscription sales practices in February, I have had a number of meetings with individuals representing the subscription sales industry. Repeatedly, I have been told, "We think we are doing a good job—the best possible job we can." But in almost every instance this glowing self-appraisal is qualified by a remark to the effect—

We insist that fair sales practices are adhered to by our personnel but of course we can't be held responsible for the individual franchise sales dealer, or telephone solicitor or salesman.

Mr. Speaker, I maintain that magazine subscription sales companies—the parent companies—must be made to assume responsibility for the conduct of sales within their organizations, from the top of the organization down to the individual salesman. If the company will not tolerate deception and fraud, it will not be practiced by the company's employees, or at least not on a scale which creates a nationwide pattern of unscrupulous sales practices as now characterizes the industry.

I request that Mr. May's fine series be reprinted in the RECORD as further evidence of the need for congressional investigation of this industry:

[From the Easton (Pa.) Express, Apr. 16, 1969]

MAGAZINE RACKET: SOMETHING FOR NOTHING IS PLOY USED OVER PHONE

(By Tony May)

HARRISBURG.—The phone rings. "Congratulations, you've been selected as a contestant in our nationwide contest," the voice at the other end says. "If you answer a simple question correctly, you'll be eligible for a free subscription."

Scores of times daily in Pennsylvania, and an untold number of times across the nation, this bait is dropped into the still waters of the American home. It lures many into long-term, expensive contracts for magazines they didn't really want in the first place.

To some, use of such gimmickry is unfair or immoral. But, according to Pennsylvania's attorney general and several Pennsylvania congressmen, it is more than just sneaky—it's illegal.

It's illegal, says Benjamin Kirk, a deputy attorney general assigned to consumer protection because the consumers are led to believe they are getting something for nothing but end up paying the full, regular price "or even more" for the magazines.

Often, said Kirk, other tactics are used which are also illegal or unfair such as pressuring customers when they attempt to rescind contracts—something they are allowed to do within 48 hours of signing under Pennsylvania law.

Also, Kirk said, contracts often don't conform with stipulations of Pennsylvania's Goods and Services Sales Installment Act.

Kirk, who has investigated scores of complaints for the Pennsylvania Bureau of Consumer Protection in recent weeks, said many magazine solicitors "use the 'something for nothing' approach again and again and again."

The contest gimmick, which shows up often in complaints in Kirk's files, usually involves a simple question to which any answer is accepted, like, "Where do you get most of your news?"

One person thus solicited advised The Associated Press, "I told her, 'The backs of cereal boxes,' and without a giggle, she tells me, 'You win!' "

The spiel becomes a little more involved and, Kirk says, often downright misleading after the householder has "won the contest."

Kirk said, "Then they say, service fee—for postage and handling—of 49 cents' for the five magazines you supposedly have won."

While 49 cents sounds cheap, complainants say they weren't told it was that much each week for five years—meaning a grand total of more than $100 for magazines they were led to believe were free.

U.S. Rep. Fred B. Rooney, the prime mover in increasing scrutiny of the magazine sales industry, says some subscription contracts obtained under what he considered fraudulent conditions ran more than $250.

Kirk's files, letters from consumers read into the Congressional Record by Rooney and letters submitted to a daily public service column in the Easton Express, indicate that the "free prize" ploy is only one of many gimmicks used in magazine sales.

Rooney calls the situation "a most serious problem of consumer deception by unscrupulous magazine subscription sales companies."

The problem, said Kirk, is bigger than the files would indicate.

"We have received scores of complaints, but most people don't complain," he said. "They just shut up and pay. There must be literally thousands of people who are victims of this kind of selling practice."

Rooney, in calling for congressional and Federal Trade Commission probes of the problem, pointed out that many of the sales firms are subsidiaries of some of the largest and most respected publishing firms in the nation. He named Cowles Communications, publishers of Look magazine; Curtis Publishing Co. which had produced the now-defunct Saturday Evening Post, and Time-Life Inc.

The Bethlehem Democrat also took note of the magazine publishers' own attempt at self-policing through the Central Registry for magazine solicitors—an arm of the Magazine Publishers Association.

Rooney said, "The obvious failure of the industry's voluntary self-regulation code" made federal action necessary.

[From the Easton (Pa.) Express, Apr. 17, 1969]

MAGAZINE RACKET: MISLEADING SALES SPIEL CALLED EXCEPTION TO RULE

(By Tony May)

HARRISBURG.—More than 50 firms in the nation are engaged in selling magazine subscriptions door-to-door, and many are among the first to admit that charges of "unscrupulous practices" by some individual solicitors are true.

Just how widespread these practices are, who is to blame and how to stop the unfair and illegal sales techniques is another matter.

"The actual number of complaints compared to the number of people solicited is actually very, very small," says Robert Goshorn, secretary of the Central Registry for magazine solicitors, the industry's selfpolicing arm.

"It's very difficult to control just what solicitors tell people because they actually are independent agents," says David Mazer, an

executive in the Pittsburgh branch of Keystone Readers Service, Inc., a subsidiary of Curtis Publishing Co.

Mazer, a spokesman for Curtis, and Goshorn, said the companies and the Central Registry frown on illegal or misleading sales spiels and try hard to ban them.

"Most agencies will submit sales talks to us for review, or to local Better Business Bureaus," said Goshorn.

This would tend to put the blame on the individual solicitors.

Not so, says U.S. Rep. Fred B. Rooney, who is leading a campaign for a federal clampdown on magazine sales practices.

"Although the methods used by the magazine subscription sales companies vary slightly from company to company and from locale to locale," says Rooney, "I have noticed a basic pattern in most of the cases I have reviewed."

Benjamin Kirk, a special deputy attorney general for consumer protection in Pennsylvania, says subpoenas for suspected violations of the Consumer Protection Law are served on the subscription service operators, not the solicitors. They are considered the responsible parties under state law.

Notwithstanding who is ultimately to blame for illegal sales tactics, Goshorn said the registry provides assurance to magazine buyers that they are being treated fairly.

The registry, he said, investigates all complaints they receive involving their 50-member agencies.

"We have levied a number of assessments" against member agencies for violations of the registry's fair practice code, "and corrections have been made and certain sales talks are withdrawn," said Goshorn.

"Without public confidence and good will, the firms cannot prosper," he said.

Rooney disagrees and says the companies are prospering, many at the expense of unsuspecting consumers.

"I regret . . . an effort at self-regulation by the magazine industry is a virtual failure, if in fact it is a sincere effort to wipe out unscrupulous tactics," he said.

Mazer said Keystone offers multiple protections for its customers; in addition to the registry code and bonding of solicitors, the firm has its own code of ethics and cooperates with the local Better Business Bureau.

"We have had only one call from the Pennsylvania Consumer Protection Bureau and that complaint was settled amicably," he said.

Not all agencies were so talkative, however, Edwin Johnson, operator of Home Readers Service of Harrisburg, declined to talk about soliciting problems with The Associated Press.

Johnson was subpoenaed last month to answer a handful of charges of unfair and illegal sales tactics made by Atty. Gen. William C. Sennett.

The Harrisburg firm is the franchisee of a subsidiary of Cowles Communications Inc., publishers of Look Magazine. Earlier this year, the parent firm and four other Cowles subsidiaries pledged to the Minnesota attorney general that they would refrain from unfair practices in that state including:

Falsely representing that the buyer would receive something for nothing; misrepresenting terms of the contract or misrepresenting that forms signed by a customer do not constitute a contract.

Some complaints, Mazer suggested, come from people "who want to get out of what is a legal and binding contract by raising a stink about how they were tricked."

Deputy Atty. Gen. Kirk agreed that was a possibility, but added he had one case where "this was not true."

The case, he said, involved the sale of more than $100 in magazines "to a woman who couldn't even read."

[From the Easton (Pa.) Express, Apr. 18, 1969]

MAGAZINE RACKET: CONSUMER BUREAU SETTLES COMPLAINTS ONE BY ONE

(By Tony May)

HARRISBURG.—While support rises for a federal investigation of unscrupulous practices in the magazine subscription business, Pennsylvania's Consumer Protection Bureau is hard at work trying to police the business.

Benjamin Kirk, special deputy attorney general in the Consumer Protection Bureau, said he has already settled scores of complaints to the satisfaction of customers.

"Usually, the company involved is more than willing to refund money to complainants," said Kirk. "It's easier for them that way."

But, Kirk said, the bureau is trying to move away from mere settlement of individual grievances and into securing real changes in business tactics.

Kirk said he and aides are investigating complaints—primarily in Easton, Philadelphia, and parts of Western Pennsylvania—and are seeking written "assurances of voluntary compliance" to the Consumer Protection Law.

The written affidavits will indicate that the firms promise not to engage in acts prohibited by the law. These include pretending to offer magazines free, when in reality the "service charge for postage and handling" more than covers the total cost of the magazines.

"It's not our goal to drive men out of business," said Kirk. "Our goal is to see that business is done legitimately."

If the firms then break their word, the attorney said, "We'll take them to court."

While Kirk is active on the state scene, U.S. Rep. Fred B. Rooney, along with several other Pennsylvania congressmen, are working on the problem in Washington.

Rooney is the prime sponsor of a resolution calling for a Congressional investigation of the subscription sales business.

"While it is true that the states of Pennsylvania and New Jersey are moving forcefully ahead with efforts to halt this magazine sales racket within their own borders, operations of these subscription sales companies extend to every state in the nation," Rooney told Congress recently.

Rooney says "patterns I have observed" in the subscription sales business include wrongly leading consumers to believe they have won free magazines.

They then have the "lucky winners" sign "innocent-appearing forms which in reality were contracts for $150 worth of magazines," says the Bethehem Democrat.

Rooney says that since his resolution was introduced, Paul Rand Dixon, chairman of the Federal Trade Commission, informed him an FTC "field Study" of Rooney's charges is under way.

In Pennsylvania, the Consumer Protection Law, passed last year by the legislature, has some sharp teeth against unfair practices of all kinds.

Specifically, the law forbids "deceptive practices," including "making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions," and "engaging in any . . . fraudulent conduct which creates the likelihood of confusion or of misunderstanding."

Upon court conviction, penalties up to $5,000 may be imposed along with a court injunction against the practice in question. The firm also faces possible forfeiture of its state corporate franchise—in effect banning it from doing business in the state.

The process of cracking down is a slow one, however, Kirk explained.

"I am sure the public is being robbed out of millions of dollars" in the meantime, he said.

"The problem is how to make people aware," he said, "that you have to beware when someone offers you something for nothing, or next to nothing."

COMMON SITUS PICKETING HEARINGS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, this morning the Special Subcommittee on Labor opened hearings on H.R. 100, the so-called common situs picketing bill. The Secretary of Labor, the Honorable George P. Shultz, was the first witness.

I believe my colleagues might wish to examine Secretary Shultz' complete statement. The statement follows:

STATEMENT OF SECRETARY OF LABOR GEORGE P. SHULTZ, BEFORE THE HOUSE SPECIAL SUBCOMMITTEE ON LABOR ON H.R. 100, COMMON SITUS PICKETING, APRIL 22, 1969

Mr. Chairman and gentlemen, I am here today to indicate my support for legislation to legalize common situs picketing, if that legislation is carefully designed to incorporate appropriate and essential safeguards.

I recognize that the primary purpose of this legislation is to equalize the right to picket in construction and industrial settings including the right to picket for organizational purposes. I am sympathetic to such equalization. Further, in this legislation as in all other labor legislation, the public interest and the rights of employees and neutral third parties must be protected.

The history of legislation to deal with the common situs issue is long and complex, running back more than 22 years to 1947.

In that year Congress amended the National Labor Relations Act to make certain acts unfair labor practices. One of the amendments, the secondary boycott provisions of section 8(b)(4), made it an unfair practice for a union to engage in various specified activities with the intent of causing neutral employers to cease doing business with an employer with whom the union has a dispute.

In 1951 the Supreme Court decided the *Denver Building Trades* case and by so doing focused attention on the common situs issue. In that case a general contractor sublet electrical work to a nonunion subcontractor on a construction project on which all other subcontractors used union employees. The Supreme Court sustained a National Labor Relations Board decision that the union's conduct in picketing the construction project because of the use by one subcontractor of nonunion workers was an unfair labor practice.

The crucial finding was that the general contractor and the nonunion subcontractor were independent legal entities and therefore indiscriminate picketing of the entire site was directed against neutral employers (the general and other subcontractors) and was, thus, unlawful. Critics of the decision have challenged its analysis of the relationship between contractors at a common situs.

The history of legislation introduced since 1951 to resolve this issue and the subsequent development of pertinent Board and court decisions make clear that it is difficult both to generalize in this area and to frame specific legislative language to deal equitably with the common situs question and also to

protect the public interest, the rights of employees and the rights of third parties.

I would like to review this history briefly with you and discuss some of the problems it raises. I believe this history shows, not only how difficult it has become to deal with this problem, but also that over the years a number of new issues have been raised with which no one bill yet deals adequately. Many of these issues were not originally foreseen, but have surfaced as different situations have been presented to the Board and the courts.

I believe, therefore, that legislation developed to legalize common situs picketing must take account of these problems and contain certain safeguards, many of which are widely agreed to in principle but which seem difficult to frame in legislative language. These safeguards are not adequately secured in H.R. 100. I therefore do not support H.R. 100 as presently drafted.

Since there is a great deal of room for discussion as to how our goal can be accomplished, I believe that the Department of Labor, at this time, can help most by providing general guidance on the problem and by expressing a willingness to work together with you and interested parties. I should like to identify here certain principles which should guide us in framing an effective, practical and realistic bill, and then to discuss them in more detail later during the course of my statement.

II. GUIDING PRINCIPLES

A. No bill should transform presently illegal activity, apart from "common situs picketing," into legal activity. In particular, common situs picketing should not be used to victimize an employer when the real dispute is between two unions as to which should perform certain work, nor should it be used for a discriminatory purpose.

B. No bill should apply to general contractors or subcontractors operating under State laws requiring direct and separate contracts on State or municipal jobs. That is to say, any legislation must recognize these State laws as establishing conditions of neutrality between contractors.

C. The interests of industrial and independent unions must be protected.

D. The bill should include language amending section 301 of the National Labor Relations Act to permit enforceability of contracts by injunction.

E. Any bill should encourage the private settlement of disputes which could lead to the total shutting down of a construction project. To that end, notice of intent to picket should be required and there should be a limit to the time during which picketing an entire situs should be permitted to occur.

III. LEGISLATIVE HISTORY

As early as 1954, and again in 1956 and 1958, President Eisenhower recognized that the NLRA created inequities as between construction workers and industrial workers. In his first Labor Message to Congress in 1954 he advocated an amendment to permit situs picketing:

"I recommend that the Act be clarified by making it explicit that concerted action against an employer on a construction project who, together with other employers, is engaged in work on the site of the project, will not be treated as a secondary boycott."

In his Labor Message to Congress in 1956, President Eisenhower said:

"The administration recommends that the ambiguities and inequities that exist in these provisions be removed . . . to make it clear that they do not prevent . . . activity against secondary employers engaged in work on a construction project with the primary employer."

Between 1954 and today many so-called "common situs" bills have been introduced and supported by both sides of the aisle with provisions substantially similar to H.R. 100, the bill before you today. An example is S. 2650 of 1954, introduced by Senator Smith of N.J., Republican, and favorably reported. In 1958 Senator Smith again introduced common situs legislation (S. 3099) which first contained language closely similar to H.R. 100. In 1959 other similar bills were introduced by members of both parties: S. 2643 by Senators Kennedy, Kuchel and Prouty; H.R. 9070 by Congressman Thompson, Democrat, N.J.; and H.R. 9089 by Congressman Kearns, Republican, Pa.

Even in this earlier period efforts were already being made, however, to write various safeguards into these proposed bills.

As early as 1960, Congressman Kearns (Republican) in the House Committee Report on H.R. 9070 (H. Rept. 1550), stated that, although he had long desired to help resolve the common situs issue, after listening to the testimony of both those who favored the bill and those who opposed it, he was convinced enactment of the bill *in its present form* would be a disservice to all concerned. He stated:

"The testimony disclosed sincere differences of opinion as to the meaning of the law now applicable to secondary boycotts at common construction sites and the bill, as reported out by the committee, does nothing to clarify present law. Even the bill's strongest supporters have not been able to agree as to its meaning. For example, one proponent felt the bill might give industrial unions the right to picket a manufacturer and take away jobs of members of building trades unions who are performing alterations or repairs on the manufacturer's plant. Others believe the proposed language will permit building trades unions to use secondary boycotts as a means of preventing installation of products made by members of industrial unions. Also, the problem of racial discrimination in some building trades unions will be intensified by the bill should it pass in its present form in that it will allow the secondary boycott weapon to be used by unions who wish to force such discrimination.

"The foregoing are examples of the problems which H.R. 9070 raises rather than resolves. There are many others. *Therefore, I strongly believe clarifying amendments are essential.*" (Emphasis supplied.)

Congressmen Goodell and Frelinghuysen, Republicans, while voting to report H.R. 9070 and not requesting clarifying amendments, tried to achieve the same result as such amendatory language by statements in their supplemental views that the bill's provisions were not designed to legalize activities such as those described by Congressman Kearns. As I will indicate, by 1967, Congressman Goodell had become convinced that mere statements to this effect were not enough and legislative language is necessary.

So, from 1960 on, various issues were raised which became reflected in subsequent bills.

Serious labor disputes at missile sites gave rise to language in the 1961 bill requiring strike notices in missile site disputes. (See H.R. 2955, Thompson, 1961, 87th Cong., 1st Sess.)

In 1961, a dispute between the industrial unions and the building trades unions over the so-called "separate gate" issue obviated any chance of passage of a "common situs" bill.

The Industrial Union Department of the AFL–CIO refused to support the bill unless it protected picketing by industrial unions at plants where employees of construction contractors or other neutrals were at work. As I discuss later, the National Labor Relations Board, ultimately upheld by the Supreme Court, found that industrial unions could not picket entrances reserved for the exclusive use of employees of independent contractors working at the plant on work unrelated to the normal operations. Some industrial union department affiliates feared that with the "protection" of the common situs bill, building and construction trades unions might picket industrial plants if the regular workforce represented by industrial unions performed in-plant construction work which, ordinarily, might be considered as building and construction trades department work.

This issue resulted in the addition of language to Congressman Thompson's bill (H.R. 6363) in the 89th Congress (1965–66) which prohibited common situs picketing where the dispute involved a labor organization representing employees of an employer *not primarily engaged in the construction industry.* This 1965 bill was reported as H.R. 10027, H. Rept. 1041, Sept. 21, 1965.

The bill now contained several additional features to take care of the issues which had arisen since 1954: (1) a notice requirement for strikes on missile sites, (2) an amendment to make it clear that ownership or control of the site by a single person is not the only factor in deciding whether several employers are joint venturers, (3) a provision excluding disputes involving employers not primarily in the construction industry whose employees are unionized and where the issues involve such unions (the industrial union language), and (4) a provision excluding a dispute in violation of an existing collective bargaining agreement, to which Congressman Goodell subsequently added "or other applicable agreement, arrangement, or procedure."

Other issues also appeared. District 50 of the UMW, an independent union which sometimes represents employees of *construction* contractors, felt the exemption to deal with the industrial union issue did not take care of a situation where construction unions would picket contractors employing District 50 members. For this reason District 50 urged that the bill be amended to prevent strikes if the dispute involved a labor organization which represented employees of an employer at the site *regardless of whether he was primarily in the construction industry.*

Other problems which have been injected into consideration of this legislation are (1) the product boycott; (2) State laws requiring the independent letting of contracts; and (3) concern that common situs picketing might be used to frustrate Federal policy to alleviate the effects of racial discrimination.

In 1967, when H.R. 100 appeared on the scene, a bill (H.R. 7750) prepared by then Congressman Goodell attempted to meet some of these problems but failed of acceptance.

Thus, we see that there are still many issues which the legislative drafters have not been able to settle.

Before I turn to a more detailed discussion of the principles I outlined earlier and which I hope can help us to find a legislative solution, I would now like, as an interested layman, to review briefly with you, the Board and court case history that bears on this whole subject.

IV. CASE HISTORY

The Board, in the administration of the Act, has recognized the legitimate rights of construction unions to picket the primary employer at a "common situs" under standards which seek to insure that other employers do not become enmeshed in the dispute of another.

Subsequent to the decision of the Court of Appeals for the District of Columbia in the *Denver Building Trades* case (in which that Court disagreed with the Board's neutrality of general and subcontractor position) and prior to the Supreme Court's reinstatement of the Board's position, the Board in *Sailors Union of the Pacific,* 92 NLRB 547, announced what is now known as the *Moore Dry Dock* standards. These standards sought to strike a balance between the proper scope of primary picketing and the right of

neutral employers on a common site to be protected from the effect of the primary employer's dispute. Briefly, these standards require a union which pickets at a common situs to abide by restrictions on area, time, and identification in order to confine its activity as much as possible to the primary employer.

As is not unusual when standards are first enunciated, in the earlier years the *Moore Dry Dock* rules were applied in a more or less literal fashion. As you know, these rules arose in an ambulatory picketing context. When they were applied to the construction industry, to hold that picketing at a common situs was unlawful if the primary employer had a legal place of business in the general locality where the picketing could take place, such an application of the doctrine effectively prevented meaningful picketing of the primary employer on construction sites.

As experience has developed in the application of these concepts to the construction situation, the per se, mechanical application of the *Moore Dry Dock* standards has given way to a more realistic application of the rules. Thus, for example, in *Local 3, I.B.E.W.*, 144 NLRB 1089, the Board ruled that temporary absences from the situs, such as the primary employer not scheduling work for that day, the success of the union in convincing employees of the primary employer to strike, or the employer removing the employees from the situs, do not thereby render the picket line at the common situs unlawful.

To a certain extent, then, some of the inequities faced by construction unions in the '50's have been remedied by further elaboration of the National Labor Relations Act by the Board and the courts. This is not to say, however, that the basic issue presented by the *Denver Building Trades* case does not remain with us.

The main difference is the nonapplication to construction sites of the "normal business" doctrine which determines the legality of picketing at a separate gate at an *industrial* plant. The leading case in the separate gate area is *Local 761, I.U.E.* v. *N.L.R.B.*, 366 U.S. 667, involving the separate gate set up by the struck industrial employer for the exclusive use of employees of its independent contractors. The Supreme Court held that picketing at the separate gate would be protected primary activity if the work done by the employees using this gate was related to the normal operations of the struck employer or was of a kind which would necessitate the curtailing of those operations.

In the construction industry a majority of the Board and the two appellate courts, which have considered the matter, ruled that the "related to the normal operations" test did not apply to a construction common situs.

Before leaving this legal history discussion I should mention the "product boycott." In 1967 the Supreme Court held that a union does not violate the secondary boycott provisions of the Act if it strikes its employer in order to protest his attempt to use products manufactured elsewhere which would partially eliminate that work.

V. APPLICATION OF PRINCIPLES

Mr. Chairman, I would now like to turn to a discussion of the general principles which I outlined briefly at the opening of my statement as applied to the issues which arise from a consideration of the legislative and case history.

A. So far as I know, everyone has always agreed on Item "A" of these principles, which is that no bill should transform presently illegal activity, apart from "true common situs picketing," into legal activity. If the conduct is violative of other sections of the Act, it should clearly still be unlawful.

