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PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Monday, May 5, 1969*

The House met at 12 o'clock noon.

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

If My people humble themselves, and pray, and seek My face, and turn from their wicked ways, then will I hear from Heaven, and will forgive their sin and heal their land.—II Chronicles 7: 14.

Almighty Father, at this sacred moment of prayer we pause in silence before Thee, seeking the wise guidance of Thy worthy spirit as we face the problems that beset us and think of the decisions we must make.

In these critical days of our national life help us to see the way and give us the courage to walk in it, that we may promote the values which have made our Nation great and possess the virtues which have kept her strong.

During this time of turmoil when the spirit of revolution is in the air, when wrong seems at times triumphant and goodness so feeble, may we be sure of Thee and know that behind the shadows standeth Thy presence which never fails. May we realize anew that—

This is my Father's world, and let me
ne'er forget
That though the wrong seems oft so
strong,
Thou art the ruler yet.

In Thy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, May 1, 1969, was read and approved.

SWEARING IN OF MEMBER

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that the gentleman from California, Mr. BARRY GOLDWATER, JR., be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with respect to his election.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GOLDWATER appeared at the bar of the House and took the oath of office.

TRUCK SAFETY REGULATIONS

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

Mr. VANIK. Mr. Speaker, this morning I witnessed another terrifying accident in which a passenger automobile with its precious cargo of human life passed under the rear end of a high-platform truck. The severely damaged passenger vehicle was following too closely or operating at a speed which was unreasonable under the circumstances.

However, the severe damage and hazard to life could have been minimized if the truck had been equipped with an inexpensive low-level bumper—at a height level designed to match passenger automobiles.

Too little has been done in highway and automobile safety to provide for a safer intermix of passenger vehicles and the huge highway trucks and juggernauts which share our highway systems.

I urge that our Federal highway safety administrators take immediate steps to direct the development of truck safety regulations which include matching bumpers to prevent the horrifying accidents which result from telescoping.

OUST FORTAS

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

Mr. GROSS. Mr. Speaker, the revelation by Life magazine that Abe Fortas, while a Justice of the U.S. Supreme Court, accepted a fee of $20,000 from a foundation operated by the notorious financial manipulator, Louis Wolfson, is a shocking commentary on the Nation's judicial system and its highest Court.

This, taken in combination with Fortas' acceptance, since becoming a member of the Court, of a $15,000 fee for delivering eight or nine lectures at American University—that fee being supplied by officials of certain corporations—makes it imperative that an immediate demand be made that Fortas resign from the Supreme Court. His failure to do so should lead to the institution of impeachment proceedings.

It makes no difference that Fortas returned the $20,000 of Wolfson money 11 months after he had deposited the check to his personal account. This in no way mitigates the rank impropriety of having accepted the money in the first place. And it should be noted that only shortly before Fortas returned the $20,000, Wolfson was indicted for the second time on charges growing out of his financial manipulations.

Mr. Speaker, when Abe Fortas was nominated to the Supreme Court bench, I said then that he had an established record as a glorified fixer. I reiterate that statement.

A PROPOSAL TO ELIMINATE TAX INEQUITIES CONCERNING WINE PRODUCTION FOR PERSONAL CONSUMPTION

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

Mr. SYMINGTON. Mr. Speaker, today I have introduced a bill to allow individuals to produce, tax free, up to 200 gallons of wine per year, not for sale but for personal or family use. Heads of households already enjoy this right, and there is no reason in law or equity to deny it to single persons. Indeed, correspondence with the Internal Revenue Service reveals no intent at the outset to make such a distinction, the latter growing out of decades of regulatory interpretation of a statutory ambiguity. On the 5th of September last year my distinguished predecessor introduced a similar bill. I commend to my colleagues the reasoned analysis he offered on that occasion. The Ways and Means Committee never acted on his bill because the Treasury Department, although cognizant of the inequity and sympathetic to the requested change in the law, did not assign it sufficiently high priority to submit a report. This bill is meritorious enough to deserve, and simple enough to warrant, the early preparation of such a report. It must be realized that a vintage cause like this does not die; it merely ripens. But justice must be done before the ardent spirits of an afflicted minority turn to vinegar.

Mr. MACGREGOR. Mr. Speaker, will the gentleman yield for a question?

Mr. SYMINGTON. Yes, indeed.

Mr. MACGREGOR. I wonder if the gentleman knows how many people would be benefited by the consumption of 200 gallons of wine produced by each person per year?

Mr. SYMINGTON. I know of at least one.

PRESIDENT'S MESSAGE CALLING FOR LEGISLATION TO PROHIBIT DISSEMINATION OF OBSCENE MATERIALS HARMFUL TO PERSONS UNDER THE AGE OF 18

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

Mr. BENNETT. Mr. Speaker, the President has presented to Congress and the Nation a strong message calling for legislation to prohibit the dissemination

of obscene materials harmful to persons under the age of 18.

I congratulate the President on his message and pledge to work toward his goals to rid our Nation of the filth and smut literature, magazines and films that are flooding our homes and are potentially dangerous to our youth.