The existing Act recognizes that an employer should not suffer because of a dispute between two unions as to which should perform work. Thus, a special procedure for the resolution of the dispute is set forth in section 10(k) and picketing in furtherance of such a dispute violates 8(b)(4)(D). A charge brought under that section triggers the 10(k) procedure. Under present law, also, if a union pickets an entire site without conforming to the *Moore Dry Dock* standards, whether or not the activity is part of a jurisdictional dispute, it violates 8(b)(4)(B), and under that section—in contrast to 8(b)(4)(D)—the Board must seek an immediate injunction.

We do not believe that any bill should deprive contractors on a construction site of this protection when the dispute is jurisdictional in nature.

Under this principle of not transforming already illegal activity into legal activity, I also stated that common situs picketing should not be used in furtherance of a discriminatory objective. The Government is actively engaged under Title VII of the Civil Rights Act and, under the Executive Order program (11246), in securing equal employment opportunities for minorities which have been too long victimized by discrimination in all fields, including employment. Thus, common situs legislation should make clear that common situs picketing should not be permitted if it is directed at coercing an employer who is attempting to meet such legal as well as moral obligations by his employment of minorities and by affirmative action programs to end the effects of such discrimination.

B. Principle B also seems relatively clear and indisputable. Where a State law requires separate and independent contracts for a State or municipal construction project it is obvious that the contractors on the project cannot be held responsible for each other's labor policy. As it is impossible for any one of the contractors to control the others in such a situation, common situs legislation must recognize that these State laws create a condition of neutrality between the contractors which must be respected.

C. Principle C recognizes that the interests of industrial and independent unions must be protected. If a union has been lawfully recognized, picketing by a competing union directed at its presence on a construction project should not be made lawful. In such cases the issue may become one of a jurisdictional nature, which could be dealt with as discussed under Principle A. In other cases, the issue might be of a boycott against the products manufactured by the employer of employees represented by a union but where the operation is conducted off the construction site. This latter issue presents problems to manufacturers in context of technological changes as well as to industrial unions whose members work in plants which prefabricate items to be used in the construction site.

D. Although H.R. 100 recognizes that strikes in violation of an existing collective bargaining contract should not be accorded a privileged position with regard to common situs activity, it provides no relief for the problem of specific enforcement of contractual obligations. There should be little dispute over the principle that contracts should be enforceable by injunctions. The Supreme Court held in *Sinclair* v. *Atkinson*, (370 U.S. 195 (1962)) that a union which violates a no-strike clause may not be enjoined from such conduct. If a union violates a no-strike clause, a damage action is not a feasible remedy to compensate an employer for the period during which he has been shut down by a strike. This is especially the case in the construction industry, where time is of the essence. When contracts and no-strike clauses are voluntarily signed and the parties have a grievance-arbitration procedure to resolve disputes over the interpretation of the contract, there is no valid reason why such agreements should not be enforced. Section 301 of the Taft-Hartley Act should clearly authorize specific enforcement of such agreements.

E. Any bill should encourage the private settlement of disputes which could lead to the total shutting down of a construction project. Not only should we be sensitive to the public interest in protecting the rights of individual employees as we devise an equitable solution to this problem, but to the maximum extent feasible the public interest in retaining the essentially private nature of our collective bargaining process should also receive due consideration.

I would recommend that before picketing of an entire situs is permitted pursuant to new legislation, a union which intends to engage in picketing an entire situs give a timely 7-day notice of intent to all employees and unions on the situs, and furthermore, that such picketing be limited to a 15-day period. Any picketing which is now permitted under *Moore Dry Dock* standards would be unaffected by this legislation.

The purpose of this suggestion is twofold. First, this 7-day "waiting" period is intended to encourage the private settlement of disputes prior to permitting the dispute to encompass the entire situs. A waiting period can provide the time and the encouragement to the parties to settle many disputes before they are escalated into an actual strike. Furthermore, I visualize a number of situations where this requirement would serve to induce parties who would be affected by the proposed picketing to mediate between the disputing parties.

Secondly, the 15-day limitation is a recognition that, although subcontractors are closely interrelated with a general, their separate legal identity should be considered.

VI. CONCLUSION

Mr. Chairman, it seems to me that this issue, as it has been debated over the years, has not only grown in complexity but has also served to inflame situations among the parties. The construction industry has been, and is today, preoccupied with this issue, and this unfortunately has diverted attention from other pressing and important problems. I believe, if all parties will apply themselves to finding a legislative solution in accordance with the above principles, that we should finally be able to resolve this difficult issue.

The Department has been meeting with employer and union groups on other matters to assist in the arrival of solutions to vexing substantive problems that beset the industry and trample the public. We wish to get on with this work and, in doing so, it would be helpful to put this inflammatory issue behind us. To that end, we stand ready to add our efforts and resources to bring about a considered solution of this matter.

Mr. Speaker, I also think it would be valuable at this point to insert the response of the subcommittee chairman, the gentleman from New Jersey (Mr. THOMPSON), to the Secretary's testimony. I therefore insert at this point Chairman THOMPSON's response:

REMARKS BY MR. THOMPSON OF NEW JERSEY, CHAIRMAN OF THE COMMITTEE

Mr. Secretary, I wish to thank you for a very constructive statement. As the author of H.R. 100, I appreciate your support for Common Situs Picketing legislation. I wish to note for the record that your support for Common Situs Picketing legislation puts you in a distinguished position: you represent the fifth Administration which has supported this legislation.

I think it would be useful to turn for a moment to several of your Guiding Principles on pages 3 and 4 of your prepared statement. I do not intend to cover them thoroughly because I do not want to in-

trude into the questioning time of my colleagues.

Turning to your Guiding Principle "A" on page 3, I agree completely with the thrust of that principle—that this bill should "not transform presently illegal activity, apart from situs picketing into legal activity." That is why my bill contains the language at page 2, lines 5 and 6, which sets forth that situs picketing may only be used if there is a labor dispute "not unlawful under this Act." This language is not new in my bill. This exact language is contained in S. 748 in the First Session of the 86th Congress, a bill introduced in the Senate in 1959 by Senators Goldwater, Dirksen, Mundt, Hruska, Hickenlooper, and other distinguished Republican Senators. This bill, S. 748, incorporated the recommendations of President Eisenhower and his Secretary of Labor, James Mitchell. As I said, this earlier bill contains precisely the language on this point which is contained in my bill, H.R. 100.

Turning to your Guiding Principle "C" that "the interests of any industrial and independent unions must be protected". I am sure you know that the Industrial Union Department, AFL–CIO, supports H.R. 100.

With respect to the Independent unions, these are protected under H.R. 100 because of the language I referred to earlier, which states that situs picketing cannot be used for an unlawful purpose.

On page 12 of your statement, when you discuss more fully your Guiding Principle "C", you refer to so-called product boycotts. You refer in this context to the technological changes in industry and to the use of prefabricated items in the construction site. This problem is certainly a large one, and unions inside and outside the construction industry are searching for ways to cushion the impact of technological displacement. As you are well aware, the various unions in the various industries have negotiated a number of such cushions: early retirement, sabbatical leave, shared work, anti-subcontracting agreements, and so on.

The Government is a partner in solving these problems. I need only refer to the occasion of your testimony yesterday in regard to the Job Corps and other manpower and re-training efforts of the O.E.O., the Department of H.E.W., and your Department of Labor.

I would be hesitant to try to solve these very large problems in the context of the Common Situs Picketing bill.

In relation to your Guiding Principle "D" on page 3, to "permit enforceability of contracts by injunction"; the memory of Senator Norris and Congressman LaGuardia, and the bill that bears their names, makes me hesitant to go back to the pre-1932 era of "Government by injunction". I really would have to give a lot of thought and hear a lot of testimony before I could make up my mind on this, and I hope it is not necessary to do this thinking and to hear this testimony before we can enact what is in essence a very simple amendment to Section 8(b)(4)(B) of the Taft-Hartley Act.

In relation to your Guiding Principle "E" that there be a 7-day notice of intent to picket and a 15-day limitation period on any picketing, I just don't know. Are there any operations in the normal construction project which would or could be completed within the 7-day notice period? Is the 15-day limitation period on picketing too much or too little, or is it necessary at all? Could you have 2, or even 3, 15-day periods of picketing if workers resumed for brief periods between the picketing? If these provisions are a good idea, why should they be limited to the construction industry?

Mr. Secretary, my colleagues have a number of questions and I would like to close my comments by expressing my appreciation, again, of your support for a common situs picketing bill and your thoughtful presentation.

ADDRESS BY DONALD M. KENDALL, CHAIRMAN, NATIONAL ALLIANCE OF BUSINESSMEN

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. MILLER of California. Mr. Speaker, Mr. Donald M. Kendall, chairman of the National Alliance of Businessmen, speaking on April 11, in Oakland, Calif., to a number of distinguished businessmen from the Oakland area, delivered what I believe to be one of the best addresses of its kind that has come to my attention.

I commend it to my colleagues and to businessmen in general, as Mr. Kendall succinctly lays down the reasons why people in industry should affiliate with the National Alliance of Businessmen in helping to solve the vexatious problems that confront this country today.

The address follows:

ADDRESS BY DONALD M. KENDALL, CHAIRMAN, NATIONAL ALLIANCE OF BUSINESSMEN; NAB, LOS ANGELES, APRIL 10, 1969; NAB, SAN FRANCISCO AND OAKLAND, APRIL 11, 1969

I think it is quite appropriate that my first NAB "get acquainted" meetings are being held with the business leaders of California. Californians have long been in the forefront of the Alliance, Plans for Progress, Merit Employment and many other successful jobs programs.

Your programs for business involvement are being used as a model throughout the country. Your Management Councils, which have been organized in every major California community, are doing a tremendous job. NAB will continue to rely heavily on your advice, counsel and cooperation.

When President Nixon asked me to become Chairman of the Alliance I was flattered but also hesitant. I realized the immense responsibilities involved in heading an organization which has such a massive task to perform—but there was another matter which made me hesitate.

I am primarily a salesman and I know that no salesman can be successful unless he believes in his product. I asked myself if I could actually sell this product of NAB—jobs and equal opportunity—to the most select group of customers in the world—the American businessman. Before I reached my decision, I had to review the circumstances that had shaped my life and my attitudes from the beginning.

I was born and spent my early years in the northwest in the state of Washington. During that time I was unaware of any instances of prejudice or discrimination against Negroes, Indians or Mexican-Americans. It was not until Pearl Harbor that prejudice became formidable against the Japanese-Americans. I went to Western Kentucky State College on an athletic scholarship. Here again I don't recall any discrimination against members of minority groups—possibly because they were not represented in our student body.

My real awareness did not crystallize until 20 years later by which time I was President of our international company and a member of our Board. I remember a meeting in which the Board was conducting the routine business of electing vice-presidents. Only this time the business was not routine because one of the candidates was a Negro. I won't go into the details—but he was elected—and, as we later learned, became the first Negro corporate officer of a major American company. I said "as we later learned" because I'm not at all sure how the vote would have gone had we known that this was a "first."

Then I began to wonder why this was a "first"? Was it because there were no other Negroes with his ability—or was it because others had never had an opportunity to prove their ability? Could it be that only seven years ago just one Negro was qualified for the approximately 50,000 vice-presidential slots in major business? Is it true today, when there are perhaps two dozen Negro vice presidents that these are the only Negroes who can do the job?

The man we elected and I—by coincidence—both attended college in Kentucky—but his school was Kentucky State College for Negroes. We were in the same state at the same time but our paths never crossed then or afterwards in our early business careers. You might say that it was a 50,000-to-1 chance that we would end up as fellow corporate officers. Actually, the odds were even greater than that.

My eyes were opened further when I found that another man whom I have learned to respect was also a college athlete in Kentucky when I was—but our paths never crossed either. His name is Whitney Young.

It was this concern for this wasted potential which led to my interest in NAB, the organization President Johnson called "The most promising way ever devised of eliminating the tragic waste of our human resources."

My company, like all our companies, is faced with the problem of America's tight labor market. Our increasing output of goods and services has swallowed up almost all available labor. Our unemployment level is the lowest in peacetime history, yet industry needs more workers with higher levels of skill than ever before. We must find or create these skills and expand our labor force to take advantage of talents and aptitudes wherever they exist. Our future expansion lies in the full participation of all our citizens in the labor market. We must explore every potential source. As a businessman I see the greatest hope for the solution of our pressing needs in the work of the Alliance.

Some cynics have called NAB "industry's conscience." I'm sure you'll join me in rejecting that description. Were not do-gooders urging industry to offer platitudes and handouts to the poor. NAB's function is to show American businessmen that the problem of the unemployed and underemployed in our society is their responsibility.

Companies spend vast amounts of money developing new sources of raw materials. NAB is out to prove that money spent on recruitment and training can develop new sources of skilled labor. And it's good business because new jobs produce new taxpayers. We all feel the burden of taxes needed to support our massive program of governmental services. New jobs will help provide the means to reduce the level of those services—not only on the welfare rolls but in unemployment benefits, law enforcement and other hidden costs which are byproducts of poverty.

There is dramatic proof of this right here in California. The Sacramento Planning Commission recently studied that city's substandard housing areas—where most of the unemployed live—and found that those areas accounted for 20% of the population but only paid 12% of the taxes. They accounted for 42% of the adult crime, 36% of the juvenile delinquency and 26% of the fires. They also represented 76% of reported cases of tuberculosis. They used 50% of the city's health services, 41% of the police protection and 25% of the fire protection. I have no doubt that the statistics are similar here. This is the real cost of unemployment!

It's good business because American industry cannot prosper in an atmosphere of civic unrest. No business can pursue a policy of long-term expansion if its home community, its employees or its ultimate customers are tempted by the frustrations of poverty to flirt with the idea of short-term destruction. It's the responsibility of business to

create a social and economic climate in which business can continue to function profitably in years to come. In sum—it is good business for business to provide meaningful, profitable employment for all. NAB is showing business and industry how to do this.

This organization—still less than 18 months old—is harnessing the tremendous problem-solving ability of American industry and directing it to the task of creating new employment opportunities.

NAB companies have given generously of their resources. No gift has been more important than the donation of the many thousands of hours of managerial manpower which you represent. Many of the firms that have been involved most actively in manpower programs have even refused federal funds.

The most important result of NAB's first year was to establish a nationwide climate of opinion in which all businesses were encouraged to reassess the standards by which they judged job applicants, stressing the need to re-examine traditional screening procedures to screen in potential rather than screen out inexperience. Most important, perhaps, NAB has sold business on the idea—"hire first, train afterwards."

We must continue to strengthen our new partnership of government, industry and labor in the field of job creation. We've giving technical assistance in planning on-the-job training programs and guiding industry to sources of federal funds. By developing simpler procedures for the MA-3, 4, and 5 contract series, we will not crack the red-tape barrier, but we hope to bend it a little.

In each of its 50 cities, NAB efforts have resulted in a substantial number of new job placements. I won't quote the pledge figures—we've already been criticized for playing "the numbers game." I will tell our critics, however, that each success represents many man hours of effort spent in seeking out local companies, selling them on the jobs program and getting the initial pledge. We must work even harder. We must assess these pledges more carefully. We must weed out those which are no more than the employer's regular casual labor vacancy. We must track down the "golf course pledge" which may have been made lightly and without planning but which can be worked into meaningful jobs.

What is our goal for the future? NAB will continue to involve wider sections of industry in the job-creation effort—but it must be clearly understood by the businessmen we approach that our concern now is with meaningful jobs. A meaningful job is one which provides possibilities for advancement to the full limit of the man's potential—and that means training. It has been estimated that only 10% of NAB pledge employers now run training programs. My guess is that it is much higher if you include the small employer who may not have the financial and personnel structure for a formal training program. He may not need one if his operation is such that fellow employees and supervisors give the trainee the training he needs.

The people we are working with have been systematically excluded from the business world for many generations. They include youngsters who have never seen a parent regularly going to work, and adults who believe that the business community has no place for them. We must convince them—and ourselves—that they are wanted. Skills training is also essential. Our aim is to give each of the unemployed his own marketable skill. From now on, we must be concerned not only with jobs—but with the people who fill them.

You may have noticed that I've avoided using the term "hard-core unemployed." At best, it is meaningless. I could just as easily call myself, and all of you, the soft-core employed. But much worse, this phrase has picked up a number of secondary meanings. Too many people associate it with hard-core criminals who deliberately refuse to follow our normal pattern of work. And yet we know from the first responses to the jobs program—if we did not already know by sheer common sense—how little joblessness stems from a desire to avoid work. To most people "hard-core" means black, although whites constitute 78% of the unemployed. In other parts of the country "hard-core" means Indian or Mexican-American or Puerto Rican instead of men and women desperately in need of work.

NAB and the Department of Labor have named their target population. They are the poor—those whose family incomes do not come up to the very minimal standards of the government's poverty-line budget. Within the broad category of the poor—we are directed especially to those who have dropped out of our educational system, to the very young worker and the older worker, to the long-term unemployed and to those who suffer special obstacles to employment. I'm opposed to labels but if I had to pick one I would use the Department of Labor's definition of "sub-employed." These are the registered unemployed and those who miss all the official lists because they've given up any hope of finding a job. They're also the part-time workers who can't find full-time jobs and the workers who are confined to tasks and wages below the level of their abilities and aspirations.

Within this group are most of the 5 million heads of families who support 20 million people on poverty line wages, young workers among whom unemployment is more prevalent than any other group and teenagers with inadequate education who can't make that first entry into the job market.

The business community can—and must—under your leadership, plan for all of these people. In this sense the labor unions are as much a part of the business community as the corporations. No effective solution to unemployment problems can be found unless management and labor work together.

We will also work more closely with the organizations and groups of industrialists who have tackled these problems at local and national levels. There can never be too many concerned people—and the need for useful cooperation has never been greater. Together we must establish employment and training procedures not only for the minorities excluded from the benefits of our society today but those who will be excluded in the future. Pressures of automation and skills requirements will be more of a barrier to employment then than ethnic group membership is today.

Our ultimate aim must be not to urge industry to hire Negroes, Puerto Ricans or Mexican-Americans as such—but to hire people—and to train each person to the limit of his capacity.

Of course these limits will be different—there will continue to be degrees of skill and differential wages—but if we are successful there will be Negroes, Puerto Ricans and whites at every job level all the way up the line in proportion to their abilities.

We have a long way to go to achieve that end. The job is enormous. It's industry's job—both management and labor—and it's government's job. Many of us have complained at some time or other of big government. But this is one area which the government is not big enough to tackle alone.

During the prosperous sixties industry created 6 out of every 7 new jobs and still it has a ravenous appetite for fresh sources of labor. Even if the immediate future brings deflationary trends, we'll still be struggling to find the skills we need. I don't have to remind you that industry faced and solved this problem before. In less than one year America's businessmen, through singleminded devotion to a goal, created skilled riveters, welders and mechanics from an untapped labor force of housewives, farmers and others who today would be labelled "hard-core."

I do not consider myself an idealist but neither am I cynical enough to believe that only a World War can spark that kind of effort from industry. Surely the nation's continuing growth is goal enough. American industry has been largely responsible for that growth up to now. American Industry will be responsible for preserving and increasing it.

Together we have the opportunity, the know-how and the experience to create the most skilled, the most prosperous and the most diverse labor force the world has ever known. We, the businessmen, have a great need to do so. For—unless the nation eradicates poverty, poverty may well eradicate the nation.

MYTH OF VOLUNTARY QUOTAS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. FINDLEY. Mr. Speaker, the trade mission led by Secretary of Commerce Stans will be returning from Europe during the next few days. I await with anticipation, as I know many of my colleagues do, any word regarding the discussions of our representatives with the major European countries involved, particularly as those discussions may have related to the proposed voluntary quotas on textiles.

Last February 20 I told my colleagues in the House that there is nothing to gain and everything to lose by rushing into a textile agreement and requested the administration to carefully weigh the matter. I would presume that if the subject of voluntary quotas on textiles was discussed during our trade mission's visit to the EEC countries, that it was met with some resistance, and such resistance would be logical. The very purpose of the mission is to expand trade, not to restrict it via voluntary or any other type of quotas. This would be a glaring inconsistency.

In line with this, a very timely booklet entitled "Voluntary Quotas on Textiles: A Contradiction in U.S. Trade Policy," has been published by the United States-Japan Trade Council. This booklet very effectively explodes "The Myth of Voluntary Quotas," in a chapter by the same title and presents a very logical case against making an exception for textiles.

I invite the attention of my colleagues to the following excerpts from this booklet:

If quotas are imposed by legislation, the exporting country is entitled under GATT to compensation or retaliation in like amount for the trade affected. One of the arguments used in support of "voluntary" quotas is that they are legal under GATT, and so avoid the problem of retaliation or compensation. But it is an illusion to believe that the United States can force "voluntary" quotas on foreign countries without paying the price. Those on whom the burden will fall are American exporters and investors who need a liberal trade climate for their own business operations.

To illustrate the economic forces involved, Japan is now under pressure from the United States to liberalize its rules regarding foreign capital investment and its residual restrictions on imports. Steady progress is being made on both these fronts, although at a slower pace than the U.S. would like. But

with what enthusiasm can the Japanese government and Japanese industry view requests to speed up the pace of their own liberalization when faced with the demand for quotas on Japan's textile trade to the U.S. worth nearly one-half billion dollars? And how can the U.S. insist upon the reduction of the trade barriers of other countries when it is itself promoting a proliferation of restrictions through the imposition of "voluntary" quotas?

THE HARM THAT QUOTAS WOULD DO

To the average American, the possibility that the United States may impose further import quotas on textile products sounds, at first, like a technical issue of only remote interest. In fact, however, such quotas would have very significant effects on him directly and indirectly, and on the national interest. They would:

Raise his family's costs for clothing and home furnishings, and accelerate the nation's inflationary spiral;

Curtail U.S. exports of such products as automobiles, aircraft, machinery, electrical equipment and chemicals, as well as overseas sales of U.S. wheat, soybeans, feedgrains, rice, cotton, and tobacco;

Impair other U.S. trade negotiations and U.S. security interests;

Lead to a progressive cartelization of the U.S. market, inducing stultifying controls which would destroy the nation's economy and debilitate the free enterprise system.

QUOTAS WOULD SPUR INFLATION AND HURT THE CONSUMER

The issue of whether or not to impose further quotas on textile imports is directly related to the critical problem of combating U.S. inflation.

Quotas inevitably result in higher prices to consumers and a contraction of consumer choice, thus penalizing both those seeking bargains and those seeking variety and quality.

The choice facing President Nixon, according to columnist Roscoe Drummond in The Washington Post, is "whether to stand firmly behind his commitment to halt inflation or to compromise and yield to pressures to impose extensive import quotas which would raise prices and abet inflation."

The potential inflationary impact of textile quotas was viewed with particular concern by the National Retail Merchants Association, representing the country's leading department stores, before the Senate Finance Committee. The NRMA stated that "restrictions on textile and apparel imports would vastly accentuate an already evident inflationary trend in the price of apparel" and would "lead to inflated prices in a basic ingredient of every family budget." The effect on the American consumer, says the NRMA, would be "devastating."

It has been estimated that textile quota bills pending in the Congress would raise the budget cost of clothing for a family of four by $25 to $30 a year. It should be remembered that such goods are already subject to tariff duties, which, in the case of some clothing articles, now adds as much as forty per cent of their retail price.

U.S. INDUSTRIAL AND FARM PRODUCERS WOULD LOSE EXPORT SALES

U.S. consumers would not be the only ones to pay heavily for such textile quotas. They would also affect, in some cases severely, U.S. exports of industrial and farm products. By curtailing the amount of textiles which could be imported from Western Europe, the Far East and Latin America, additional quotas would in effect substantially reduce the ability of many nations to earn dollars with which to buy U.S. products.

Overseas sales of U.S. autos, aircraft, machinery, electrical apparatus and communications equipment, chemicals and scientific instruments—and many other products—are dependent on the ability of our foreign customers to sell their products in the American market. Total U.S. exports are big business today, amounting to $34 billion in 1968.

In terms of percentage of total production, exports of U.S. farm products are highest (and most vulnerable) of all. Over 50 per cent of the total U.S. wheat crop is sold abroad, as is nearly 50 per cent of our soybeans and rice, 33 per cent of corn and feedgrains, and 30 per cent of tobacco. U.S. farmers in every state stand to be particularly heavy losers if the U.S. cuts back textile imports, in part because numerous alternative sources exist for agricultural products.

Japan is not only the United States' biggest overseas customer in general, but also the biggest cash market in the world for U.S. farm products. In 1968, its purchases included $218 million of U.S. soybeans, $124 million of wheat, $240 million of feedgrains, $45 million of hides, $110 million of cotton, $46 million of tobacco, and over $150 million of other farm products.

THE ROLE OF THE DEFENSE COMMUNITY IN THE NIXON ADMINISTRATION

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. GUBSER. Mr. Speaker, those of us who have served in the House of Representatives with the present Secretary of Defense, the Honorable Melvin R. Laird, have always known him to be forthright, frank, and to be dedicated to a strong national defense.

Since assuming the important and strategic position of Secretary of Defense, Melvin Laird has continued to conduct himself as he did while a Member of this body. On April 17 Secretary Laird addressed the American Society of Newspaper Editors in a completely candid and straightforward fashion. Because his thoughts are important as an indication of the role the defense community will play in the Nixon administration, I believe they should be published in the CONGRESSIONAL RECORD. Accordingly, I submit Secretary Laird's speech made to the newspaper editors:

THE ROLE OF THE DEFENSE COMMUNITY IN THE NIXON ADMINISTRATION

I can think of no better forum for one of my first public appearances as Secretary of Defense than this one. What I would like to do is share with you some of the larger concerns that have occupied my attention in the 88 days since I became Secretary of Defense.

I have tried not to delude myself, and I'll try not to delude you, with preconceived notions about what is wrong with the Defense community and what we intend to do about it. There is perhaps enough criticism these days of the military and its role in our Nation's affairs. And my own criticism of the operations of the Defense Department was made clear during my 14 years as a Member of the Defense Appropriations Committee in the House of Representatives.

One object of the current criticism is the Department's credibility. I am fully aware of the special responsibility of those in this audience and others in the communications media to inform the people about what we in Defense are doing and to call us to account when we make mistakes. And I pledge to you the full co-operation of the Department in performing these duties. As long as I am Secretary of Defense there will be full and free access to all information that can be made available without danger to the Nation's security. There will be no cover-up, no concealment, no distortion. We intend to put a lot of landfill in the Credibility Gap.

Another type of criticism that gives me concern is that directed at the military profession and at the character of the career military man. Some of the critics seem to be in search of a scapegoat. The frequently expressed concerns about the military-industrial complex raise some valid issues, but it is utter nonsense to question the motivation of our military leaders. Our military leaders are dedicated men of the highest competence whose purpose is peace.

In fact, the primary role of the Defense community, as I see it, is to contribute toward the restoration and preservation of peace by safeguarding the national security interests of the United States. This must be done in the most economical manner possible. I would like to tell you a little bit about how we are approaching our task.

Your own program today casts that task into perspective. At your sessions this morning you focused on the problems of violence in our society. This afternoon, you will address the issue of campus revolt. You have placed my luncheon address smack in the middle. I think the order of your agenda is significant because it illustrates what is becoming a fact of life. More and more, the question of national defense is caught in the middle of nationwide concern over domestic problems and crises.

In a word, our Nation's Defense community is bearing the brunt of public frustration over the war in Vietnam. In the wake of tragic casualty rates and military expenditures of almost $30 billion a year on a war that has in the past shown no signs of ending, public debate has moved inevitably toward broader and more fundamental questions about our defense community.

We hear many questions raised, such as these:

Is the Defense community, in whole or in part, unnecessary and wasteful?

Has it become, in combination with the industry that it supports, a self-perpetuating or self-expanding colossus?

Has the Defense community become the master, rather than the servant, of national policy?

Does it rob the Nation of badly needed resources that could better be used to solve problems of health, education, housing, and welfare?

These are valid questions to which our Defense community should be continuously subjected under our democratic system. We recognize the need for providing convincing answers in what is said and what is done in the coming months. But in the search for these answers, we must do everything in our power to keep the debate on a responsible level and to prevent it from degenerating into emotional polemics that never yield sound solutions.

As Secretary of Defense, I welcome open and frank dialogue on all matters of great concern to the American people. I welcome particularly the great debate that is shaping up on the question of going forward with an Anti-Ballistic Missile System. But this specific issue can be properly evaluated only as part of a much more complex whole. Permit me, therefore, to place into perspective some of the factors that led to the Safeguard decision.

To do so, let me pose this very broad question: Is the Defense community, as presently constituted, fulfilling its proper role in support of the basic objectives of national policy?

To answer that question we must first define the objectives of national policy in an atmosphere of reality—of how things actually are in today's world. The objectives of national policy are both complementary and

competitive. That is why it is so vital that we set realistic priorities for allocating our scarce resources. It is relatively easy to define what we want to do. It is much more difficult to determine the relative emphasis to be placed on each particular goal. We cannot have our cake and eat it, too.

To restore and preserve peace is an overriding goal toward which we all strive. But the attainment of absolute peace, a world in harmony and totally free of friction has eluded mankind throughout recorded history. To use a homely analogy, we are striving to climb the ladder of peace.

Our goal is the top of the ladder, a world in harmony and free of friction. The bottom rung, or the first step, is an absence of nuclear war. In between, are the various steps of relative peace that can and have existed in our turbulent world: no armed conflicts *between* major powers; no armed conflicts involving *any* major powers; and close to the top of the ladder, no armed conflicts of any kind.

Obviously, we are only part way up that ladder. Equally obviously, the climb that lies ahead is a very difficult one.

While we continue to struggle toward perfect peace, we cannot neglect our urgent domestic goals. It should be clear, however, that we need more peace than we how have if we are to accomplish our domestic goals, and at least some peace if we are to make any progress toward those goals.

In establishing realistic priorities, therefore, we must allocate our resources in accord with our position on the ladder of peace. Domestic progress would be rendered meaningless if we fell off into a nuclear war. And the harsh fact is that it is possible to fall off the ladder from any height. We must not become less cautious as we approach the top simply because we have grown tired. That is only common sense whether you are building a house or building peace.

Under the conditions facing us here and now, we can pursue peace in two ways: through credible deterrence and through effective international agreements.

Beginning with his acceptance speech in Miami last July, President Nixon has made very clear his intention and determination to pursue peace through negotiation. This Administration wishes to put the era of confrontation firmly behind us. Since January 20th, President Nixon and other spokesmen of this Administration have underscored this objective with their every action and word. The President has made it equally clear that until his efforts bear fruit, we must maintain a credible deterrent.

The specific role of the Department of Defense is to ensure the safety and security of the American people beyond any reasonable doubt. In the absence of comprehensive and enforceable international agreements, maintenance of a credible deterrent is the only effective way to do so. By striving to maintain that credible deterrent, the Defense community is advancing, not retarding, the cause of peace. Our deterrent forces, built at great expense, continue to prevent nuclear war and direct armed conflict with another major power, as they have for more than two decades.

Clearly, it would be highly desirable to scale the ladder of peace in close cooperation with those who now threaten us.

Nothing would please me more as Secretary of Defense than to preside over a diminution of arms as a result of successful arms limitation talks. But until that success is realized, it is my responsibility as Secretary of Defense to ensure that we maintain a credible deterrent and an adequate defense posture.

Against that backdrop, let me come back to the decision made to move ahead with the safeguard ABM system and show how that decision relates to the pursuit of peace.

I think it is important to recognize that the previous Administration also believed it was necessary to deploy an ABM system. Based on a thorough review of the latest intelligence data and a rethinking of the strategic problem, this administration believes it is necessary to reorient the ABM system of the previous Administration and to put it on a carefully time-phased basis. It has been modified to emphasize its clearly defensive purpose. The careful phasing of the construction program means that the Nixon Administration can reduce the FY 1970 ABM request of the Johnson Administration by $1 billion.

The Safeguard system is designed so that it will in no way impede a strategic arms agreement. In fact, it will provide an added incentive for arms limitation talks with the Soviet Union. It will do so by showing the Soviets that we mean business in protecting our deterrent forces—in demonstrating to adversaries that they cannot achieve the capability for an effective, low-risk, first-strike against the United States.

There is no doubt about the credibility of our deterrent today. And there should be no mistake about this. We have sufficient strength today in the combination of our strategic forces—our missiles, our bombers, and our polaris capability—to respond to any attack that might be launched against the United States.

However, the potential threat from the Soviet Union lies in the fact that it is building at a rapid rate the kinds of weapons that could be used to erode our deterrent. From the Red Chinese, a potential threat lies in their growing capability to build a small ICBM capacity against our cities.

Hence, a major feature of the Safeguard system is that it provides options for preserving the credibility of our deterrent forces and defending our population against small or accidental attacks. We hope that these options will not have to be exercised. But as Secretary of Defense, it is my responsibility to see that the President has them available.

Our decision to recommend a phased measured deployment demonstrates by action our strong desire to avoid further arms escalation. If the Soviet Union continues the rapid buildup of weapons that threatens to erode our deterrent capability, the Safeguard program puts us in a position to counter the threat step by step. If, on the other hand, the Soviet buildup slows down or is modified because of successful arms talks or for other reasons, the Safeguard deployment can be modified accordingly. In other words, except for work on the two initial sites in North Dakota and Montana, our proposed plan for Safeguard permits us to respond to the Soviet threat, not as we project it now, but as it develops in the months and years ahead.

If the Red Chinese ICBM threat materializes, we will have similar options to protect our people without deploying ABM's around our major cities during the decade of the 1970's.

I believe, therefore, that prompt Congressional approval of the flexible Safeguard missile defense would help the President greatly in two of his most crucial and immediate international responsibilities:

"Meaningful arms-limitation talks and the continuing protection of the invulnerability of the strategic deterrent forces by which we prevent nuclear war."

In closing, I should like to say a word about the general approach of the Nixon Administration in these early months. Some impatience has been evidenced by those who feel that the Administration is not moving fast enough in tackling domestic problems, in ending the war in Vietnam, or in eliminating the waste that exists within and outside the Defense community.

The evidence of this impatience reminds me of a story that gained some currency during the course of the 89th Congress when so much legislation was hastily enacted. It concerned a commercial airliner on a transcontinental flight. The plane ran into heavy, foggy weather—so bad, in fact, that the passengers couldn't see the wing-tips from the cabin windows. Interrupting the passengers' silent concern came the pilot's voice over the loudspeaker: "Ladies and Gentlemen," he said, "I know you're concerned about the weather conditions, and I would like to report two things to you. One represents good news and the other represents bad news. I will give you the bad news first. We're lost. The good news is that we're making record time."

That story illustrates what we are trying to avoid in the Nixon Administration. Activity is easy to generate but it is not an end in itself. What we are attempting to do, in Defense and throughout the government, is to find better ways for Americans to do things. This entails not only clarifying and in some cases redefining our goals. It also involves restructuring, consolidating, and reordering the vast governmental entities that exist in order to do a better job in a more orderly and less expensive way.

I can best illustrate the problem and the need for prudent activity by coming back to my responsibilities as Secretary of Defense. As I said earlier, what we wish to accomplish is relatively easy to state. But organizing the resources to do it is enormously more difficult.

Time is needed because such questions as the following have to be answered before basic changes, if required, are made:

Is the Defense community, as presently constituted, adequately performing its primary mission?

Could its mission be performed more efficiently and at less cost?

Are the military force structures as they now exist and as we currently project them excessive or inadequate when measured against national security requirements?

Does our recent experience support the organizational decisions of the past?

Are the defense agencies performing their intended function and does experience justify their current position in the organization?

Is our research and development organized in the best manner possible for achieving its objectives?

I could go on, of course, and point out that we also need fresh perspectives on whether the Department has an excess of personnel performing in some cases unnecessary jobs; or whether there is duplication of effort within the Department; or whether the Department is maintaining proper communications and coordination with other government departments.

These are all questions that have concerned me greatly in these first 88 days. They are complex, difficult and not susceptible to easy or quick answers. Some work has already been done to obtain answers and other work is currently in progress. In my Defense report to the House and Senate Armed Services Committees, I identified some of the more glaring problems we uncovered in our initial review and some of the actions we have already taken to correct those problems.

We reduced the FY 1970 Johnson-Clifford budget by more than $3 billion in obligational authority and more than $1 billion in outlays.

We found almost $2 billion in cost overruns which had not been funded and some programs which were not proving out.

In some cases, such as the FB–111, we have already taken action to stop any further procurement. In others, like the Army Tank Program and a helicopter contract, we are taking a hard look to determine what action is appropriate.

I am confident that additional savings in the FY 1970 Defense budget can and will be found as we continue our internal review.

But a much more comprehensive review than has been attempted in the past 88 days is clearly needed. During the past decade no independent, over-all review of the Defense Department has been undertaken. In that period of time, our needs and our requirements have undergone some changes, and we have gained additional experience with the organization as it now exists.

Prior to my becoming Secretary of Defense, I urged creation of a Blue Ribbon Panel to conduct a thorough, independent and objective study of the Defense community. After twelve weeks of exposure to this vast enterprise from the inside, I am even more convinced that such a Panel would serve a very useful purpose in helping not only to improve the structure and the operations of the Defense community but also to restore the Department's credibility.

Accordingly, I intend to announce within a very short period of time the formation of such a Panel to undertake a complete and objective analysis of the Defense Department, from its mission to its performance.

The task that lies ahead is enormous, not only for the Defense community and the Nixon Administration but also for the American people. Our goal is peace and our responsibility is to ensure that our efforts are all designed to advance the cause of peace.

Thank you very much.

BIAS IS CHARGED IN CIVIL SERVICE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. CLAY. Mr. Speaker, I have stressed the urgency of equal employment opportunities in this Nation—and I shall continue to do so. Several of my colleagues in the House and in the Senate have emphasized their concern that this Nation pursue equal opportunity in employment without delay—whether within or outside the Government.

Our apprehension toward the administration's view of equal employment policy is well-documented. The causes for our apprehension are also documented.

The St. Louis Sentinel carries a story which further points up the need for diligence on the part of all those who share this commitment to equal employment opportunity. I commend to the attention of my colleagues this account of discriminatory practices within the U.S. Civil Service Commission:

[From the St. Louis Sentinel, Apr. 19, 1969]

BIAS IS CHARGED IN CIVIL SERVICE

(By Ethel L. Payne)

WASHINGTON.—Clifford L. Alexander Jr., outgoing chairman of the Equal Employment Opportunity Commission, charged the U.S. Civil Service Commission with gross discriminatory practices within its own agency and called for taking away its equal employment responsibility and placing it in EEOC. At present, the Commission is empowered to deal only with discrimination in the private sector of employment.

Alexander made his remarks at the Eighth Annual Business Week Luncheon of Alpha Gamma chapter of the Iota Phi Lambda sorority last Saturday in the Hotel America honoring Mrs. Ruby C. Martin, former director of the Office of Civil Rights in the Department of Health, Education and Welfare, and Mrs. Etta Horn, chairman of the City-Wide Welfare Alliance.

Under Sec. 103 of Executive Order 1142, issued in 1965, the Civil Service Commission has the duty to supervise equal employment opportunity within the federal government. Recently, President Nixon issued a new directive to heads of all agencies re-emphasizing his desire for carrying out the policy of equal opportuntly.

Significantly, he did not make any reference to private industry or the work of EEOC. There are 2,800,000 employees under Federal Civil Service.

THE FIGURES

In the Civil Service Agency headquarters, Alexander cited these figures:

GS–18—6 (no blacks).

GS–17—8 (no blacks).

GS–16—29 (no blacks).

This means that of the 43 super grades in the agency there are no blacks or other minorities. In GS 15 of 115 employees, four are blacks. The responsibility for carrying out the provisions of the executive order for the entire Federal Government lies with one GS–15 who has a staff of one. Alexander said the Commission is giving only the barest token attention to the problem. This can be changed by executive order.

"I am in favor of administrative neatness in equal employment," said Alexander.

In contrast to the poor record of the Civil Service Commission, Alexander said his agency, EEOC, has one GS–17 black of two in this category; GS–16—7 blacks and GS–15 of 26, eight are blacks.

"Of course, we are a much smaller agency than the Civil Service Commission," said Alexander, "but this is all the more reason why the Commission which has the responsibility for supervising fair employment ought to set the best example."

POLITICAL CLEARINGHOUSE

Alexander charged that the Civil Service Commission has become a political clearing house for the Nixon Administration to reward friends, and said that either it should set absolute standards to apply fairly to blacks, Spanish sur-named people, Orientals and women or else get out of the business. He said that he had personally sent over the resumes of four blacks in career status who are qualified for promotion to GS–17 four months ago, and these have been languishing on the desk ever since.

Alexander criticized testing methods as devised by the bureaucrats in the Civil Service Commission as grossly unfair to minorities. They are geared entirely to paper qualifications with emphasis on college education.

KENT COUNTY, MD., GI KILLED IN ACTION

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. LONG of Maryland. Mr. Speaker, Sp4c. Carl J. Crew, an outstanding young man from Maryland, was killed recently in Vietnam. I would like to commend his courage and honor his memory by including the following article in the RECORD:

KENT COUNTY GI KILLED IN ACTION: CARL J. CREW HAD EARNED PURPLE HEART IN VIETNAM

A Kent county soldier who previously had been wounded was killed in Vietnam March 21, the Defense Department announced yesterday.

He was identified as Spec. 4 Carl J. Crew, 20, of Betterton, Md. He was killed in action near Chu Lai, where he was serving with the American Division as an infantryman.

Specialist Crew had been making plans for his return to Betterton next August when he was killed, his mother said yesterday.

PLANNED WEDDING

Mrs. Lawrence J. Crew said her son had promised to marry Caroline V. Graber, of Catonsville, "just as soon as he got home."

"He was very happy and looking forward to his return," she said.

Although born in Brooklyn, N.Y., Mr. Crew spent nearly all his life in Betterton where he roamed the neighboring hills and shore line hunting deer, ducks and geese.

A 1967 graduate of the nearby Galena High School, he had previously attended Chestertown High School.

WAS MEAT CUTTER

After graduation, Mr. Crew was employed as a meat cutter in an A. & P. supermarket in Charlestown and belonged to the local Meat Cutters Union there.

Drafted in December, 1967, he had been in Vietnam for the past 10 months. He had been awarded the Purple Heart after being slightly wounded in the face and legs.

Besides his mother and father, Mr. Crew is survived by two brothers, Lawrence D. Crew, Jr., and Stephen J. Crew; a sister, Mildred Crew; and his paternal grandmother, Mrs. Frances Crew, all of Betterton; and his maternal grandfather, Carl Wesch, of Smyrna, Del.

THE 1970 CENSUS

HON. DONALD RUMSFELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. RUMSFELD. Mr. Speaker, many questions about the 1970 census have been raised recently by Members of Congress, the press, and the public. The legislative proposals relating to the subject which are currently being considered in the Congress have added to the distinction. On Thursday, April 17, I received from Secretary of Commerce Maurice Stans a letter outlining some immediate changes in the census procedure which he has ordered, as well as additional revisions which will be implemented after the 1970 census. The letter includes a discussion of some of the most frequently asked questions about the 1970 census and an attached statement described the purposes and uses of the 1970 census information. Because the communication from Secretary Stans is particularly helpful in clarifying the intentions of the administration with regard to the census and the needs for the basic statistical information it provides, I include it in the RECORD at this time:

THE SECRETARY OF COMMERCE,
Washington, D.C., April 17, 1969.

Hon. DONALD RUMSFELD,
House of Representatives,
Washington, D.C.

DEAR DON: I have recently received from various Members of Congress a number of questions about the 1970 Decennial Census. I am sure that you have been receiving similar inquiries from your constituents.

The main purpose of this letter is to advise you of some immediate changes in census procedure which I have ordered. These changes include a substantial reduction in the number of individuals who will be asked to respond to the longer census forms. Approximately three million households previously designated to receive a 66-question form will now receive a questionnaire containing only 23 questions.

Questions relating to the adequacy of kitchen and bathroom facilities have been reworded to remove any implication that the

government is interested in knowing with whom these facilities may be shared.

The Secretary of Commerce is exercising greater supervision over the general operations of the Bureau of the Census and independent experts have been retained to advise on census matters.

The questionnaire which will be mailed to households in 1970 will be accompanied by a cover letter explaining the great need for census data and emphasizing the confidentiality of all responses.

In addition to these changes, which are being implemented immediately, these further steps will be implemented after the 1970 census: (1) proposed questions will be submitted to the appropriate Committees of Congress two years in advance of future censuses; (2) an increased number of representatives of the general public will be appointed to various advisory committees which contribute to the formulation of census questions; and (3) a blue-ribbon Commission will be appointed to fully examine a number of important questions regarding the Census Bureau, including whether or not the decennial census can be conducted on a voluntary or a partially voluntary basis. The Commission would also examine and offer proposals for modernizing and improving the operations of the Census Bureau.

Because the 10-year lapse of time between decennnial censuses can result in unfamiliarity regarding their nature and purpose, I felt it might be helpful to provide you with some basic data and information concerning the questions to be asked in 1970, the scope of the data sought, and the uses to which the results are put.

Some of the most frequently asked questions, along with my answers, follow:

1. Question. *Is the 1970 census more extensive than previous censuses?*

Answer. No. The number of questions to be asked in 1970 is about the same as in 1960, less than in 1950 and 1940, and far less than in some earlier censuses. Of the average household heads to be queried in 1970, four of five will answer 23 questions, three of twenty will answer 66 questions, and only one of twenty will answer 73 questions. Under certain unusual circumstances, some household heads will be asked to answer 89 questions.

2. Question. *Will the citizen's right of privacy be protected in the 1970 census?*

Answer. Yes. Whatever a respondent reports remains strictly confidential under the law. Every employee of the Census Bureau takes an oath of confidentiality and is subject to severe penalties for violation of the oath. In the long history of the census, there has never been a violation of the confidentiality of the information given.

3. Question. *Would the 1970 census yield adequate results if the response were voluntary rather than mandatory?*

Answer. Voluntary response at its best falls far short of response to a mandatory inquiry. Since the first Decennial Census in 1790, response has been mandatory. It is so in every other country of the world where a census is conducted. Professional statisticians will testify that a voluntary census would be unreliable and practically useless. A voluntary procedure would yield distorted and deficient statistics for whole groups of people and for entire areas. This procedure would very likely be especially prejudicial to low-income groups.

4. Question. *Who uses the census results?*

Answer. Census data are used by every Federal government department, State and local governments, and the private sector. Many laws depend upon accurate census reports. Questions such as those on housing are specifically required by statute. Government programs on poverty, housing, education, welfare, agriculture, transportation, veterans, and senior citizens require and rely upon the census tabulations. Many of the decisions of the Congress would be almost impossible in the absence of reliable census data.

These questions are illustrative of those which have been asked in recent weeks. The answers are necessarily brief. Enclosed is a memorandum which explains in more detail the purposes and uses of census information. If you have questions concerning the 1970 census, we would be pleased to discuss them with you at your convenience.

Sincerely,

MAURICE STANS,
Secretary of Commerce.

PURPOSES AND USES OF 1970 CENSUS INFORMATION

1. NAME, SEX, RACE, DATE OF BIRTH, AND MARITAL STATUS

Questions 1 through 12 are designed to identify household occupants by name, relationship to head of household, sex, race, age and marital status. These questions will be asked of 100 per cent of the population.

2. THE HOUSING QUESTIONS

The Census of Housing, required by act of Congress in 1940 (13 U.S.C. 141), contains thirty five (35) questions regarding the adequacy of housing facilities. Fifteen questions will be asked of 100 per cent of the population; five will be asked of 20 per cent; five will be asked of 15 per cent; and ten will be asked of 5 per cent. Some sample questions and comment on their uses follow:

Kitchen and bathroom

Question H–3 (100 per cent): Do you have complete kitchen facilities?

☐ Yes, for this household only.
☐ Yes, but also used by another household.
☐ No complete kitchen facilities for this household.

Question H–7 (100 per cent): Do you have bathtub or shower?

☐ Yes, for this household only.
☐ Yes, but also used by another household.
☐ No bathtub or shower.

Comment: The absence of a kitchen and/or a bathroom for the exclusive use of the household is a major indicator of urban blight and slum conditions. This information is needed by HEW, HUD and other Federal, State and local agencies.

Value of property

Question H–11 (100 per cent): If you live in a 1-family house which you own or are buying—

What is the value of this property that is, how much do you think this property (house and lot) would sell for if it were for sale?

Comment: Section 301 of the Housing Act of 1948 (12 U.S.C. 1701e(b)) directs the Secretary of HUD to prepare and submit to the President and Congress estimates of national urban and rural non-farm housing needs. The requirements of various public laws make it necessary to determine the value of property and, as an alternate, the rent paid for rented units.

Housing equipment

Question H–22 (15 per cent): Do you have air-conditioning?

Question H–27 (5 per cent):

a. Do you have a clothes washing machine?
b. Do you have a clothes dryer?
c. Do you have a dishwasher?
d. Do you have a home food freezer which is separate from your refrigerator?

Question H–29 (5 per cent): Do you have a battery-operated radio?

Comment: When the Congress provided for the Census of Housing, it included the words "housing (including utilities and equipment)." The presence of certain household equipment provides a measure of adequacy of housing and of levels of living. The items included above are those which have particular effects on the needs for power, water and waste disposal, and related services. The question concerning radio is related to the need for communication in case of emergencies or power blackouts.

3. PLACE OF ORIGIN AND MIGRATION

Questions 13 through 19 are concerned with identifying the country of origin, languages spoken, and patterns of housing mobility. These questions will be asked of 15 per cent of the population. Some sample questions and explanatory comments follow:

Birthplace of parents

Question 14 (15 per cent): What country was his father born in?

Question 15 (15 percent): What country was his mother born in?

Comment: These questions, along with that regarding the birthplace of the individual, serve to identify those groups known as Puerto Ricans, Mexican-Americans, and Cubans. The census is the *only* source of information concerning the numbers, distribution, and characteristics of these groups. This information is of importance to the Immigration and Naturalization Service, the Congress, HEW, and to other Federal and State agencies.

Residence 5 years ago

Question 19 (15 per cent):

a. Did he live in this house on April 1, 1965?

b. (If no) Where did he live on April 1, 1965?

Comment: The Departments most needing this information are Agriculture, HEW, Labor, Commerce, and HUD. This information is also of importance to the Council on Urban Affairs, which has established a subcommittee to consider the problems relating to internal migration.

4. EDUCATION

Questions 20, 21 and 22 deal with the number of years of school attended. They are designed to reveal the educational level of individual citizens, and they will be asked of 20 per cent of the population.

5. MARRIAGES AND BABIES BORN

Questions 24 and 25 request information concerning marriages and the number of babies born. They will be asked of 5 and 20 per cent of the population, respectively. The purpose of these questions is to provide information needed in the preparation of estimates of the future growth of the population. All agencies of Government are concerned with such estimates, and with information on the rates of growth of the white and non-white populations. Agencies such as HEW and HUD which are concerned with family welfare and the care of dependent children need this information in implementing their programs.

6. MILITARY SERVICE

Question 26 asks whether male respondents have served in the military and, if so, during what period. This question is asked of 15 per cent of the male population. This information is needed by the Veterans Administration and other Government agencies.

7. EMPLOYMENT AND OCCUPATION

Questions 27 through 39 are concerned with employment history and status, amount of time worked, occupation, and related facts. These questions will be asked of 20 per cent of the population. Examples follow:

Did you work any time last week?

Question 29 (20 per cent):

a. Did this person work at any time last week?

b. How many hours did he work last week (at all jobs)?

Comment: The Manpower Development and Training Act of 1962 necessitates that the Department of Labor have census data on employment, unemployment, and occu-

pation. Census data on unemployment are used to establish the eligibility of communities applying for assistance under the Public Works and Economic Development Act of 1965 and for a wide variety of other programs.

Place of work

Question 29–c (20 per cent): Where did he work last week?

Comment: The Department of Transportation and HUD are concerned with major transportation and traffic problems associated with trips from home to place of work. This question provides data necessitated under the Highway Act of 1965 and also provides estimates of daytime population needed by the Office of Civil Defense.

8. INCOME

Questions 40 and 41 request information concerning income from all sources, including employment, welfare, veterans' benefits, etc. These quesitons will be asked of 20 per cent of the population. Income data are needed by a number of Government agencies and for a variety of Federal programs. For example, income data are needed to implement the Elementary and Secondary Education Act of 1965, and also for allocation of funds under the Manpower Development and Training Act of 1962. The Appalachian Regional Development Act necessitates information on per capita income. The Department of Agriculture needs this data for its food distribution programs, including the school lunch program.

THE ALEXANDER AFFAIR

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. MOORHEAD. Mr. Speaker, civil rights leaders and leading newspaper editorials are expressing deep concern over the Republican attack upon Clifford L. Alexander, Jr., Chairman of the Equal Employment Opportunity Commission, and the abrupt announcement from the White House that he would be removed as Chairman immediately following the attack.

Roy Wilkins, executive director of the National Association for the Advancement of Colored People, had this to say:

A case of anti-Negro racial policy with a minimum amount of fuzziness has arisen in the Nixon Administration with the resignation of Clifford L. Alexander, Jr., as chairman of the Equal Employment Opportunity Commission.

No matter how much gloss is applied, Negro citizens and their allies will remember that Republican Senate Leader Everett M. Dirksen of Illinois publicly rebuked Alexander for allegedly "harrassing" businessmen to secure conformity with the 1964 Act outlawing discrimination in employment and threatened to get him fired.

The very next day the Republican White House announced that Alexander would be replaced as chairman.

This adds up to a Republican attack on Alexander only incidentally, but principally upon government action to curb racial discrimination in employment.

Whitney Young, executive director of the National Urban League stated:

I deplore the controversial events leading up to the resignation of Clifford Alexander as Chairman of the EEOC, and the implication of intimidation it carries.

In a reference to Minority Leader DIRKSEN's threat to get Mr. Alexander fired for what DIRKSEN termed "harassment" of business, Mr. Young expressed special concern about charges "that requiring employers to comply with the law constitutes harassment. I am far more concerned," he continued, "with the harassment so many black workers face, in the form of illegal discrimination in hiring, payment and promotion."

Following is a sample of the editorial comment around the country, which I respectfully call to the attention of my colleagues at this point in the RECORD:

[From the Washington Post, Apr. 6, 1969]

SENATOR DIRKSEN AND THE FACTS

(By Edward P. Morgan)

As happens too often, the thunder of self-righteous outrage on Capitol Hill has again rolled into the headlines, leaving the rain of relevant facts on a controversial situation—the disgraceful imbalance of job opportunities, in this case—to fall unnoticed behind the noise.

Ten days ago, that political thespian from Pekin, Ill., Senate Minority Leader Everett McKinley Dirksen, made the front pages and the network newscasts from coast to coast when in his best Wurlitzer bass he bellowed his defense of business against the noisiness of Federal bureaucrats prying into their hiring practices. ". . . This punitive harassment . . . is going to stop . . .," Dirksen intoned, "or I'm going to the highest authority in this Government to get somebody fired."

The very next day, the White House obliged Dirksen by announcing that the target of his wrath, Clifford L. Alexander Jr., would be replaced as chairman of the Equal Employment Opportunities Commission (EEOC). Speculation persists that President Nixon had been planning to name William H. Brown III, a Philadelphia lawyer, to succeed Alexander anyway. Brown is a Republican. Alexander is a Democrat, a holdover from the Johnson Administration who, in any case, plans to remain on the Commission until this term expires in 1972. Both are Negroes. But the timing of the White House announcement, inevitably giving stature to Dirksen's dubious influence, only feeds growing doubts and fears about the Nixon Administration's "commitment" to seek equal justice and opportunity for black Americans and other ethnic minorities.

Sen. Dirksen's charge of harassment would be hilarious if it did not hide downright hypocrisy followed not only by business (and labor unions) but by government itself in employment policies. Picture the spectacle of Chairman Alexander, a mild-mannered, soft-spoken, young, handsome attorney out of Harlem by way of Harvard, ruthlessly badgering the moguls of banks, insurance companies, broadcasting networks and the movie and aerospace industries in public hearings in Los Angeles in mid-March on ethnic hiring practices. Thanks to the emasculatory decisions of Congress, the EEOC has no "teeth," not even the authority to issue cease-and-desist orders against companies violating the equal opportunity provisions of civil rights laws.

The EEOC can only recommend. So outrageous did the hearings reveal the movie industry's barriers against blacks to be (abetted by the rigidly segregationist policies of craft unions involved), that the Commission urged the Justice Department, not once but three times, to file a charge of "pattern or practice of discrimination" against the entire motion picture industry, companies and unions alike. At last reports Attorney General Mitchell's shop had not even acknowledged the Commission's requests and Mitchell himself had not found the time to sit down and discuss common responsibilities and problems of the Department and the Commission in civil rights, as Alexander had suggested in a letter to him nearly three months ago.

Ironically, Dirksen's volcanic temper at Sen. Edward Kennedy's hearings on Federal racial policies obscured such disturbing facts as these in Alexander's testimony:

On the average, a black college graduate earns $1040 less than a white who never attended college.

In California alone, college enrollment includes 38,000 Mexican-Americans and 30,000 Negroes who will soon be in the "educated" job market.

Yet in the movie industry, "Mexican-Americans and blacks were almost completely excluded from craft jobs by a collusive system involving the producers and many craft unions."

In aerospace, minorities were almost invariably lumped at the bottom of the job ladder though many had education or training superior to whites in higher positions.

In three big Southern textile firms recently awarded contracts by the Pentagon, one of every 16 whites is an official or manager compared to one out of 1000 blacks.

One plant refused to hire a black woman because she had children out of wedlock though the company admitted hiring white unwed mothers.

"Discrimination," Alexander testified, "costs billions of dollars annually in unrealized productivity." He called the facts and figures "appalling." They are hardly more appalling than the sanctimonious fury by which Senator Dirksen is allowed to cloud the realities in this disgraceful picture. The picture won't be improved unless and until the Nixon Administration puts action where its promises are.

[From the Washington Post, Apr. 4, 1969]

HANDLING OF ALEXANDER AFFAIR NO WAY TO WIN BLACK GOODWILL

(By William Raspberry)

President Nixon, painfully aware of how little they trust him, has been working since he assumed office to build a fund of goodwill among Negro Americans.

That fund may be approaching bankruptcy now, thanks to the Administration's incredible bungling of the Clifford Alexander affair.

Alexander is the bright, aggressive young New Yorker named by President Johnson to head the Federal Equal Employment Opportunity Commission. He took seriously his task of seeing to it that private employers doing business with the Government provided equal opportunity to Negroes and other minorities.

So strong was Alexander's insistence on more than empty statements of good intentions that Sen. Everett M. Dirksen (R-Ill.) saw it as "harassment."

The Senate minority leader became so incensed, in fact, that he dropped completely the carefully cultivated mask of the benign old codger and turned tiger.

Either the "harassment" would come to a screeching halt, said Dirksen, or "I'm going to the highest authority in this Government to get somebody fired."

The echoes of the Dirksen blast hadn't died when the White House—"the highest authority in this Government"—let it be known that Alexander would be replaced as EEOC chairman.

There were explanations, of course. It is customary, said the White House spokesman, for new Presidents to name their own chairmen of administrative agencies. Alexander, who pointedly defied tradition by declining to submit his resignation when the new Administration took over, would have been replaced in any case, the explanation went.

Certainly, we were not to believe that there was any "direct connection" between Dirksen promise and White House delivery. Besides,

Alexander would be staying on as a member of the Commission; he would simply no longer be its chairman.

The explanation may have been totally true. But timing rendered it irrelevant. President Nixon had had more than two months to name his own chairman if he had wanted to. To reveal his intention to do so a day after Dirksen's threat suggests that more than tradition was involved.

Alexander had been too diligent as director of the Government's campaign against racial bias, and he had drawn blood. Big businessmen who were happy enough to issue the appropriate policy statements apparently wanted no part of real fair employment. They turned to Dirksen for help, and they got it.

There may be some consolation in the official hint that Alexander will be replaced by another Negro, but not much.

Considering the circumstances of Alexander's demotion, any new chairman would have to assume that he would take over with the understanding that he would not annoy Dirksen's friend. In other words, make the Administration look good to black folks, but don't rock any boats.

It is possible, of course, to assume that since Mr. Nixon would have replaced Alexander in any case, the Dirksen blast was nothing more than an unfortunate coincidence.

This would have been easier to believe except for the letter from Mr. Nixon read at the time of the Alexander announcement:

"I want to emphasize my own official and personal endorsement of a strong policy of equal employment opportunity *within the Federal Government*. I am determined that the executive branch of the Government lead the way as an equal opportunity employer."

Beautiful. But Alexander didn't incur Dirksen's wrath through his efforts at fair employment "within the Federal Government." Dirksen was angry over Alexander's treatment of private employers. And these weren't mentioned in the letter.

The omission, added to the recent actions of the Pentagon and the Department of Transportation to soften the impact on Federal contractors of fair-hiring standards, suggests that the Administration's commitment to equal opportunity in private industry may be less than total.

There may be comfort for Alexander in the knowledge that he lost his job by dint of doing it too well.

[From the Washington Evening Star, Apr. 9, 1969]

RIGHTS RX: A LITTLE LESS OF DIRKSEN

(By Carl T. Rowan)

It was a young Negro official whom Sen. Everett Dirksen, R. Ill., recently threatened to have fired if the official did not stop "harassing" employers believed guilty of job discrimination.

But it is Dirksen's fellow Republicans in the Justice Department who seem to be quaking under their beds.

Clifford L. Alexander Jr., chairman of the Equal Employment Opportunity Commission (EEOC), was the direct target of Dirksen's threat to "go to the highest authority in this government and get somebody fired."

But Alexander goes dutifully about his job of building his own fire under those firms and unions whose age-old policies of job discrimination are largely responsible for the racial conflict and sickness that bedevil this society.

Even though the White House rather foolishly followed up Dirksen's absurd threat by announcing that President Nixon probably will name someone else to replace Alexander as chairman, the young lawyer is pressing ahead more vigorously than ever.

But not so Jerris Leonard, head of the Justice Department's Civil Rights Division and the new chief enforcer of the nation's civil rights laws.

Alexander's commission has been trying for two weeks to get the Justice Department to consider court action against the motion picture industry. Leonard's office hasn't even bothered to return the telephone calls, let alone weigh the evidence of blatant discrimination that EEOC compiled during recent hearings on the West Coast.

In hearings on March 13, EEOC came up with findings like this:

Walt Disney productions has 238 officials and managers, but not a black American among them. Among this company's 900-odd white-collar employes, there are nine Negroes.

Warner Brothers-Seven Arts has 184 technicians, one of whom is black, and 250 office and clerical workers, only seven of whom are Negroes.

Universal City Studios has three blacks among its 361 officials and managers.

Twentieth Century-Fox reports that of 174 technicians, it has no blacks; of 433 office and clerical employes, only seven Negroes; and of 695 professional employes, nine blacks.

The International Association of Theatrical and Stage Employees reported some 4,000 union members, eight of whom are black. It has 50 illustrators and artists, not one of whom is a Negro.

The commissioners found a comparable situation with regard to Americans with Spanish surnames.

Considering this and much more information, Alexander and the other commissioners concluded immediately that there was "clear evidence of a pattern or practice of discrimination" and they voted to begin talks with Justice Department officials about taking legal action to halt the discrimination.

EEOC wants Justice to move in federal court against the Association of Motion Picture and TV Producers, against certain motion picture production companies, and several of the craft unions, including the Motion Picture Machine Operators of the U.S. and Canada.

Legal action is possible in part because Dirksen, the man who thinks Alexander and the other commissioners are working too zealously, helped to enact the Civil Rights Act of 1964. Title VII of that law empowers the attorney general to file suit in a federal district court, and seek an injunction, restraining order, or whatever is proper relief whenever he has "reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment" of the rights to employment secured by the civil rights law.

This provision of the law was used in 43 instances under the Johnson administration. It has yet to be used by the Nixon administration.

To not have passed the Civil Rights Act of 1964 would have been a small tragedy, for lack of economic security among America's minority groups lies at the heart of the woes of most every major city in the nation.

But to pass the law and refuse to enforce it, because Dirksen or someone else is loathe to "harass" men who coughed up big for the GOP's campaign coffers, is to invite calamity. For the violence that has plagued us these last few years is a direct result of the despair and hopelessness of people who are losing faith in the law.

What this country needs is a little less of Dirksen and a lot more of the Cliff Alexanders who have the guts to tell the unpalatable truth about what is wrong and what must be done to right things.

[From the Louisville (Ky.) Times, Apr. 2, 1969]

A CLOWN WHOSE MAKEUP SLIPPED

Everett McKinley Dirksen frequently is a funny fellow—we assume intentionally, although we are not sure. His flamboyant buffoonery, whether or not it is meant to be that, has provoked many smiles over the years. But behind the clown makeup is a powerful politician who isn't at all funny.

The Republican senator from Illinois showed himself at his unfunniest the other day during a Senate committee hearing on fair employment practices.

Racial discrimination in employment is barred by federal law. The Equal Employment Opportunity Commission has been set up to help enforce it. During the committee meeting, Dirksen, charging the commission had harassed businessmen, threatened to "get somebody fired." The implication was that the man to be fired was EEOC's chairman, Clifford L. Alexander Jr., who at the moment was testifying before the committee.

Is EEOC harassing business? Or is it only trying to do the job assigned to it by Congress? If there is evidence of genuine harassment, let Dirksen bring it forth. If Alexander or anyone else has acted improperly, according to the judgment of unbiased judges, then disciplinary action can be taken. But Dirksen has offered no evidence. He has only issued a threat to use his personal influence to fire a man who has not been found guilty of anything. And he has had the arrogance to make his threat publicly.

This kind of intimidation seems to us intolerable. But President Nixon tolerates it. In fact, by his actions the president appears to encourage it—or bow to it. The White House has announced that Alexander will be replaced as head of EEOC although he may remain on the commission.

It is true, as the White House spokesman said, that it is customary for new presidents to name new heads of administrative agencies. It may be true, as the same spokesman said, that there was "no direct connection" between Dirksen's threat and Nixon's decision to replace Alexander. But the timing is provocative and tends to reinforce the opinions of those who feel Dirksen successfully has intimidated someone—and that maybe the someone was Nixon.

[From the Louisville (Ky.) Courier-Journal, Mar. 31, 1969]

SENATOR DIRKSEN'S ODD DEFINITION OF HARASSMENT

They make a fine team, Senators Dirksen and Thurmond. They teamed up at a hearing in Washington the other day to browbeat the man charged with enforcing the law against racial discrimination in employment. Senator Dirksen went so far as to threaten to get the official fired if he didn't let up on the discriminators.

Clifford L. Alexander, Jr., a Negro and chairman of the Equal Employment Opportunities Commission, was the object of Mr. Dirksen's wrath. Senator Dirksen's threat against Mr. Alexander drew a rebuke from Senator Edward Kennedy, who told Alexander: "Those who threaten you . . . will find they'll have just as much trouble getting rid of you as they would anybody else who's doing his job."

TEXTILE CONTRACTS AT ISSUE

Mr. Kennedy discounted the close ties between the President and his Republican colleagues. One day after the bullying session, Mr. Nixon's press secretary announced the President's plan to replace Mr. Alexander as chairman of the EEOC. The two events, said the secretary, had no "direct connection."

Mr. Nixon is entitled, of course, to put persons of his own choice at the head of government agencies. His timing of this announcement, however, showed an implied approval of the Senators' hectoring and somewhat weakened his accompanying protestation of devotion to the equal employment opportunity concept.

The subcommittee, headed by Senator Kennedy, is investigating charges that the Nixon administration has eased anti-bias

enforcement in employment. Specifically under fire was the Pentagon's decision last month to award $9.2 million in contracts to three textile firms accused of racial discrimination in employment policies by officials of the previous administration. These three firms—Dan River Mills, Burlington Industries, and J. P. Stevens—along with the textile industry in general have a long history of racial discrimination, and virulent anti-union policies.

PAST RECORD ISN'T GOOD

In January, 1968, federal representatives visited five facilities of Dan River Mills. They found low employment of black female production workers even in counties with a one-third black population; virtual exclusion of Negro women from clerical jobs; assignment of black males to low paying, low status jobs and segregation of facilities. In 1968 Dan River was given more than six extensions of time to develop a plan for changing these conditions. It temporized.

In the last 20 years, the three textile firms have been found guilty of violating federal labor laws. Since 1966, the National Labor Relations Board has found J. P. Stevens guilty of illegal labor acts six times, and four of these findings have been upheld by federal courts.

The textile industry is a major employer in the South. In view of the record, the charge of Sentaors Dirksen and Thurmond that the federal government is "harassing" such firms is strange indeed.

[From the Dayton (Ohio) News, Mar. 29, 1969]

LAWMAKER ERUPTS IN WRONG FIELD

Is the presidency of the New Nixon reviving the Old Dirksen?

The senator has been relatively quiet lately, like a dormant volcano, but when aging Everett Dirksen rumbles the tremors still are felt nation-wide. What a disservice, then, that he chose to make noises against enforcement of the equal employment provisions of the Civil Rights act.

Dirksen has run in all directions on civil rights legislation—usually away from it—but he claims with some justification to be the savior of the act whose enforcement he decried during a Senate hearing.

The senator didn't substantiate his charge that federal compliance officers are harassing business that fail to meet fair hiring standards—except to say that some important business men have griped to him. He nonetheless said bureaucratic heads will roll unless businesses are treated more tenderly.

It is possible that the equal employment office has been inspired to an excess of zeal, although the feds usually have been patient to a fault on such matters. This nation has been brutally "cautious" for the 100 years since Reconstruction.

Of course enforcement should be fair, but it will be the nation's loss if the Equal Employment Opportunity commission allows itself to be unjustly bamboozled into timidity.

[From the Wilmington (Del.) Journal, Mar. 28, 1969]

MR. DIRKSEN'S THREATS

Sen. Everett M. Dirksen virtually took over hearings yesterday by a Senate subcommittee looking into the Nixon Administration's enforcement of civil rights laws, and by the time he had stopped talking the Illinois Republican had stated pointedly that heads would roll in the federal government unless officials stopped "harassing" businessmen.

Mr. Dirksen's particular target was Clifford L. Alexander Jr. who is chairman of the Equal Employment Opportunity Commission.

"Businessmen are streaming into Washington every day to complain they've been harassed by your operation," said the senator. "Either this punitive harassment is going to stop or somebody is going to lose his job or I'm going to the highest authority in this government to get somebody fired."

Mr. Alexander replied calmly that minority groups were more harassed than businessmen and "it's important that the law be enforced."

Since the commission Mr. Alexander heads has little or no enforcement power (and unlike various Cabinet agencies, it has no contracts to withhold), it would seem that persuasion is its single best weapon. And if trying to persuade businessmen to obey civil rights laws is harassment, then businessmen can expect to be (and should be) harassed.

[From the New York Amsterdam News, Apr. 12, 1969]

ALEXANDER'S TROUBLES

The Nixon Administration has uncommendably acquiesced in Senator Everett Dirksen's blatant hatchet job on Clifford L. Alexander, Jr.

Fortunately Alex is only down a notch and not out. We are confident he has the courage, intelligence and resourcefulness to remain an effective instrument for justice—even against obviously increased odds in his "demotion."

We take this opportunity, however to say to Dirksen just some of the things that young Alexander's personal restraint and the dignity of his office would not permit him to say when Dirksen first lifted his axe in a badgering session recently.

We know that the brilliant young Alexander, who performed excellently in fighting job bias as chairman of the Equal Employment Opportunities Commission, irritated many people in high places with reports on racism in industry.

He ruffled their feathers even further when he did not bow down to the tradition of resigning when a new President of another party came into office. He took the position—one in which he is legally sound—that Mr. Nixon could move to fire him if he wished, but that he himself would not quit.

The other day—as Alexander testified before a Congressional Committee—Senator Everett Dirksen, lashed out angrily, saying he was tired of big business being persecuted and that if this continued, he might have to "get" someone's job. Of course, the threat was directed at Mr. Alexander. Both Senator Edward Kennedy, who was conducting the hearing, and Mr. Alexander replied with restraint and dignity.

We have this to say: Senator Dirksen is a bully and an unintelligent one at that. Let him attend to his own lucrative affairs. The law firm with which he is connected makes so many millions because he is allowed to sit in the Senate and still practice the most obvious influence-peddling.

Fortunately, the intemperate Dirksen outburst was seen on television. Black people in Chicago, who have tremendous vote power, ought to remember his bullying attack on Mr. Alexander.

Clifford Alexander is fired now and we know the name of President Nixon's hatchet man.

The irksome Mr. Dirksen is a very powerful man. But an alert and angry black populace can help tumble even this powerful man from his throne.

Remember also that this Dirksen is the man who makes corny records about our fighting men, but who, when open housing legislation is at stake votes with those who believe the Land of The Free should not have decent homes for the brave—the black brave."

[From the Baltimore (Md.) Sun, Apr. 11, 1969]

JOB DISCRIMINATION

With an unintentional assist from Senator Dirksen, Clifford L. Alexander, Jr., has been able to draw attention to federal laws against racial discrimination in employment and to challenge the Nixon Administration to pursue their enforcement. Mr. Alexander is the chairman of the Equal Employment Opportunities Commission, a post to which he was appointed during the Johnson Administration. He is a Democrat and in the normal course of politics would have been replaced as chairman by an appointee, in all likelihood a Republican, chosen by President Nixon.

But when Mr. Alexander went up to the Capitol ten days or so ago to appear before a Senate subcommittee which was looking into the award of Defense Department contracts to three southern textile mills, Senator Dirksen charged the commission with harassing business firms and threatened to have someone fired. The White House promptly disclosed that a new chairman would be appointed, although it was said later that there was no connection between this move and Mr. Dirksen's threat.

Mr. Alexander now has resigned as chairman—although he says he will remain a member of the commission—and declared that "vigorous efforts to enforce the laws on employment discrimination are not among the goals of this administration." To this the White House press secretary took exception, saying that "the President and the Administration have made it very clear we intend to enforce the laws in this area."

What the Administration does in this area, of course, will speak louder than its words. Thus far there has been some ambiguity about its actions. The Deputy Secretary of Defense, Mr. Packard, was willing to award the three textile contracts in question on the strength of an oral understanding as to discrimination rather than the written agreement customarily sought. Yet this week the Justice Department filed suit against another southern textile company, charging discrimination in employment and company housing.

This is a sensitive issue for the Nixon Administration. The President received little support from Negroes in last year's election. He needs much more support from Negroes, for the successful functioning of government programs as well as for his own future as the Republican leader. He has been seeking such support, as he should. But the Alexander episode is a setback. Mr. Alexander is a Negro and, as it happened, Mr. Dirksen's Democratic opposite number during the subcommittee hearing was Senator Edward Kennedy, who may well be Mr. Nixon's opponent in 1972. This is clearly a challenge to Mr. Nixon in more ways than one.

ADMIRAL HARLLEE'S PRESENTATION OF U.S. MARITIME POLICIES

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. GARMATZ. Mr. Speaker, earlier this month the Sixth Annual European Conference of the National Defense Transportation Association was held at Brussels, and provided an opportunity for the exchange of ideas on the many problems confronting the members of the Association.

Rear Adm. John Harllee, U.S. Navy, retired, Chairman of the Federal Maritime Commission, very ably presented to the meeting the U.S. maritime policies and their relationships to free world commercial and security interests.

These very informative and interest-

ing facts are of great concern to all of us and, therefore, I am pleased to place them in the RECORD so all may have the opportunity to give them the careful consideration they deserve:

REMARKS OF REAR ADM. JOHN HARLLEE (RETIRED)

I am happy to join this distinguished group and to once again express the interest of the Federal Maritime Commission in the National Defense Transportation Association.

The N.D.T.A. offers a unique opportunity for both government and transportation industry leaders. The patterns of transportation have been undergoing rapid, and revolutionary changes in recent times, and the forum provided by the N.D.T.A. for the frank interchange of ideas leading to resolutions of common problems has been invaluable. Your organization has provided the necessary liaison between the various modes of the transportation industry and the government, both civilian and military.

The N.D.T.A., while in strong support of privately owned common carriers, has at the same time realized the necessity for regulation of various aspects of transportation industries. We at the Federal Maritime Commission have much in common with your objectives. We too have made every effort to resolve disputes and direct transportation policy in a manner which would best benefit not only our regulated carriers but also the commerce and economy of the U.S. The communication of differing view points and the resolution of problems presented to the various segments of the shipper and carrier industries is essential.

I am particularly happy to be here in Brussels, Belgium. No more convenient nor fitting example of the value of progressive port installations can be pointed to than that at nearby Antwerp. Antwerp is the number one European port in terms of tonnage of general cargo. From 1966 to 1967 import container trade with the U.S. through Antwerp more than doubled and exports more than quadrupled.

But even with the increase in container cargo space made available by additional vessels serving the North Atlantic the demand has not been fully satisfied.

In 1967 Antwerp handled over 20 million tons of general cargo and yet predictions are being made that the future will witness continued increase in trade with the U.S. along with an increase in other traffic through the Port of Antwerp.

While the investment has been costly Antwerp has chosen to move forward with an eye on the future.

Antwerp is by no means alone in its participation in the increase of container traffic throughout Europe. For example, Rotterdam, which had handled 1,600 containers per week in 1967, was handling 2,500 per week by July of 1968, and the Port of London increased its annual carriage of containers by over 32,000 from 1966 to 1967.

You gentlemen and the ports you represent are to be congratulated on your progress. You are naturally interested in developments in United States maritime policy.

Before discussing this matter I should point out the distinction between the Federal Maritime Commission of which I am Chairman and the Maritime Administration within the United States Department of Commerce. The Maritime Administration is concerned with direct promotional activity in relation to the American Merchant Marine, including the operating differential subsidy and construction subsidy programs. The Federal Maritime Commission on the other hand is concerned with economic regulation of all common carriers' rates, practices and activities in our oceanborne commerce. All Federal Government officials concerned with the United States maritime affairs mutually have a great interest in a maritime policy.

Our policy has always been one calling for a strong merchant marine, both for defense and commercial purposes. Following the Merchant Marine Act in 1936 it was generally believed that American flag ships should carry at least fifty percent of our commerce. As you know it carries only a small fraction of that now.

In a policy speech presented in Seattle, Washington during the campaign last fall President Nixon said: "We must set as our goal a sharp increase of the transport of U.S. trade aboard American flag ships. The present rate is 5.6 percent; by the mid-seventies, we must see that rate over 30 percent and the growth accelerating.

I support a building program to accomplish that objective."

President Nixon has appointed as Maritime Administrator a man who has not only had years of experience as a merchant marine shipmaster but more years as an operating vice president of a major steamship line with special expertise in modernized terminal operations and as a member of a management consultant firm which handled much maritime work. The new Maritime Administrator, Mr. Andrew E. Gibson, is especially well qualified for this task.

I recently heard Congressman Mendel Rivers, the powerful Chairman of the Armed Services Committee of the House of Representatives, pledge support for money for a revitalized American merchant marine and a 3.8 billion dollar naval shipbuilding program for fiscal 1970.

All of these factors portend a United States maritime policy supporting a strong American flag merchant marine and a real intention to implement such a policy.

Our maritime policy is also affected by our balance of payments position.

A stronger U.S. merchant marine and carriage of a large share of our cargo by American flag ships has a favorable impact upon our balance of payments position.

At this point I would like to say that although our own merchant marine should carry a much larger share of our trade, we nevertheless welcome foreign merchant marines to our shores. They serve a vital need. Neither the shipping statutes which the Federal Maritime Commission implements nor the FMC itself in implementing them discriminates against foreign ships. Our laws stand for fair competition for all and we believe in that policy. Despite all you may have heard to the contrary, our United States trades are so lucrative that NATO member nations continue to build hundreds of millions of dollars worth of ships for use in those trades.

Another factor in our balance of payments position is export trade expansion. Our country spends billions of dollars on foreign aid, on military exports overseas, and on foreign travel by American citizens. In order to maintain a favorable balance of payments the United States needs a favorable balance of trade. Of course, imports are also important because they, in many instances supply the raw materials for exporters and in other cases supply needed products to American consumers. The Federal Maritime Commission must ensure that our exports are not unjustly discriminated against in the matter of freight rates, schedules or other practices related to ocean transportation. A recent case in point was the longshoremen's strike on the Atlantic and Gulf Coasts. Many conferences, after the strike, imposed surcharges on exports from the United States but not on imports. The Commission is informally investigating this and has been able to get certain adjustments made.

The Federal Maritime Commission does not have statutory authority to regulate directly the level of ocean freight rates in our foreign commerce, nor does the Commission have the responsibility for the fixing of rates in the foreign trades. However, within our regulatory limitations we at the Commission have taken steps to eliminate discriminations and rate practices which would obstruct the free flow of trade. I believe that the basic philosophy of our shipping statutes as they relate to steamship conferences is that the conferences are beneficial if subjected to moderate government regulation. I believe our Commission has successfully carried out this necessary and moderate regulation.

It is quite clear from all of the foregoing that the impact of our maritime policy upon the economy of the NATO nations is favorable. Since NATO nations own the great majority of Free World shipping they benefit, as they should, from operating in our trades, including trades with third countries in the developing continents.

Now let us turn to transportation in NATO. As the transportation problems of individual trading partners become increasingly commingled the need for international discussions and cooperation is increasingly critical. Individual nation's transportation needs, like their defense requirements, are in some respects similar and in some respects quite different and often in conflict.

The North Atlantic Treaty provides a framework for wide areas of cooperation among its signatories. While the military aspect of its Articles are often stressed, the Treaty also provides for cooperation in political, economic, social, and cultural fields. To be effective, an alliance of this nature must be based to some extent on strong cultural and economic ties. Indeed it has been said that while its earlier periods were centered around the strictly military requirements of its members, NATO today is devoting over one-half of its planning time to economic and political matters. This increased non-military emphasis prevalent in the North Atlantic Treaty Organization has opened ever broader avenues of cooperation and progress.

The famous report of the "Committee of Three on Non-military Cooperation in NATO" dates back to December 1956. However, its suggestions are not without validity today. The Committee was established to advise the North Atlantic Council on ways and means to improve and extend NATO cooperation in non-military fields and to develop greater unity within the Atlantic Community. Paragraph 15 of the committee report is of particular interest. "From the very beginning of NATO, then, it was recognized that while defense cooperation was the first and most urgent requirement, this was not enough. It has also become increasingly realized, since the treaty was signed, that security is today far more than a military matter. The strengthening of political consultation and economic cooperation, the development of resources, progress in education and public understanding, all these can be as important, or even more important, for the protection of the security of a nation, or an alliance, as the building of a battleship or the equipping of an army."

There are too many, and some of them may even be within our own organizations, who believe that the role of transportation in the defense plans of our Nation, is concerned only with military movements.

This is a concept which we must dispel. The wheels, the wings, and the ships which are the handmaidens of our transportation complex are actually the sustaining factors of American, European, and Asian economies and it is their transportation contribution which makes possible our national and international economic strength and the military capability upon which the productive capacity and the peace of this world rest.

The National Defense Transortation Association, as does the Federal Maritime Commission, subscribes to the ideal that we must continue to contribute to the highest sustainable growth in our industrial

world. We certainly subscribe to the proposition that transportation has contributed and will continue to contribute, to greater employment, to rising standards of living, to sound financial stability, to basic economic expansion in developing countries, and to the expansion of world trade on multi-lateral and non-discriminatory foundations.

There can be no doubt that we of the United States intend to pursue these objectives and there is no doubt in my mind, after the contracts and meetings that I have had here in Europe, that we can expect the close cooperation of our friends, and allies, for the one point of which my contacts in Europe have made me acutely aware is the fact that all of us know that the international life of trade and commerce links us together and that transportation strengthens, not only our independence, but our interdependence.

The fact that trade, travel, and investment among us have reached unprecedented levels, makes it all the more urgent that we should develop and strengthen the procedures and mechanisms we have for coordinated transportation action.

The communication of ideas is particularly critical during periods of economic and physical change in the means of transportation. We are in such a period now.

The container revolution has spread from its beginnings in the trade from the Atlantic Coast of the United States to Puerto Rico trade to the great North Atlantic U.S. to Europe trades and has penetrated into the NATO nations of Europe. It has been and will continue to be a strong factor tending to further the integration of all modes into a European transportation system.

The increased utilization of the container as a vehicle for carrying goods has caused changes not only aboard ships but at each terminus of the voyage. The fluidity of containerized cargo in our foreign trades has caused increased similarity of interest by each individual trading partner, since the exporting and importing nation must work in unison.

Most of the major carriers serving the North Atlantic/European trade have inaugurated or plan to inaugurate a sophisticated container service, utilizing high speed, and fully integrated container vessels capable of cargo delivery within from five to eight days. This relatively new intermodal container concept offers to international trades significant economic benefits which we believe will accrue to both the shippers and the ocean carriers. The shipper is already benefitting from the availability of a through intermodal, faster service from the door of his plant or warehouse to the door of his customer abroad. The cost of packaging goods for export purposes should be reduced. The protection which the container affords to the cargo should reduce considerably the possibility of loss, damage, and pilferage. The cost of cargo insurance could be lessened when the risk is reduced. The smooth transfer of a container between different transportation modes could mean savings in the total cost of distributing goods and offer significant savings to the ocean carrier. Faster vessels allow shorter turnaround and fewer ships may therefore offer more service. The expense of cargo handling into and out of the vessel could be greatly reduced.

Commerce can now flow from interior points in one nation to interior points in another with relatively little impedance if the nexus of the ocean to land modes is equipped to handle efficiently the exchange of cargo. A modern highly efficient containership cannot be utilized to full advantage and cannot be economically operated if the port at which it calls is not equipped to respond to the needs of the traffic. Efficient loading and unloading and quick turnaround are essential to optimum performance.

One reason that the North Atlantic trade is well advanced in the handling of containers is that western European and U.S. ocean port development has progressed and is continuing to progress in a manner which parallels the requirements of the modern ocean carriers.

The Federal Maritime Commission has kept pace and will continue a policy of enlightened regulation to accomplish full utilization of modern achievements in international commerce. The Commission will not permit outmoded regulatory practices to impede the growth of new transportation concepts.

For example, since March of 1966 the Commission has had a container committee, made up of top staff officials, working with the problems of containerization, point to point traffic, single factor through rates, through intermodal bills of lading, and conflicting inland and admiralty rules affecting carrier liability.

We not only drafted legislation to provide coordination with the Interstate Commerce Commission, Civil Aeronautics Board, and Department of Transportation, but we also testified before Congress in full support of the Trade Simplification Act which was proposed in May 1968 by the Department of Transportation to facilitate through movement of cargo.

While the Federal Maritime Commission does not have authority to require carriers to develop and inaugurate container service, it can create a regulatory atmosphere favorable to the development of these new transportation concepts. The Commission has approved agreements to assist carriers in developing container services. It has facilitated the approval of changes in conference tariffs to permit operation of new containerized vessels. It will continue to try to help not only containerization, but unitization, use of automatic data processing and other forward steps in any way it properly can.

However, containerization also brings with it many problems and I have been asked to comment on some of these problems relating to transportation between the United States and Europe. During my last trip to Europe I was confronted with concern over the problem of over-tonnaging in the North Atlantic due to the construction of additional highly efficient containerships. We have been aware of this possibility and will most likely consider approval of such forms of rationalization as those approved already for the Atlantic Container Line, the Matson/NYK Agreement and various pools, but the FMC may well consider that there should be in return some advantage to the shippers such as increased stability of rates or some dampening factor on the rapid increase of rates.

Containerization and intermodal transportation resulting therefrom presented a difficult problem which became the subject of a formal proceeding in the past year or so. That proceeding which is generally referred to as the "CML (Container Marine Line) case" was decided by the Commission in April 1968. This decision did not meet with complete acceptance, but in my opinion it is progressive and will ultimately be beneficial in the matter of through rates by all carriers participating in our foreign commerce.

The impact on the Trans/Atlantic Trade in the event of the cessation of hostilities in Viet Nam has also been a matter of concern on the part of certain government and industry officials in Europe. It was their belief that American merchant ships released from the Viet Nam trade would aggravate the overtonnaging problem. I do not think that this will present a critical situation since a good portion of the American ships would be returned to the reserve fleet and it would probably take most of the remaining ships presently engaged in Viet Nam traffic six months to a year to return the men and equipment and another year or two to supply Viet Nam with building materials, grain and the many other items of aid which will be necessary if South Viet Nam is to survive.

There are, of course, many other problems, relating to management-labor issues, apprehensions concerning bypassing ports, issues as to how to replace the ships of American merchant marine and a number of relatively minor problems. Nevertheless our trade continues to grow and I am optimistic about the ultimate strength of our trade and our maritime policy. It is our desire at the Federal Maritime Commission to be of as much assistance as possible in proving this optimism well founded.

WHITE OAK SOLDIER KILLED IN VIETNAM—CAMBODIA BORDER ACTION TOLD

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. GAYDOS. Mr. Speaker, Army Sp4c. James R. Long, a brave young man from McKeesport, was recently killed serving his country in Vietnam.

I wish to honor his memory and commend his courage and valor by placing the following article in the RECORD:

AREA SOLDIER KILLED IN VIETNAM—CAMBODIA BORDER ACTION TOLD

A 20-year-old White Oak soldier has been killed in combat in Vietnam.

He was identified as Spec. 4 James R. Long, son of Mr. and Mrs. Donald Long of 2615 Mohawk Drive. Mr. Long, an employee of Westinghouse Electric Corp. in Trafford, said his son was reported missing in action April 1. The Defense Department yesterday listed him as dead.

The soldier was a member of a rifle company and was in action near the Cambodia border in Vietnam when he was reported missing.

A 1966 graduate of McKeesport Area Senior High School, he was employed at Westinghouse Electric Corp. in East Pittsburgh before entering the service last June. He was sent overseas last Nov. 2.

According to the serviceman's father, the last letter received from his son was on March 8th.

"He did not discuss what was going on or anything about being in combat in his letters, but he did write to several of our neighbors and told them it was terrible."

Spec. 4 Long was also a member of the United Church of Christ in McKeesport.

He is survived by his parents and two brothers, Kenneth D., 28 and Donald W. 25.

FEDERAL FUNDS HELP STUDENTS THROUGH TV

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. PUCINSKI. Mr. Speaker, the uses of television and communications equipment are still being widely explored. We have only just begun to appreciate TV's enormous effectiveness in reaching children in classrooms around the Nation.

My own city of Chicago has a particularly innovative system that has been funded largely with the assistance provided under title I of the Elementary and Secondary Education Act of 1966.

I would like to call the attention of my colleagues to a story about the uses of television in 40 of our Chicago area schools. More than 24,000 children participate in this educational program. The details of the overwhelming success of the program are contained in an article which appeared in the New World on April 18. It demonstrates the excellent uses to which this title I money has been put.

Mr. Speaker, the article follows:

IN CATHOLIC, PUBLIC SCHOOLS: FEDERAL FUNDS HELP STUDENTS THROUGH TV

(By David Sutor)

The fate of our tax monies is often a source of curiosity, irritation, and puzzlement for most American taxpayers. They don't always know how the money is used and are convinced that the money being spent is sometimes wasted.

Here in Chicago, there's an opportunity to see how tax money is fruitfully being used in certain public and Catholic elementary schools for closed-circuit television instruction in classrooms.

Since the early 1960s, the Chicago public school system has developed the use of classroom TV instruction, but only since 1966 has the program been federally funded through Title One of the Elementary and Secondary Education Act (ESEA) of 1965.

The Chicago system of classroom TV instruction is unique and, as such, was commended in Senate hearings during 1967 on the ESEA program, for being innovative in designing the "cluster" system of instructional TV.

Currently, there are 40 schools and some 24,000 Chicago area students, all from federally defined urban poverty areas, participating in the program to educate scholastically and economically poor students, from kindergarten through the upper grades, by using TV instruction.

Of those, 25 are public schools, 15 are Catholic; 20,000 are public school students and 4,000 are from Catholic schools.

Catholic schools are able to take part in the program because of Title One's provision that federal funds involved be used to meet the needs of the most disadvantaged children, regardless of what school they attend.

Children who qualify must measure at least one year or more below the level of the grade they are in and must also be classified as coming from economically deprived backgrounds.

Catholic schools with students who qualify under Title One, receive all necessary instructional TV materials and equipment.

However, parishioners in participating Catholic schools are expected to pick up the cost of installing the necessary wiring that allows TV signals to be received.

The reason for this is that federal regulations stipulate that funds may be used to benefit children, but may not be used to benefit a non-public school. This also explains why participating public school teachers are paid for their services and why Catholic school teachers are not.

According to Carole R. Nolan, director of the public school's division of instructional TV, "wiring is considered to be a permanent improvement in the school, and is not considered directly beneficial to the child."

Because the TV materials and equipment in Catholic schools are considered as directly responsible for child benefit, their cost is paid for by federal funds, she explained.

Through Title One funds, amounting to $635,000 a year (administered locally by the State Superintendent of Public Instruction), the public and Catholic school costs of materials and equipment are paid for, along with the wiring costs for public schools.

An Archdiocesan school board spokesman explained that each participating Catholic school decides on how many rooms will be wired for TV reception; therefore cost varies from school to school. Total estimated cost is $18,000.

Public schools, Miss Nolan explained, are equipped with a 23-inch portable TV set and rolling stand in every other classroom. In public schools, she said, wiring per room costs around $200; the set and stand $190.

Under the professional guidance of Miss Nolan, a "cluster system" has been developed whereby several schools, all within a one-mile radius of the TV sending studios, receive a full day's schedule of classroom instruction, five days a week.

Currently there are five "clusters" made up of six to eight receiving schools. Participating Catholic schools in the Dumas school cluster are St. Clara, St. Cyril, and Holy Cross.

In the Woodson cluster—St. Ambrose, Corpus Christi, and Holy Angels. In the Dvorak cluster—Blessed Sacrament, St. Finbarr, Our Lady of Lourdes, and Perpetual Help. In the Hinton cluster—St. Brendan, St. Cathage Sacred Heart, and St. Leo. In the Byrd cluster—St. Michael.

Instruction takes in all areas of the usual school curriculum (science, math, English), as well as classes that involve black studies, music, art, story telling, current events, etc.

In class, all students watch the programs and are later tested with materials geared specifically to their individual learning levels.

TV curriculum, Miss Nolan said, is developed during special eight-week summer training and planning sessions. Each cluster, she explained, has a steering committee made up of representatives from the participating public and Catholic schools.

There are about 100 teachers involved in the TV production, said Miss Nolan, including 20 lay and religious teachers from Catholic schools.

TV courses are taught on videotape by specially selected teachers and are shown throughout the school year on two separate channels used for reception in schools. Additional courses are taped during the school year.

The main conflict in the closed-circuit programming for Catholic schools, she said, is the time scheduling of certain courses, since Catholic school classes don't always coincide with the same time and length of public school classes.

To produce the programs, the public school has hired 11 TV engineers, uses five teachers as producer-directors, five teacher co-ordinators, and five teachers as graphic artists for visuals.

In addition, there are 10 teacher aides for operating cameras and five school clerks to handle necessary clerical work. All personnel are distributed evenly throughout the control centers of the five clusters.

While Miss Nolan pointed out that a comprehensive follow-up on the strength and weaknesses of the TV curriculum is now being conducted, normal evaluation is conducted through a variety of means:

The TV co-ordinator, who helps conduct in-service training of classroom teachers;

Elementary school teachers' meeting;

Written evaluations from teachers;

Results of pre- and post-TV course tests of students;

Evaluation from cluster steering committees.

"In evaluating," said Miss Nolan, "we check to see if students have improved in the subject areas studied, if there has been any perceptible improvement in the children's listening skills, their attentiveness, their attitude towards learning, and in their daily attendance records. We also talk to teachers to get their opinions on whether the correct skills or concepts were selected for the TV courses."

In discussing why television is so important for the education of disadvantaged students, Miss Nolan pointed out certain common characteristics that most share:

"They usually do not listen well, they have a disinterest in school topics, they feel school subjects are irrelevant to their lives, they have poor habits, are poor readers, are tardy and absent often.

"These children," she pointed out, "are usually more visually than audio oriented. They seem to be able to think better pictorially."

In an effort to improve their listening skills, she said, the teachers will occasionally blot out the TV picture so that only the voice is present. Then there are audio reviews used in pre-telecast preparations. Story telling sessions are also used to help students to listen and use their imaginations.

"One of the most benefical aspects of TV for students," Miss Nolan said, "is that it eliminates the distraction of the classroom teacher. It pinpoints attention, helps to minimize unruliness and puts teaching on a personal one-to-one basis."

By using television, she said, students are exposed to a diversity of teachers, a precision of teaching concepts and are stimulated to be interested in learning.

Teachers benefit, too, she added. "The TV curriculum provides good education and professional growth for teachers. The classroom teacher finds the TV teacher an added help and it gives the classroom teacher more freedom to develop new ideas. The TV teachers find they must become research experts when assigned to tape a TV course.

"They know," she said, "they must make every second count and be well prepared in all areas of the subject. They learn to pinpoint ideas and concepts."

TV teachers, Miss Nolan said, are selected on the basis of how well they know their subject, how articulate and organized they are, and on the basis of their personality.

Miss Nolan says she sees a greatly expanding use of classroom instructional TV. As a member of the TV subcommittee of the Great Cities Research Council (16 cities), she said the organization is engaged in planning cooperative production of TV programs for large urban areas and eventually plans to exchange videotapes.

Miss Nolan looks hopefully to the Educational Technology Act of 1969 as an additional source of greater federal aid for further development of educational technology.

"We have," she said, "planned, developed, operated and shown good, tangible results in our closed-circuit TV program so far, and we hope to do much better in the future."

One good reason why, as Miss Nolan pointed out, is because there are still 200 other public schools and 97 other Catholic schools in the Chicago area that are eligible under the Title One clause for reception of TV course programs, but do not participate simply because the project hasn't enough money or personnel to expand.

MENTALLY UNFIT TEACHERS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. PUCINSKI. Mr. Speaker, the Chicago's American magazine of April 20 published an article dealing with a subject that is too often spoken of only in

private—the pernicious damage inflicted on children by teachers who are emotionally and psychologically unfit to teach.

As the American article points out, this problem is not a dominant characteristic of our school system. But the pressures on our teachers are so great, their financial needs so widely unmet, their time so burdened with endless administrative tasks, that it is surprising a larger number are not seriously ill. We are all familiar with the statistics showing the increasing amount of talented young men and women who leave the teaching profession each year, because they are not permitted to exercise their ability to teach, unencumbered by the endless minutiae of administrative chores that could and should be handled by others.

For most of their developing years, our children spend the bulk of their waking hours in classrooms with teachers who possess varying degrees of emotional stability. The enormous influence that a teacher has on his or her pupils is well-known to any parent willing to take the time to listen to his children.

We like to think our American system of education is among the best in the world. A major component to its effectiveness, however, is the mental health and emotional stability of our teachers.

Mr. Speaker, I recommend that my colleagues read the following article in order that they may remain attuned to the necessity for providing answers to this problem, answers that will eliminate unfit teachers from America's classrooms.

Mr. Speaker, the Chicago's American article follows:

MENTALLY UNFIT TEACHERS

(By Bernard Bard)

The varieties of physical violence and mental havoc inflicted on children by disturbed teachers are limitless.

A Milwaukee trade-school teacher highlighted a sex-hygiene lesson by going from desk to desk in the classroom and, after estimating the apparent age of each student, indicated whether or not he thought a particular student would be admitted to a house of prostitution.

A teacher in Oklahoma resented very bright children, and when Janie came into her 3d grade class with perfect marks from the year before, "the teacher isolated her completely from the other children, would never allow her to participate or recite, ignored her hand when she tried to volunteer," according to an educator's report. The child suffered a nervous breakdown. The school administration recommended that extra-bright children be kept out of this teacher's classes "for their own welfare."

Mr. Y., a teacher in a large Ohio city, became enraged at a boy who left his seat and peered over a windowsill to observe something in the street. Without a word, Mr. Y. walked over and slammed the open window down on the boy's neck. The boy sustained a broken collarbone. His parents were dissuaded from filing a lawsuit by a Board of Education promise to place the teacher on leave and arrange for him to go to a psychotherapist.

All studies of "maladjusted" or "unstable" teachers suffer from scientific inexactness. As one education professor said:

"Are we talking about teachers who are under therapy, under suspicion, just plain incompetent, tired, or crawling on all fours like a dog?"

The problem is not new. The N.E.A.'s American Association of School Administrators said in 1942 that "the emotionally unstable teacher exerts such a detrimental influence on children that she should not be allowed to remain in the classroom." It said the teacher who has a wild temper, is severely depressed, bitingly sarcastic, or habitually scolding is as much a menace as a teacher with a communicable disease such as tuberculosis. "Such teachers need help," said the N.E.A.

But overwhelmingly, such teachers are not getting help. "The schools do with teachers to a large extent what they do with problem children," says Charles Cogen, past president of the American Federation of Teachers. "They transfer them to another school. . . ."

A. F. T. President David Selden said the pattern of cover-up is so ingrained that a teacher who has gone for psychiatric help and been restored to mental health "would be barred from employment in most school systems" by the mere fact of having such an entry on his medical records. Selden added: "On the other hand, a 'nut' who has not faced his own problems and doesn't want anybody else to know about it could very easily pass the entrance requirements in most states."

Prof. R. Baird Shuman of Duke university tells of a teacher undergoing psychotherapy who parks her car several blocks from the therapist's office for fear of being recognized and possibly losing her job.

Dr. Elliott S. Shapiro, a field superintendent in the New York school system and a practicing clinical psychologist, says that "the basic problem is that no one in the school system will admit a deficiency." The school's basic posture, he said, is that all is well in the classroom, everything is being done right, and if the child is not learning, that's the child's fault.

The schools pay lip service to mental health; teachers take courses in it, and a "week" is named after it. But the actual mental health of teachers is generally ignored. Anyone who raises the question runs the risk of becoming a pariah to teachers and teacher organizations.

In 1961 a book called "The Mentally Disturbed Teacher" was written by a veteran New York City teacher, Dr. Joseph T. Shipley. Several state teacher associations rejected the publisher's advertisements in their professional journals, simply on basis of the title, without having seen the book. And N.E.A. national headquarters in Washington sent an investigator to Stuyvesant High school, where Shipley had been a teacher for 40 years, "to check up on me."

The book was an inquiry into the handling—or mishandling—of teacher mental-illness cases in 44 school districts. Its main conclusion: "Nowhere . . . is there a frank facing of the problem of the unfit teacher." Shipley said nothing would be improved until "the evasive pattern of teacher indignation, official hedging, and public passivity" was broken.

My study shows that some reforms are taking place—but very slowly. Much of the blame for the delay, according to Professor Shuman of Duke, rests with school administrators who hold "outmoded notions" about psychiatry and mental health. They equate any record of past psychiatric treatment with trouble—despite considerable evidence to the contrary.

Shuman believes every prospective teacher should receive a "psychiatric clearance" while in college. Any student who failed to win clearance would be required to complete a course of treatment [paid for by the school]. And any student who disagreed with the findings could appeal to a psychiatrist of his own choosing. The record of his treatment would be confidential.

Wholesale psychiatric interviews—either for student-teachers or those in the classroom—may be too avant-garde or expensive for most teachers colleges and school districts. As an alternative some teachers colleges are trying what they consider the next best thing—batteries of "personality and attitude inventory" tests.

But several experts told me the tests have not done the job. "They are just not that good," says Dr. Sheldon R. Roen of Columbia's Teachers college. Too many candidates marked neurotic by the tests turned out to be splendid teachers. Another difficulty is that it takes an expert to evaluate test results, and few teachers colleges are willing or able to invest the money in skilled specialists.

West Texas State university tried in 1963 to set up a program based on counseling with student-teachers as equal face-to-face partners. The point was to allow them to make up their own minds, with the help of the personality tests, not weed out people by fiat, according to Prof. Berl J. Grim.

The program went well for several years, but has faltered lately. Some students blame conservative faculty members who felt the procedure was too time-consuming, took time away from academics, or regarded personality tests as "an invasion of privacy."

An innovation that may have a wider effect on mental health in the classroom is the annual health checkup for teachers. Dr. William G. Hollister, a psychiatrist on the faculty of the School of Medicine at the University of North Carolina, supports the idea. Dr. Hollister, chairman of the mental health standing committee of the National Congress of Parents and Teachers, told me, "Just as any good industrial firm provides a good medical and psychological health service for its employees, so should a school system."

The idea is begining to take hold. Los Angeles gives a mental-health checkup to all new teachers, and maintains a mental-health section to which any teacher can go for help at any time.

Money is one of the teacher's continuing mental-health hazards. Economist Leon Keyserling found in a survey last year of the 10 largest United States cities that if teacher salaries had kept pace with other major occupational groups, the average pay last year for teachers would have been $13,969, or 78.1 percent higher than it is.

Dr. Albert Schliff, director of personnel for the Detroit schools, reports that "more and more budgetary problems" are among the reasons teachers come to the attention of the mental-health committee.

The money gap also means that high school graduates with the poorest grades often wind up as teachers. A 1961 Columbia Teachers college survey of 658 alumni showed that of 200 teachers who left for better-paying fields virtually all were "mentally superior" to those who remained teachers.

To Dr. Mortimer Kreuter, a former New York school principal and now assistant director of the Center for Urban Education, a Manhattan-based federal education laboratory, the schools "infantilize" teachers and depress their mental health.

"Teachers are graded and inspected very much like children," says Dr. Kreuter. "Their private formulations for teaching their classes—their plan books—are made the subjects of weekly inspections. They are also graded on loyalty, dress, deportment, punctuality and attendance, and evidences of growth . . . as are the children. What's worse, the children recognize that their teachers are being checked and graded." In addition, says Dr. Kreuter, teachers work under "sweatshop conditions." They literally have no time to go to the toilet. They punch time clocks, and must bring a doctor's note when ill.

Dr. Ruth G. Newman, co-director of the Institute of Education Services, Washington, D.C., school of psychiatry, recently completed a national tour of United States schools. She talked to teachers and watched their treatment at the hands of supervisors. She likened the atmosphere to that of concentration camps in which teachers were too often treated like children by their superiors.

If teachers are "infantilized," if their in-

tellectual growth is atrophied, and their mental health eroded, as Dr. Newman claims, then the entire structure of American schools must be overhauled. This is being done in bits and pieces, thru team teaching, ungraded classes, independent study, computerized instruction, and other fresh approaches designed to free teachers from regimentation.

But recasting American education will take generations. What can be done today about emotionally unfit teachers?

Often, the reflex answer is: "Do away with tenure laws"—the laws in force in almost all states outside the south that protect a teacher from being dismissed after he or she passes a probationary period. But teachers have struggled too hard to win tenure laws to surrender them without a fight. And no parent group can match teachers in political muscle or treasuries. Any campaign to weaken or roll back tenure laws would probably fail and shatter parent-teacher partnerships on other educational issues for years to come. Without tenure, too, teachers could be dismissed for unorthodox political views or for not being sufficiently "loyal to the administration"—which often means they must be disloyal to the interests of the children. So, without tenure, tens of thousands of the best teachers would probably quit the professions.

"Tenure is not the problem," says Dr. Roy A. Edefelt of the N. E. A. "These mental health cases do not have to get to the firing stage. And they wouldn't if school boards would set up adequate remedial and preventive measures."

This year the 10,700,000-member PTA Congress will expand to all 50 states a pilot program begun last year in Connecticut, Kansas, and North Carolina. Local PTA's, collaborating with schools and mental-health agencies in their communities, will survey unmet mental-health needs of children.

If the PTA is successful, the result should be increased appropriations for child-guidance clinics, school psychologists, and community mental-health services. "And this is where a major lifting for the teachers is going to come from," says Dr. Hollister, the University of North Carolina psychiatrist.

Jean Piaget, the renowned Swiss child psychologist, has defined the chief goal of education as the development of adults who "are capable of doing new things, not simply repeating what other generations have done—men who are creative, inventive, and discoverers. The second goal of education is to form minds which can be critical, can verify, and not accept everything they are offered."

It will take a gifted teacher to bring off that kind of education. Presumably, it is not the teacher who last spring told a 7-year-old in a school near St. Louis: "We have little beans and we have big beans. You're one of the little beans, and we don't expect anything out of you."

TWO MORE FROM MARYLAND KILLED IN VIETNAM WAR

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. LONG of Maryland. Mr. Speaker, L. Cpl. Norman C. Byrd and S. Sgt. Harold L. Greever, two fine young men from Maryland, were killed recently in Vietnam. I would like to commend their courage and honor their memory by including the following article in the RECORD:

TWO MORE KILLED IN VIETNAM WAR: BOTH HAD PREVIOUSLY BEEN WOUNDED IN COMBAT

A Baltimore Marine lance corporal and an Army staff sergeant from West Virginia whose mother lives in the city, have been killed in Vietnam, the Defense Department announced yesterday.

The dead are:

Lance Cpl. Norman C. Byrd, 21, of 2605 Aisquith street, who was killed April 14 in a truck accident.

Staff Sgt. Harold L. Greever, 29, of Hilton, W. Va., who was killed in combat on April 13.

A career soldier, Sergeant Greever spent nearly half his life in the Army, having enlisted at the age of 17. He was serving his third tour in Vietnam when he was killed.

The sergeant was twice wounded by machine gun and shrapnel, but recovered such time to volunteer for Vietnam duty, his mother, Mrs. George Greever Kimmel, of Baltimore, said yesterday.

"He felt it was his duty to the country. He saw the people over there and how terrible it was for them, and he wanted to do something to help," Mrs. Kimmel said.

Most of his career was spent with infantry units in West Germany, where he had met his wife, Mrs. Ann Greever, of Bamberg, West Germany.

At the time of his death, Sergeant Greever was stationed with the 11th Air Calvary Regiment near Saigon.

WAS BORN IN HINTON

A native of Hinton, Mr. Greever attended the local schools before beginning his Army service. In his spare moments, he enjoyed watching auto races.

Besides his wife and mother, Mr. Greever is survived by a son, John, and a daughter, Diane, both with their mother in Bamberg; and a half-brother by his mother's former marriage, Richard Pitzer, of Charleston, West Virginia.

Funeral arrangements are incomplete.

Corporal Byrd was serving with the 3d Marine Division at the time of his death. He had been released from a hospital, only two days before the fatal truck accident, according to his father, Isaac C. Byrd, of Baltimore.

HAD BEEN HOSPITALIZED

Mr. Byrd said his son had been hospitalized for shrapnel wounds of the legs.

A native of Baltimore, Mr. Byrd was graduated from City College and attended Morgan State Teachers College before he enlisted in the Marine Corps in 1967.

In high school, Mr. Byrd was a member of the varsity track and football teams.

Besides his father, he is survived by his wife, Mrs. Jaqueline Byrd; a daughter Mern; his mother, Mrs. Lelia Marie Byrd; three brothers, William, Isaac, Jr., and Edward Byrd, all of Baltimore; and four sisters, June, Mary Astor, Deborah, and Golden Byrd, all of Baltimore.

ONE MAN CAN MAKE A DIFFERENCE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. MOORHEAD. Mr. Speaker, one man can indeed make a difference—make his voice heard and his influence felt—even in these impersonal, chaotic times.

I am very proud to include at this point in the RECORD, a story by press writer, Roger Stuart, "The Life and Thoughts of James McCoy, Jr."

James McCoy, Jr., whom I am pleased to call a friend, has made a difference in our city of Pittsburgh in his thoughts and actions as a distinguished civil rights leader, district representative for the United Steelworkers, community leader, and innovator in black capitalism. I include the story here for the attention of my colleagues:

THE LIFE AND THOUGHTS OF JAMES MCCOY, JR.

(By Roger Stuart)

James McCoy Jr. says nothing for a moment. He just stands inside the big plate glass window of an old store front, which conjures up an image of the Last Chance Saloon but actually serves as the Freedom House Enterprises office, and stares across the way.

The wind whips up Centre Avenue—harsh and cold—catching the light powdery snow and packaging it in little swirls like sand or upended tumbleweed blowing through a western ghost town.

Jim McCoy's eyes rest first on the barren foundation of the Mainway Market burned out during what he calls "the visitation of the destroying angel," that devil-possessed villain of last April's Hill District riot.

He looks out upon the rutted, cobbled streets where fire hoses writhed like hissing snakes, spitting little jets of water into smoke blossoming black and ominous from burning tar roofs above the Hill District, and looters had a field day.

When he finally speaks, Jim McCoy goes through a sentence like a prospector pans for gold, picking words as if they were the best bright nuggets, light to the touch yet heavy in worth.

"Violence that comes from the hand of a black racist is just as destructive as violence that comes from the hand of a white racist," he says. "Neither serves any good for his country . . . I do not propose to anyone that we seek a solution in violence. The greatest achievements in the history of this nation in civil rights and human dignity were achieved without violence. However . . ."

His voice stops and he goes into another of his pregnant silences. His gaze moves over to the lot equipped for youngsters to play on since those disorderly days last April. Hill District people had wanted that for a long time, to be sure. But not as the first visible sign offered by municipal officials that they did, indeed, have a recovery plan for Pittsburgh's oldest slum.

"However," Mr. McCoy continues, "violence may be created by people who would be attempting to resist the positive and affirmative solutions we have to offer . . . The voice of black people must be heard in the council chambers and the policymaking rooms of this city and this nation. It can no longer be heard as the voice in the wilderness, because it is that voice not heard in the wilderness that created the civil disorders that we have been experiencing.

"The black voice must be heard and become a part of the power structure. The times demand such. When that is done, then the lasting peace, which was spoken of so many centuries ago, will certainly become evident among us who are citizens of this country.

"You know Jesus said, 'Peace I leave with you. My peace I give unto you—not as the world giveth—give I unto you.' The day must come when we recognize, regardless of who it is, that a man is a man and respect him for his ability to contribute to the community in which he lives and the country of which he is a citizen."

Jim McCoy's silences say almost as much as his words, contributing to that carefully honed delivery which makes you think that surely the phrase "with all deliberate speed" must have been coined with him in mind. It's also a characteristic that creates for some an image of a man ponderous in speech and easy-going in manner, in short, a push-over.

Ask him about this impression he conveys to others, though, and what he thinks of this assessment, whether it annoys him or not, and he'll say: "Does it bother me? No, I cultivate it. I lead them into a trap sprung

by themselves through improper analysis of their subject."

The answer demonstrates, as many adversaries have discovered, that beneath his deceptive manner is a determined man with forceful logic and an articulate gift for negotiation or persuasion. Every word he speaks, every act he engages in, is an intensely deliberate effort bent always on moving his people forward.

But there's a sharply honed wit lurking there somewhere, too, ready to seize up the right opportunity when it's presented, as one was recently when he was meeting with his old friend and adversary, Mayor Joseph M. Barr.

"When it comes to interrogating you, Jim McCoy can do a better job of tying you down than many lawyers," said the Mayor. "But, of course, I haven't always answered."

"That's right, Mayor," Jim agreed, "you have taken the Fifth Amendment a few times, haven't you?"

To some, like attorney John Conley, associate director of Hill House Assn. and an old ally, "Jim might seem to stray away from the point sometimes. But he always comes back to it. And, sooner or later, he'll get to the point with no nonsense. He knows what he'll give and won't give."

This ability has helped Jim McCoy build an enviable record of accomplishments, first as a local union president, later as a district representative for the United Steelworkers, and now as one of Pittsburgh's foremost civil rights leaders.

A black man, he was elected president of a 60 per cent white, 40 per cent Negro USW local in the late 1940s. He was a principal founder of the civil rights protest movement here, organizing demonstrations, staging boycotts, arguing eloquently for his people's cause in the early 1960s. And when others were still hung up on protest as the only way in which to enhance the forward motion of Pittsburgh's black community, Jim McCoy was one of the first local Negro leaders to push black capitalism.

"He is one of the most persuasive and most important of the protest and civil rights leaders we have locally," says House Majority Leader K. Leroy Irvis, Hill District Democrat. "And I think, unlike some, Jim McCoy's horizons are not particularly limited to certain areas. He is not limited in his viewpoint as to which methods and techniques will work in the civil rights struggle."

FOUGHT FOR JOBS

As a protest leader, Jim McCoy has fought for jobs for Negroes, battering down the walls of blatant discrimination and unfair quota systems. He has spoken eloquently of the need for better education and better homes for Pittsburgh's Negroes. And when other men turned to the torch, Jim McCoy preached tolerance.

"I cannot agree when a person says, 'The civil rights movement is dead'," he declares. "That is, by far, far from the truth. It's like saying Christ is dead. Christ is very much alive. He may not project Himself now, in the year 1969, as He projected Himself 2000 years ago. But He's still here. As long as there is a wrong existing, there is a need for Christianity. As long as one group of people denies other people of their just rights—there just due—because of race, there will be a need for the civil rights movement."

But honesty, as much as tolerance, is one of Jim McCoy's virtues. Indeed, says Rep. Irvis: "Jim McCoy's main characteristic is his unflinching honesty. He's that way in his public dealings with men and he's that way in private dealings with men. His public posture and his private posture are the same, which is more than one can say for a great many public figures."

However, in this time of transitory leaders in the civil rights movement or its heir, the Negro Revolution, there are blacks who will say without wanting to be quoted by name: "There's a day for every man in this movement, and Jim McCoy had his day five years ago."

Others, like attorney Conley disagree. He says: "Jim McCoy is a genuine leader as opposed to a black buffoon who just mouths off with nothing to say really, just to get his name in the paper. Jim works extremely hard and effectively and gets nothing for it. He brings the skills of an arbitrator to get things moving. And being a real leader he can work with a group and get the best out of it. He doesn't go charging off. People listen.

"And if they listen at all, they'll find that the word dignity is all-important to him—the dignity of the black man. But dignity to Jim isn't something somebody gives you. It means participation and responsibility."

Similarly, Herbert Bean, a Negro who operates three service stations employing 18 persons, says: "I've known Jim real close for six years and never have I seen him back up. He stands up to what he says."

Politically, Jim McCoy is "a Democrat by registration and an independent by thought." And there's a chance that some public office might be his in the future.

Indeed, he received quite a bit of consideration this last time around from the Democratic slatemakers in their quest for candidates to run for five City Council seats.

He was also considered a leading possibility last year to succeed former City Council President Patrick T. Fagan, when he retired. Mayor Barr says now that he considered Jim McCoy as top candidate, believing "there should be a minimum of two Negroes on Council." But the Mayor finally appointed the retiring council president's son, Thomas L. Fagan, to the job.

"If I hadn't," says the Mayor, "none of the wards south of the river would have been represented on Council." But, the Mayor adds, "I took hell that night when I addressed a town meeting in the Hill District."

Regardless of whether Jim McCoy ever becomes a political candidate, community activities have been his major concern for the greater portion of his life. And it's doubtful that he would elect to become a dropout.

"I've shown interest in helping and working with people even from my earliest days," he says, adding, "I presume that is part of my father in me."

His father was a traveling evangelist—"a man of the Gospel," says Jim—and he traveled extensively throughout the country. But when Jim was born in 1919, one of three children, the family had planted its roots in Houston, Tex. Later, though, Jim recalls fondly that he often accompanied his father on his missions and that, as a preacher, his father was "an old coal burner."

Little wonder then that Jim McCoy has a deeply religious streak or that his dad was his first public-speaking model.

From Houston, the family moved to Idabel, Okla., where the Depression caught up with them in the 1930s and Jim says he "encountered early in life tremendous hardships and difficulties." But he skips quickly over that period, saying cryptically, "We were able to stay alive."

Denver was the next stop, lasting two or three years, and the place where Jim remembers boxing in YMCA tourneys. Finally his family moved east to Cleveland, from which Jim struck out on his own in 1936 for Pittsburgh to hunt for a job—and find a wife.

"It was really quite funny how we met," says Mrs. McCoy. She was Rose Moore then and celebrating her 17th birthday by going to the movies. "Jimmy and I didn't know each other," she says. "But a friend of his and I were in school together and were supposed to go dutch to the movies, then meet each other there. Nobody had much money then. I waited for my date, but he didn't show up. So at intermission I went looking for him in the lobby. He wasn't there either, but Jimmy was. So I asked him where his friend was and he said, 'You know, it's a funny thing, but he lost his ticket.' And it was really funny, too, because I believed it."

In any event, Jim decided right then on his intentions. And, says Mrs. McCoy, "Somehow or another, it was understood after I saw Jimmy at the show, I became his girl and not his friend's. Those two have teased each other ever since, but I still don't know for real whether Jimmy's friend was upset. He never did say anything.

Jim McCoy and Rose Moore were married almost 28 years ago. But shortly after their marriage, Jim learned that either he or his trombone had to go. The way Mrs. McCoy tells it, "Jimmy played with a group of fellows and they practiced religiously. But after we were married, I don't know. Jimmy was going to night school, stopped going to practice and they sort of drifted apart. Anyway, the thing used to make so much noise." The way Jim remembers it, it was the noise. In any event, he pawned not just one but both of his trombones.

MET AT NIGHT CLASS

Jim was attending night classes at Fifth Ave. High School when they met, says Mrs. McCoy, because with all the traveling his parents had done while he was growing up, he had never finished. In later years, Jim enrolled in a correspondence law course. And, although he never finished, he says, "What I learned then has been of tremendous help to me in the years since in performing union jobs."

"Oh, those were some bad days when we were first married," says Mrs. McCoy, "because, you know—really and truly—you would never know how we had to pray it wouldn't rain. Jimmy was working down at a brickyard in Lawrenceville. They would tear down houses and all. If it rained he didn't work. Oh, those were some days."

Their first home was one room in the Hill District, where they stayed, sharing kitchen privileges, until after Patricia, the first child, was born. "After that we graduated," says Mrs. McCoy. "We moved into two rooms. There was this place in back of the library off of Wylie Ave. I don't know if it's still there. But it was a four-room house with a bath, which the landlord subdivided.

The next year, James Douglas McCoy arrived. So the McCoys looked once more for something larger, finding a six-room house on the North Side. "It was real fun having all those rooms," says Mrs. McCoy.

Meanwhile, Jim had left the brickyard job and gone to work on the railroad. But he used to pass the Continental Rolling Steel Foundries in Coraopolis every day and he began to get an idea. "He had gotten enough of outside work when he was working construction," says Mrs. McCoy. "So one day, after talking about it for quite a while, he just got off the train and went in there to get a job. And that's how he finally got into union work."

A chipper in the foundry, he was elected shop steward and later president of Local 1904. But neither union job was full-time, says Jim, because the local wasn't rich enough. In 1948, though, he was appointed to the staff of the USW as a district representative—a job he's held ever since. Today he is also the only Negro to head one of the USW's negotiating teams with the 96 basic-steel companies.

In addition, Jim McCoy is a member and supporter of the National Ad Hoc Committee of Rank-and-File Steelworkers, which is pushing for the inclusion of a black man on the USW board and more black staff representatives. "I. W. Abel is aware and is clear as to the position I hold, have held and will always hold on that particular subject," he says.

As a staff representative, Jim McCoy must minister to the needs and affairs of various locals in District 20. Among his chores are negotiating contracts, processing grievances and presenting them at arbitration hearings. He also must implement the international

union's safety, civil rights and education programs and, in the course of each day, be ready to help the rank-and-file resolve personal problems over pensions, retirement and such.

But back about 22 years ago, before Jim had his present job, the family budget was tight. And once when the Steelworkers were on strike, Mrs. McCoy could see no alternative but to go to work herself. She landed a job as a cook at the Rockwell Manufacturing plant in Homewood and, somehow, has never left it.

Finally, they decided to buy the house at 7261 Lemington Ave., East End, where they now live. Jim was in the USW job by then and things were looking up. But Mrs. McCoy was still working. And, she says, "I told Jimmy, 'If I'm going to help you, we're going to have to move closer to my job because you have the car every day.' Jimmy is still working all the time and I'm working. But, really and truly, the Government seems to get most of what we earn."

In the meantime, the youngsters were growing up. Patricia, 25, is now Mrs. Patricia Goodnight and the mother of a four-year-old son, Mark. A graduate of Westinghouse High School, she attended Duquesne and Temple universities and took time out to get married before resuming her education at Howard University. While she's finishing, her parents are looking after young Mark, Jim drops him off at nursery school every day on his way to work.

AN ART TEACHER

James Douglas McCoy, 24, is also married and the father of one child. He graduated from Westinghouse, where he was an All-City end on the football team, and from Rutgers University. Today he's an art teacher in New York City.

"All the while, Jim was working so hard in labor and civil rights," says his wife, "that he really doesn't know how old he is." But he still had time, she recalls, to cultivate public speaking as a "hobby". I guess that's what you would call it," she says. "He's always trying to be a great speaker. Sometimes he'll practice by himself, then he'll ask me how it sounds. We have a tape rcorder, too, that he uses."

The two men, besides his father, who have left indelible impressions on Jim's own brand of oratory were Philip Murray and Dr. Martin Luther King Jr. He admired the rolling thunder and whispering pines quality of Dr. King's delivery. And in Phil Murray he found a need to ponder every word to make sure it was the right one. "Sometimes his silence was like a trip hammer," Jim recalls.

Over the years, Mrs. McCoy has also helped her husband with his civil rights labors. "But," she readily admits, "I guess I can't do the work like the men. I would like to get right to it like Jimmy. But I'm a little afraid. The men aren't afraid to go to jail if they have to. I really don't want to go to jail when they're having their demonstrations."

Jim McCoy has been arrested twice—once in Homewood in 1963 for playing a loudspeaker on Sunday and later during a picketing demonstration.

He first got into "the struggle for human dignity," as he is apt to call the civil rights movement, back in the late 1940s. "We in the black community and liberal people throughout Pittsburgh became concerned over the need for Fair Employment Practices statutes both in the City and State," he says. "I worked and helped as much as I could without any fuss or fanfare."

But it wasn't long before he was named chairman of the Greater Pittsburgh Improvement League's employment committee. Later he was elected to the board of the Pittsburgh branch of the NAACP. On the State level, he organized the Pennsylvania NAACP Labor and Industry Committee. "One of our most important efforts," he recalls, "was the successful fight to integrate the Hershey Chocolate Co. in Hershey."

He was aggressive, even militant, in his search to develop techniques for expanding Negro opportunity. And out of his pursuit came selective buying campaigns and negotiations that advanced job opportunities for Negroes.

Yet Jim McCoy sensed a need to expand the protest movement in order "to shock the consciences of many black people and many white people to their responsibilities toward all citizens." So, on July 12, 1963, he called together a group of his oldest allies, including Pittsburgh NAACP President Byrd R. Brown. Out of the meeting came the United Negro Protest Committee (UNPC) with James McCoy Jr. as its chairman.

In the years since, it has set a record for consistency of meeting among district civil rights groups, convening every week. And it has pushed steadily for more and better housing, more and better jobs and more and better education for Negroes.

But, once again, Jim McCoy was dissatisfied with the progress being made. He began to realize that something more than protest was required to eliminate "the pronounced inequities in the black community." As a result, Freedom House Enterprises Inc. (FHE) was chartered two years ago as a private, non-profit, tax-exempt concern. Its mission was to develop a program to expand or strengthen the economic base of the black community by creating Negro-owned businesses and industries. In addition, it was to provide commercial skills as well as job training.

Since then FHE has received funds from the Ford, Mellon, Falk, Kaufmann and Pittsburgh foundations as well as Community Action Pittsburgh Inc. The bulk of the money has gone to the Freedom House Ambulance Service, which is manned now by 19 black paramedics and serves all of the Hill District under contract to the Dept. of Public Safety. And now, both Jim McCoy and the physicians at Presbyterian-University Hospital, who took the men off the streets and trained them, dream of the day when the service may become Countywide.

A HUMBLE MAN

Despite the weight of his considerable accomplishments, however, Jim McCoy remains a basically humble man.

"I don't consider my efforts in terms of a battle won or lost today and a new battle tomorrow, but rather as a contribution toward a long-existing struggle for human dignity that may not end during my lifetime," he says.

"Considering the magnitude of this problem, considering the effort that must be expended, I feel that what I am doing can be summed up in a little rhyme I learned while I was in kindergarten. It goes like this:

"Little drops of water
Little grains of sand
Make a mighty ocean
And a pleasant land.

"What I am doing is just a little grain of sand and it takes many of those little grains of sand to make this beautiful seashore. It takes many of those little drops of water to make this beautiful ocean.

"It is highly possible that I will not see this seashore or this ocean in all of its beauty. But I and countless thousands of others will have the satisfaction of knowing that in that deep blue ocean there is a little drop of water that I am responsible for and on that seashore, where there are millions of grains of sand, there is a little grain of sand somewhere in that midst that we are responsible for putting there.

"That's the way I look at this struggle, and looking at it in that manner eliminates frustration and discouragement from my heart and conscience. If I were to look at it in any other way, I would have been retired from this struggle. I would have been a casualty in this battle a long time ago.

"You see, I feel that a person does not get into the movement; the movement is in the person. And if we look at a movement such as I mention, we have in us a mechanism that is self-generating. We'll never become disillusioned in our journey up the road toward total equality."

A BLACK MAN'S VIEWS

As an orator, James McCoy Jr. has few equals in Pittsburgh. As a philosopher in a troubled time, his words offer much for the young and old, both black and white, to ponder and to heed. The following are excerpts of his views. They were recorded by Press reporter Roger Stuart while compiling information for this week's Roto Magazine profile of Mr. McCoy.

Narrowing the breach

"I think the job will be much easier, the journey much lighter, the progress much greater if we move forward as a nation united. I'm afraid we will never be a nation united totally. But I do believe that the chasm, which is wide now, will narrow as time goes on."

Separate-but-equal remains unequal

"Despite the efforts of the black and white separatists in this nation, I feel there will be a resurgence of effort—joint effort—on the part of white people and black people together in this country.

"Although it appears that this has not been the case in recent months, I do believe—in fact, I know—the white and black communities have begun to realize there is no such thing as a separate-but-equal philosophy being applied in this nation.

"Those people who are saying today that the black man should be in a certain area of the city or a certain area of the country are only asking for a life of inferiority in America. Those white people who are supporting such a philosophy are supporting a life of inferiority for certain citizens of this country. As long as this is a democracy, such a theory will never work. Never."

The victims of violence

"Certainly if violence becomes imminent, where I am concerned or I am involved, I will raise high my hands and my arms and my voice to protect those who have or would become its victim, whether it would be a member of my own race or a member of some other race."

The need for protest

"The law that we have, the civil rights law that we have on the statute books today, is the result of the protest movement. The historic Supreme Court decision in 1954 was the product of the protest movement.

"Out of the protest movement have come hopes for thousands of black youth and black people throughout the country simply because it has shown these people that there is a better job, there is a better home, there is a better education for them and their families.

"I say that the protest movement must continue and must be intensified. We must keep pressing forward. The only reason why we should look back is because we are looking for energy and inspiration to keep moving forward."

As long as there is injustice

"The struggle for human dignity, which the civil rights movement is identified with, is something that is immortal or near immortal. As long as there are injustices, human inequities and the deprivation of one citizen's rights and privileges in favor of another citizen, there is going to be a struggle and a movement. The movement may take a different turn from time to time, as we have experienced in the past. But it will

never come to a dead standstill. Nor will it turn backward. There is but one way, to go and that is forward."

Who's fit for public office and who's not

"My concept has been that if you want a candidate to perform in a manner that would be satisfactory to you, then you must not only vote for him, you must also work for him and let it be known you are contributing toward his candidacy.

"This is necessary so that he will realize that he has a responsibility to you as a citizen who voted for him. I believe that if more citizens would embellish that concept we would no longer see politicians walking around who feel they are the masters of the people instead of the servants of the people.

"It is my belief that any person who aspires to political office must first believe deep in his heart that he is a servant if elected. If he does not hold that concept, then, in my opinion, he is not fit to hold the office he is running for."

AFRICAN CULTURE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. RARICK. Mr. Speaker, many small items of information reach the West from Africa which remind us that the great bulk of Africa remains a primitive society.

Since some of the reported African incidents are an enlightening commentary on the culture of Africa, I ask that several news releases from Africa follow:

SPICE PRICE IS DEATH

ZANZIBAR, TANZANIA, April 19.—The spice island of Zanzibar introduced the death penalty today for persons convicted of stealing cloves from the State Trade Corp.

Zanzibar, part of the United Republic of Tanzania, gets its main revenue from cloves.

IF WIFE DESERVES BEATING, WALLOP HER, NIGERIAN SAYS

LAGOS, NIGERIA.—A Nigerian columnist posed a question Friday to which he said there never has been a satisfactory answer—"Should a man beat his wife?"

His conclusion, if they deserve it, wallop 'em.

To wives who talk too much and are insolent to husbands the columnist would show only a modicum of mercy.

"Such wives should be beaten up but should not be maimed," he advised. Writing in the Lagos Daily Telegraph, the columnist "Antar" reported:

"In England husbands box their wives on the head and sometimes give them an uppercut. In America husbands use rubber canes. In Java husbands use the tail of a crocodile. In Kenya husbands use hippopotamus hide.

"All these are good for naughty wives."

Of course, he added, it is sweet indeed to have an understanding wife. But get yourself a shrew and, man, it's hell on earth.

Antar is a man who speaks from experience and plainly has no domestic troubles of his own.

"All my wives obey and fear me because they know what I would do if they became rude," he wrote. "It would not be a question of boxing them. I would get my houseboys to lay them on the table while I did havoc on their backs with the tail of a horse until I felt a pain in my right hand.

"That is the way to maintain domestic protocol and discipline, because a woman is like a child. She must be beaten up to inject some sanity into her coconut head."

[From the Newark (N.J.) Sunday Star Ledger, Apr. 2, 1969]

AFRICA WALKS IDEOLOGICAL TIGHTROPE

(By George Weller)

Central and southern Africa went on the ideological block last week, with white and black auctioneers making competitive pitches for support.

The leaders of 14 newborn African states and Portugal's Prime Minister Marcello Caetano offered contrasting patterns for controlling racial strife in the Dark Continent and exploiting and sharing its riches.

The black leaders, meeting in Zambia, pledged themselves to sharpen the struggle against white-run southern Africa, but to renew efforts for peace in Nigeria. They are divided between supporters of Biafra and of the federal government, tribal independence versus central authority.

Caetano, successor in leadership to former President Antonio Salazar, was on a nine-day trip to Portuguese Africa. He began at Guinea, takeoff point for Biafra's relief, with Angola and Mozambique his next calls. Portugal's pattern of mixed racial standards was strengthened by setbacks to rebels in Mozambique.

The Lusaka meeting was shadowed by the revolt in the central African republic, originally pro-Chinese, now a pro-French state headed by President Jean Bedel Bokassa. The president sent to the firing squad his ex-paratrooper minister of health, Lt. Col. Alexander Banca, leftist leader of the abortive uprising.

Kenya, the most determinedly neutral of the African powers, heralded the Zambia conference by expelling two Soviet diplomats, the first secretary of the U.S.S.R. embassy and an assistant. "The methods adopted by hostile intelligence services to subvert and undermine governments, and to carry their ideological battles into countries which have repeatedly declared their intentions to remain non-aligned, are too well known to require repetition," said a Kenyan spokesman.

Tanzania's President Julius Nyerere and Guinea's President Sekou Toure sent greetings to China's Ninth Party Congress. China is building a railroad from Tanzania to Zambia to cut out Portuguese Mozambique and Rhodesia.

Zambia's President Kenneth Kaunda took an unexpected step against Herbert Chitepo, head of the ZANU guerrilla underground operating from Zambia, by having him arrested. Police found that he had kidnaped and chained a black partisan, whom he had alleged to be a Rhodesian spy, and tortured him. But the hearing has been postponed until the delegates of the 14 nations leave.

By elastic method Caetano is doing far better than Salazar in bolstering Portugal's possessions. In northern Angola the former leading guerrilla, Alexander Tati, a tribal chief, has come over to the Portuguese side. He has his own militia.

The Spanish government has arrested a Guinea Front leader, Pons de Cruceiro. Two months ago Frelimo's American-educated leader, Prof. Eduardo Mondlane, who ran the Moscow-oriented movement from Tanzania, was killed by a package bomb sent him from Germany in a Marxist book. He was succeeded by the pro-Chinese Presbyterian missionary Uriah Simango.

Simango arrested the 65-year-old chief of the Makonde tribe, Lazaro Kavandame, a supporter of Mondlane, threw him in jail and put his subordinates in charge of the guerrillas. The chief escaped from the jail in the guerrilla camp at Mtwara in Tanzania and walked nearly a month to the Portuguese border.

After a conference with Portuguese authorities, Kavandame broadcast demands that his tribesmen desert Simango and make peace. The guerrilla army numbers 8,000, mostly Makonde.

A crack force of Makonde guerrillas is also operating against Frelimo under leadership of the bearded big game hunter Daniel Roxo, 34, the "White Devil." He specialized in capturing guerrillas alive and persuading them to become informers. Roxo speaks three native dialects, and gets his weapons from the Portuguese regulars, who find his techniques of ambush-laying inimitable.

FINISH HOEING THE GARDEN

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. MOORHEAD. Mr. Speaker, it is said that when someone asked St. Francis, while working in his garden, what he would do were he to suddenly learn that he would die at sunset that day, he replied, "I would finish hoeing my garden."

Perhaps this is an apt answer to all of the troubled young people these days who feel that they are just beginning to live in a world where nothing appears to be certain, where they feel there is no security for them, or anyone, young or old.

We do have a choice. It is this same obligation to go about the business of living each day to the fullest, the challenge to concentrate on the things of life, not death, that Prof. George Wald had in mind in his recent remarks at MIT, "A Generation in Search of a Future."

I include at this point in the RECORD the extemporaneous remarks of Professor Wald as they appeared in the New Yorker of March 22, for the attention of my colleagues:

THE TALK OF THE TOWN: NOTES AND COMMENTS

On Tuesday, March 4th, in the Kresge Auditorium at the Massachusetts Institute of Technology, a group of scientists assembled, with students and others, to discuss the uses of scientific knowledge. There is nothing we might print in these columns that could be more urgent than the extemporaneous speech, made before that gathering by George Wald, professor of biology at Harvard and Nobel Prize winner, under the title "A Generation in Search of a Future." We therefore quote from it here at length:

"All of you know that in the last couple of years there has been student unrest, breaking at times into violence, in many parts of the world: in England, Germany, Italy, Spain, Mexico, Japan, and, needless to say, many parts of this country. There has been a great deal of discussion as to what it all means. Perfectly clearly, it means something different in Mexico from what it does in France, and something different in France from what it does in Tokyo, and something different in Tokyo from what it does in this country. Yet, unless we are to assume that students have gone crazy all over the world, or that they have just decided that it's the thing to do, it must have some common meaning.

"I don't need to go so far afield to look for that meaning. I am a teacher, and at Harvard I have a class of about three hundred and fifty students—men and women—most of them freshmen and sophomores. Over

these past few years, I have felt increasingly that something is terribly wrong—and this year ever so much more than last. Something has gone sour, in teaching and in learning. It's almost as though there were a widespread feeling that education has become irrelevant.

"A lecture is much more of a dialogue than many of you probably realize. As you lecture, you keep watching the faces, and information keeps coming back to you all the time. I began to feel, particularly this year, that I was missing much of what was coming back. I tried asking the students, but they didn't or couldn't help me very much.

"But I think I know what's the matter. I think that this whole generation of students is beset with a profound uneasiness, and I don't think that they have yet quite defined its source. I think I understand the reasons for their uneasiness even better than they do. What is more, I share their uneasiness.

"What's bothering those students? Some of them tell you it's the Vietnam war. I think the Vietnam war is the most shameful episode in the whole of American history. The concept of war crimes is an American invention. We've committed many war crimes in Vietnam—but I'll tell you something interesting about that. We were committing war crimes in World War II, before the Nuremberg trials were held and the principle of war crimes was stated. The saturation bombing of German cities was a war crime. Dropping those atomic bombs on Hiroshima and Nagasaki was a war crime. If we had lost the war, it might have been *our* leaders who had to answer for such actions. I've gone through all that history lately, and I find that there's a gimmick in it. It isn't written out, but I think we established it by precedent. That gimmick is that if one can allege that one is repelling or retaliating for an aggression, after that everything goes.

"And, you see, we are living in a world in which all wars are wars of defense. All War Departments are now Defense Departments. This is all part of the doubletalk of our time. The aggressor is always on the other side. I suppose this is why our ex-Secretary of State Dean Rusk went to such pains to insist, as he still insists, that in Vietnam we are repelling an aggression. And if that's what we are doing—so runs the doctrine—everything goes. If the concept of war crimes is ever to mean anything, they will have to be defined as categories of *acts*, regardless of alleged provocation. But that isn't so now.

"I think we've lost that war, as a lot of other people think, too. The Vietnamese have a secret weapon. It's their willingness to die beyond our willingness to kill. In effect, they've been saying, You can kill us, but you'll have to kill a lot of us; you may have to kill all of us. And, thank heaven, we are not yet ready to do that.

"Yet we have come a long way toward it—far enough to sicken many Americans, far enough to sicken even our fighting men. Far enough so that our national symbols have gone sour. How many of you can sing about 'the rockets' red glare, the bombs bursting in air' without thinking, Those are *our* bombs and *our* rockets, bursting over South Vietnamese villages? When those words were written, we were a people struggling for freedom against oppression. Now we are supporting open or thinly disguised military dictatorships all over the world, helping them to control and repress peoples struggling for their freedom.

"But that Vietnam war, shameful and terrible as it is, seems to me only an immediate incident in a much larger and more stubborn situation.

"Part of my trouble with students is that almost all the students I teach were born after World War II. Just after World War II, a series of new and abnormal procedures came into American life. We regarded them at the time as temporary abberations. We thought we would get back to normal American life someday.

"But those procedures have stayed with us now for more than twenty years, and those students of mine have never known anything else. They think those things are normal. They think that we've always had a Pentagon, that we have always had a big Army, and that we have always had a draft. But those are all new things in American life, and I think that they are incompatible with what America meant before.

"How many of you realize that just before World War II the entire American Army, including the Air Corps, numbered a hundred and thirty-nine thousand men? Then World War II started, but we weren't yet in it, and, seeing that there was great trouble in the world, we doubled this Army to two hundred and sixty-eight thousand men. Then, in World War II, it got to be eight million. And then World War II came to an end and we prepared to go back to a peacetime Army, somewhat as the American Army had always been before. And, indeed, in 1950—you think about 1950, our international commitments, the Cold War, the Truman Doctrine, and all the rest of it—in 1950, we got down to six hundred thousand men.

"Now we have three and a half million men under arms: about six hundred thousand in Vietnam, about three hundred thousand more in 'support areas' elsewhere in the Pacific, about two hundred and fifty thousand in Germany. And there are a lot at home. Some months ago, we were told that three hundred thousand National Guardsmen and two hundred thousand reservists—so half a million men—had been specially trained for riot duty in the cities.

"I say the Vietnam war is just an immediate incident because as long as we keep that big an Army, it will always find things to do. If the Vietnam war stopped tomorrow, the chances are that with that big a military establishment we would be in another such adventure, abroad or at home, before you knew it.

"The thing to do about the draft is not to reform it but to get rid of it.

"A peacetime draft is the most un-American thing I know. All the time I was growing up, I was told about oppressive Central European countries and Russia, where young men were forced into the Army, and I was told what they did about it. They chopped off a finger, or shot off a couple of toes, or, better still, if they could manage it, they came to this country. And we understood that, and sympathized, and were glad to welcome them.

"Now, by present estimates, from four to six thousand Americans of draft age have left this Country for Canada, two or three thousand more have gone to Europe, and it looks as though many more were preparing to emigrate.

"A bill to stop the draft was recently introduced in the Senate (S. 503), sponsored by a group or Senators that runs the gamut from McGovern and Hatfield to Barry Goldwater. I hope it goes through. But I think that when we get rid of the draft we must also drastically cut back the size of the armed forces.

"Yet there is something ever so much bigger and more important than the draft. That bigger thing, of course, is the militarization of our country. Ex-President Eisenhower, in his farewell address, warned us of what he called the military-industrial complex. I am sad to say that we must begin to think of it now as the military-industrial-labor-union complex. What happened under the plea of the Cold War was not alone that we built up the first big peacetime Army in our history but that we institutionalized it. We built, I suppose, the biggest government building in our history to run it, and we institutionalized it.

"I don't think we can live with the present military establishment, and its eighty-billion-dollar-a-year budget, and keep America anything like the America we have known in the past. It is corrupting the life of the whole country. It is buying up everything in sight: industries, banks, investors, scientists—and lately it seems also to have bought up the labor unions.

"The Defense Department is always broke, but some of the things it does with that eighty billion dollars a year would make Buck Rogers envious. For example, the Rocky Mountain Arsenal, on the outskirts of Denver, was manufacturing a deadly nerve poison on such a scale that there was a problem of waste disposal. Nothing daunted, the people there dug a tunnel two miles deep under Denver, into which they have injected so much poisoned water that, beginning a couple of years ago, Denver has experienced a series of earth tremors of increasing severity. Now there is grave fear of a major earthquake. An interesting debate is in progress as to whether Denver will be safer if that lake of poisoned water is removed or is left in place.

"Perhaps you have read also of those six thousand sheep that suddenly died in Skull Valley, Utah, killed by another nerve poison—a strange and, I believe, still unexplained accident, since the nearest testing seems to have been thirty miles away.

"As for Vietnam, the expenditure of firepower there has been frightening. Some of you may still remember Khe Sanh, a hamlet just south of the Demilitarized Zone, where a force of United States Marines was beleaguered for a time. During that period, we dropped on the perimeter of Khe Sanh more explosives than fell on Japan throughout World War II, and more than fell on the whole of Europe during the years 1942 and 1943.

"One of the officers there was quoted as having said afterward, 'It looks like the world caught smallpox and died.'

"The only point of government is to safeguard and foster life. Our government has become preoccupied with death, with the business of killing and being killed. So-called defense now absorbs sixty per cent of the national budget, and about twelve per cent of the Gross National Product.

"A lively debate is beginning again on whether or not we should deploy antiballistic missiles, the ABM. I don't have to talk about them—everyone else here is doing that. But I should like to mention a curious circumstance. In September, 1967, or about a year and a half ago, we had a meeting of M.I.T. and Harvard people, including experts on these matters, to talk about whether anything could be done to block the Sentinel system—the deployment of ABMs. Everyone present thought them undesirable, but a few of the most knowledgeable persons took what seemed to be the practical view: 'Why fight about a dead issue? It has been decided, the funds have been appropriated. Let's go on from there.'

"Well, fortunately, it's not a dead issue.

"An ABM is a nuclear weapon. It takes a nuclear weapon to stop a nuclear weapon. And our concern must be with the whole issue of nuclear weapons.

"There is an entire semantics ready to deal with the sort of thing I am about to say. It involves such phrases as 'Those are the facts of life.' No—these are the facts of death. I don't accept them, and I advise you not to accept them. We are under repeated pressure to accept things that are presented to us as settled—decisions that have been made. Always there is the thought: Let's go on from there. But this time we don't see how to go on. We will have to stick with these issues.

"We are told that the United States and Russia, between them, by now have stockpiled nuclear weapons of approximately the explosive power of fifteen tons of TNT for every man, woman, and child on earth. And now it is suggested that we must make more.

All very regrettable, of course, but 'those are the facts of life.' We really would like to disarm, but our new Secretary of Defense has made the ingenious proposal that now is the time to greatly increase our nuclear armaments, so that we can disarm from a position of strength.

"I think all of you know there is no adequate defense against massive nuclear attack. It is both easier and cheaper to circumvent any known nuclear-defense system than to provide it. It's all pretty crazy. At the very moment we talk of deploying ABMs, we are also building the MIRV, the weapon to circumvent ABMs.

"As far as I know, the most conservative estimates of the number of Americans who would be killed in a major nuclear attack, with everything working as well as can be hoped and all foreseeable precautions taken, run to about fifty million. We have become callous to gruesome statistics, and this seems at first to be only another gruesome statistic. You think, Bang!—and next morning, if you're still there, you read in the newspapers that fifty million people were killed.

"But that isn't the way it happens. When we killed close to two hundred thousand people with those first, little, old-fashioned uranium bombs that we dropped on Hiroshima and Nagasaki, about the same number of persons were maimed, blinded, burned, poisoned, and otherwise doomed. A lot of them took a long time to die.

"That's the way it would be. Not a bang and a certain number of corpses to bury but a nation filled with millions of helpless, maimed, tortured, and doomed persons, and the survivors huddled with their families in shelters, with guns ready to fight off their neighbors trying to get some uncontaminated food and water.

"A few months ago, Senator Richard Russell, of Georgia, ended a speech in the Senate with the words 'If we have to start over again with another Adam and Eve, I want them to be Americans; and I want them on this continent and not in Europe.' That was a United States senator making a patriotic speech. Well, here is a Nobel laureate who thinks that those words are criminally insane.

"How real is the threat of full-scale nuclear war? I have my own very inexpert idea, but, realizing how little I know, and fearful that I may be a little paranoid on this subject, I take every opportunity to ask reputed experts. I asked that question of a distinguished professor of government at Harvard about a month ago. I asked him what sort of odds he would lay on the possibility of full-scale nuclear war within the foreseeable future. 'Oh,' he said comfortably, 'I think I can give you a pretty good answer to that question. I estimate the probability of full-scale nuclear war, provided that the situation remains about as it is now, at two per cent per year.' Anybody can do the simple calculation that shows that two per cent per year means that the chance of having that full-scale nuclear war by 1990 is about one in three, and by 2000 it is about fifty-fifty.

"I think I know what is bothering the students. I think that what we are up against is a generation that is by no means sure that it has a future.

"I am growing old, and my future, so to speak, is already behind me. But there are those students of mine, who are in my mind always; and there are my children, the youngest of them now seven and nine, whose future is infinitely more precious to me than my own. So it isn't just their generation; it's mine, too. We're all in it together.

"Are we to have a chance to live? We don't ask for prosperity, or security. Only for a reasonable chance to live, to work out our destiny in peace and decency. Not to go down in history as the apocalyptic generation.

"And it isn't only nuclear war. Another overwhelming threat is in the population explosion. That has not yet even begun to come under control. There is every indication that the world population will double before the year 2000, and there is a widespread expectation of famine on an unprecedented scale in many parts of the world. The experts tend to differ only in their estimates of when those famines will begin. Some think by 1980; others think they can be staved off until 1990; very few expect that they will not occur by the year 2000.

"That is the problem. Unless we can be surer than we now are that this generation has a future, nothing else matters. It's not good enough to give it tender, loving care, to supply it with breakfast foods, to buy it expensive educations. Those things don't mean anything unless this generation has a future. And we're not sure that it does.

"I don't think that there are problems of youth, or student problems. All the real problems I know about are grown-up problems.

"Perhaps you will think me altogether absurd, or 'academic,' or hopelessly innocent—that is, until you think of the alternatives—if I say, as I do to you now: We have to get rid of those nuclear weapons. There is nothing worth having that can be obtained by nuclear war—nothing material or ideological—no tradition that it can defend. It is utterly self-defeating. Those atomic bombs represent an unusable weapon. The only use for an atomic bomb is to keep somebody else from using one. It can give us no protection—only the doubtful satisfaction of retaliation. Nuclear weapons offer us nothing but a balance of terror, and a balance of terror is still terror.

"We have to get rid of those atomic weapons, here and everywhere. We cannot live with them.

"I think we've reached a point of great decision, not just for our nation, not only for all humanity, but for life upon the earth. I tell my students, with a feeling of pride that I hope they will share, that the carbon, nitrogen, and oxygen that make up ninety-nine per cent of our living substance were cooked in the deep interiors of earlier generations of dying stars. Gathered up from the ends of the universe, over billions of years, eventually they came to form, in part, the substance of our sun, its planets, and ourselves. Three billion years ago, life arose upon the earth. It is the only life in the solar system.

"About two million years ago, man appeared. He has become the dominant species on the earth. All other living things, animal and plant, live by his sufferance. He is the custodian of life on earth, and in the solar system. It's a big responsibility.

"The thought that we're in competition with Russians or with Chinese is all a mistake, and trivial. We are one species, with a world to win. There's life all over this universe, but the only life in the solar system is on earth, and in the whole universe we are the only men.

"Our business is with life, not death. Our challenge is to give what account we can of what becomes of life in the solar system, this corner of the universe that is our nome; and, most of all, what becomes of men—all men, of all nations, colors, and creeds. This has become one world, a world for all men. It is only such a world that can now offer us life, and the chance to go on."

ABM—THE LAST BULWARK AGAINST INTERNATIONAL TYRANNY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 1969

Mr. RARICK. Mr. Speaker, many times our foreign friends offer the soundest critique of the problems the American people are experiencing and what they can expect.

One such analysis is a recent article by a former international diplomat of a country now behind the Communist curtain who, for fear of his life, lives in exile and writes under the pen name of Z. A. Rust.

Mr. Rust compares the naivete and lack of statesmanship of the American leaders today with the disbelief and lack of concern in his country until it was too late. There was no second chance for his country or people—nor will there be for us.

I present his work, "The Ghost in the White House and the Coming American Tragedy" at this point:

THE GHOST IN THE WHITE HOUSE AND THE COMING AMERICAN TRAGEDY

"Through a systematic terror, during which every breach of contract, every treason, every lie will be lawful, we will find the way to abase humanity down to the lowest level of existence. It is only that way that we will succeed in transforming it into that passive and obedient instrument that is indispensable to the establishment of our dominion."—LENIN. (Collected Works.—Russian edition, 1923.)

If the tragedy will be called suicide or murder depends on the operating groups we choose to consider: the persistent victims of the Roosevelt folly and the 73 Senators who out of party discipline ratified the disastrous Nonproliferation Treaty, or the false advisors and the communist parachutists Joe McCarthy tried to ferret out of America's State and social apparatus.

Suicide or murder, the thing that is directly at stake is the downfall of the last existing non-Communist big power, supreme purpose of the Communist conspiracy.

In order better to understand the significance, for the United States and the world, of the ratification by the United States Senate of the Nonproliferation Treaty we must go back to two past events; 1) The surrender by Franklin Roosevelt of almost half of non-Communist Europe to the Communist Empire, 2) President Kennedy's speech which was the base of the policy of demolishment of the United States First Strike Nuclear Force. Those events separated by fifteen years of co-Existence were prompted by the same chimera, that of the Communist arch-fiend transformed into a friendly collaborator of the Christian world.

The speech of the President was very much admired for the military and technical knowledge showed by a non-professional personality. The truth is that very professional military and political individuals, from the Soviet General Staff and Foreign Office, have been responsible for the substance of Kennedy's address. It represented and implemented exactly the desire expressed by Comrade Kutnetzof to Mr. Rostov, the President's emissary to Moscow. "Your policy, observed the Soviet undersecretary of state, excludes a surprise attack against the Soviet Union; all your First Strike apparatus is therefore a useless luxury. Give it up and a big step would have been made towards a political understanding between our two countries." Kennedy bought the idea, MacNamara took charge of its execution. Neither the Kennedy nor the Johnson administration seem to have realized the difference between "not having the intention to strike first" and conforming oneself to the request of an enemy who asks you to disarm yourself.

Useless to remark that Soviet Russia did not follow the policy recommended by Mr. Kutnetzof.

Defense Secretary Laird had communicated recently to the Senate Foreign Affairs Sub-

Committee—where, besides Senator Fulbright and Symington he had to face an hostile peacenickoid public—information which until then had been kept secret by the preceding Administration, disclosing for the first time publicly and officially "that there was no question that with their large tonnage of nuclear warheads the Soviets were going to a first strike capability", and that the Soviet deployment of intercontinental missiles with warheads larger than those of the U.S. "leads to the conclusion that this can be only aimed at destroying our retaliatory force."

Secretary Laird's declarations ask for some elaboration. It was the impudent violation, 97 times repeated, of the first Test Ban Agreement that permitted Soviet Russia to develop nuclear warheads ten times more powerful than those with which the United States, respectful of the first and of the second Test Ban Agreements are forced, even today, to content themselves. As the United States and the Soviet Union have for the moment about the same number of land based intercontinental missiles, this means that the Soviets dispose for a sneak nuclear attack of ten times more megatons than the United States . . . before that attack. Taking into account that the superiority in tonnage of the nuclear missiles does not indicate exactly their superiority in destructive power, but also the fact that the population and the industries of the United States are much more concentrated than in the Soviet Republic, the estimation presented by Secretary Laird, computed under the Democratic administration, shows that the Soviets could kill 35% of the United States population with 200 of their missiles; for the same effect the United States would need six times as many well placed nuclear bombs.

It is the defense of the U.S. cities that the leftists and new-leftist circles, under the leadership of some very distinguished personalities, are decided to prevent, in order not to offend Soviet Russia and Red China's susceptibility, two friendly countries who might see in those purely defensive measures the preparation of a surprise nuclear aggression. Indeed, while Soviet Russia has started a broad development of anti-missile defense for the protection of her population, the leftist and neo-leftist circles in the United States oppose even the stingy project of anti-missile protection for two of the U.S. intercontinental missiles bases, presented by the Nixon Administration.

The sum-total of the present comparative nuclear situation may be thus described therefore: (1) continuous disaggregation of the U.S. First Strike Force, started under the Kennedy administration and critical vulnerability of the U.S. Second Strike bases; (2) continuous increase of Soviet Russia's First Strike Force and of its defense against retaliation operations. In such circumstances there is no wonder that the Nixon administration and its opponents in the Congress are in agreement over one important point: both declare that the only real defense against nuclear anihilation would be an understanding with the Soviet Government concerning the control of nuclear armament or of armament in general.

Both the present administration and the opposing Congressmen know, nevertheless, very well that the Soviet Union has violated all the agreements to which it has ever subscribed; both know that the Soviets will never consent to give up the crushing superiority they have in Europe in matter of traditional warfare and, between the two continents, in matter of nuclear armament. Both know that the maximum concession which could be expected from Moscow is a stabilization at the present level of military possibilities. Both know, also, that Soviet Russia has declared beforehand that she rejects categorically any control on her territory of the implementation of any disarmament agreement. The opposed party will have therefore to rely only upon her word and her good faith.

Until the recent visit of President Nixon to the Western European capitals and the ratification of the Nonproliferation Treaty, the U.S. could not have been coerced to accept such a precarious and perilous situation as the unique way of assuring a pretense of peace and of delaying the unavoidable outcome. The existence of even a fitful NATO and, more especially, the confidence which, despite of all, the NATO countries still had in the U.S.' support in case of a Soviet attack or a Soviet menace, created a fragile first line of political and military defense for the United States, and left open the possibility of reinforcing this line to the point in which it would have represented an almost insuperable obstacle for the Kremlin's world-dominating aspirations. The ratification of the Nonproliferation Treaty and President Nixon's trip, diplomatic prelude to this ratification, have quelled that possibility and has given the NATO as much as the *coup de grace*.

The scandalous "no-win" campaign of the American Press and media of communication, and the timorous and pro-Soviet manifestations in the American Senate by some of the most influential personalities of both political parties concerning the NPT and the Vietnam affair, scattered in the capitals and the public opinion of the NATO countries the last illusions about the United States taking the terrible risk of a nuclear war on behalf of the European continent.

The only way of breaking in Europe, in the Mediterranean and in the Atlantic, the balance of nuclear terror, or better said the permanent state of nuclear blackmail of which the Communist World has been the unique beneficiary, would have been the sudden transformation of the group of NATO countries in a second nuclear power, a thing which could have been done almost instantaneously, without giving the Soviets the time necessary to prevent it. This would have transformed what was only a symbol of anti-Communist collaboration in a homogeneous nuclear block, extending from the East-German frontiers to the Pacific coast, having also among its arsenal the explosive power of 150 millions of enslaved Europeans, a block obviously more dangerous for Soviet Russia than the Soviet nuclear power is for the United States. That was what the Soviets were afraid of, and that is the enormous political and military victory they have won when the United States Solons sold their country's birthright for a plate of lens.

The result of the situation which has been thus perfected by the new United States Administration, can be only a tragic acceleration of the process of continuous capitulation which monitors East-West relations since Teheran and Yalta. It is in Asia, very likely, that this acceleration will bring the United States to a new crisis of eminence and power, herald of the approaching struggle on the inner and foreign battlefield for their existence as a free nation.

To understand the origin and the nature of the mess in which the United States have entangled themselves in Vietnam we must, as for the nuclear European imbroglio, go back to two past and fairly wide apart happenings: (1) the moment in which President Truman, for no explainable reasons in terms of avowable national or international considerations, snatched China from the hands of Chiang Kai-shek and gave it to the Communist Empire, a more important milestone, perhaps, in human history than the surrendering to Stalin of half of Europe by Franklin Roosevelt; (2) the repeated and still valid declarations by President Johnson and every responsible factor in Washington, that the United States had no intention to win the war in which they were engaging more than 500,000 men and have lost already about 40,000 officers and soldiers and more than 3,000 planes and helicopters, and spent more money than for the whole war against Japan. It is of course only the firm and proclaimed decision not to win the war in the Far East that has prevented it to be won months and years ago. It is the humiliating negotiations in Paris, where slap after slap have answered the United States' overtures and forbearance that have convinced Ho Chi Minh he could demand anything, as it was not the tens of millions of Americans, who were as sensitive to national honor and patriotic summons as the soldiers who were fighting his troops, who dictated in Washington, but a clique of insiders of mixed origin and doubtful affiliation.

In fact the United States' proposal of *reciprocal* withdrawal of troops meant already victory for Hanoi, for which no neutralized zone has ever existed and whose troops will remain always in readiness for a new invasion. But what Ho Chi Minh and his bosses in Moscow and Peking are working for is more than that: they want a manifest *unilateral* withdrawal of the United States forces which will not permit Washington to save its face even in the measure allowed by the pretended reciprocity, a withdrawal which will make of all the Americans' efforts and sacrifices a huge and cruel Bay of Pigs.

What is aimed at is the outlawry of United States' influence and even presence from the whole Far-Eastern area, which will make them lose all their friends and allies, Thailand, Laos, Burma, Indonesia and even South Korea, the Philippines and Japan.

This will deprive them of the only chance to avoid being caught, in three or four years from now, in probably irresistible Sino-Soviet nuclear pliers. A situation which with the predictable political changes in a Europe abandoned to Communist menace and power, could force the United States to accept a crucial showdown at a moment chosen by the enemy, or to accept the government of administrators chosen also by him, indirectly or directly.

Only a total change in the leadership of the United States, or a radical change in the mentality of the present leadership, could prevent the fall of American power, influence and prestige in both the western and the eastern hemisphere and, consequently, the repulsive emergence of the animal farm of men and nations announced by Lenin and his successors.

Is such a radical change likely to occur? Some ominous news came recently from Washington. The well informed and controlled Press reports that President Nixon "was anxious to get a first hand assessment of the popularity of the Saigon regime and of the concessions this regime was prepared to make towards reaching a political settlement with the Communist enemy." The New York Times and the Time Magazine, the band leaders of the dozens of newspapers and magazines which have espoused the enemy line, have stricken for months the same chord.

It seems that the same fate, or worse, is intended for President Nguyen-Van-Thieu and Vice President Kao-Ky, than that which has been meted to Chiang-Kai-Shek by the Lattimore gang of conspirators. The ghost of the White House is still there, under all its incarnations, from Colonel Mandel House to Professor Henry Kissinger. It still haunts its lofty halls and obsesses the presidential will power. And as long as this wraith of another world would not have been thoroughly exorcised from American life and policy, not only the United States but all the countries of Christian Civilization will be hanging over the brink of the Communist Gehenna.

Z. A. RUST.