The President has endorsed, in essence, my bill, H.R. 5171, to prohibit the mailing and distribution of harmful pornographic materials and movies to minors. The bill is patterned after a New York State statute, which has been upheld by the U.S. Supreme Court, in the case of Ginsberg against New York. It has 40 cosponsors and is pending in the House Judiciary Committee. There are over 150 sponsors of antismut bills in the Congress.

I have written to the President and asked him to adopt the bill, H.R. 5171, now pending in Congress, as the administration's approach to drive pornography out of our homes, schools, theaters, and bookstores. The bill follows his point in the obscenity message:

I ask Congress to make it a federal crime to use the mails or other facilities of commerce to deliver to anyone under 18 years of age material dealing with a sexual subject in a manner unsuitable for young people.

The bill, H.R. 5171, is now pending in the House Judiciary Committee. It follows a law already upheld by the Supreme Court. It can be amended in the committee. We need to act now against these smut peddlers and the fastest approach, the one needed now, is to consider in Congress H.R. 5171—it will hasten the day when our youth are protected from this evil and damaging pornography.

PERSONAL EXPLANATION

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

Mr. FREY. Mr. Speaker, on last Thursday, May 1, I was confined at home because of illness and therefore was not in attendance for roll call No. 53, on House Resolution 17. Had I been present, I would have voted "yea."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House:

MAY 1, 1969.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's Office at 3:35 p.m., on Friday, May 2, 1969, and said to contain a Message from the President concerning sex-oriented mail.

With kind regards, I am,
Sincerely,

W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

SEX-ORIENTED MAIL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–114)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Post Office and Civil Service and ordered to be printed:

To the Congress of the United States:

American homes are being bombarded with the largest volume of sex-oriented mail in history. Most of it is unsolicited, unwanted, and deeply offensive to those who receive it. Since 1964, the number of complaints to the Post Office about this salacious mail has almost doubled. One hundred and forty thousand letters of protest came in during the last nine months alone, and the volume is increasing. Mothers and fathers by the tens of thousands have written to the White House and the Congress. They resent these intrusions into their homes, and they are asking for federal assistance to protect their children against exposure to erotic publications.

The problem has no simple solution. Many publications dealing with sex—in a way that is offensive to many people—are protected under the broad umbrella of the First Amendment prohibition against any law "abridging the freedom of speech, or of the press."

However, there are constitutional means available to assist parents seeking to protect their children from the flood of sex-oriented materials moving through the mails. The Courts have not left society defenseless against the smut peddler; they have not ruled out reasonable government action.

Cognizant of the constitutional strictures, aware of recent Supreme Court decisions, this Administration has carefully studied the legal terrain of this problem.

We believe we have discovered some untried and hopeful approaches that will enable the federal government to become a full partner with states and individual citizens in drying up a primary source of this social evil. I have asked the Attorney General and the Postmaster General to submit to Congress three new legislative proposals.

The first would prohibit outright the sending of offensive sex materials to any child or teenager under 18. The second would prohibit the sending of advertising designed to appeal to a prurient interest in sex. It would apply regardless of the age of the recipient. The third measure complements the second by providing added protection from the kind of smut advertising now being mailed, unsolicited, into so many homes.

PROTECTING MINORS

Many states have moved ahead of the federal government in drawing distinctions between materials considered obscene for adults and materials considered obscene for children. Some of these states, such as New York, have taken substantial strides toward protecting their youth from materials that may not be obscene by adult standards but which could be damaging to the healthy growth and development of a child. The United States Supreme Court has recognized, in repeated decisions, the unique status of minors and has upheld the New York statute. Building on judicial precedent, we hope to provide a new measure of federal protection for the young.

I ask Congress to make it a federal crime to use the mails or other facilities of commerce to deliver to anyone under 18 years of age material dealing with a sexual subject in a manner unsuitable for young people.

The proposed legislation would not go into effect until the sixth month after passage. The delay would provide mailers of these materials time to remove from their mailing lists the names of all youngsters under 18. The federal government would become a full partner with parents and states in protecting children from much of the interstate commerce in pornography. A first violation of this statute would be punishable by a maximum penalty of five years in prison and a $50,000 fine; subsequent violations carry greater penalties.

PRURIENT ADVERTISING

Many complaints about salacious literature coming through the mails focus on advertisements. Many of these ads are designed by the advertiser to appeal exclusively to a prurient interest. This is clearly a form of pandering.

I ask the Congress to make it a federal crime to use the mails, or other facilities of commerce, for the commercial exploitation of a prurient interest in sex through advertising.

This measure focuses on the intent of the dealer in sex-oriented materials and his methods of marketing his materials. Through the legislation we hope to impose restrictions on dealers who flood the mails with grossly offensive advertisements intended to produce a market for their smut materials by stimulating the prurient interest of the recipient. Under the new legislation, this form of pandering could bring a maximum penalty of 5 years imprisonment, and a fine of $50,000 for a first offense and 10 years and a fine of $100,000 for subsequent offenses.

INVASION OF PRIVACY

There are other erotic, sex-oriented advertisements that may be constitutionally protected but which are, nonetheless, offensive to the citizen who receives them in his home. No American should be forced to accept this kind of advertising through the mails.

In 1967 Congress passed a law to help deal with this kind of pandering. The law permits an addressee to determine himself whether he considers the material offensive in that he finds it "erotically arousing or sexually provocative." If the recipient deems it so, he can obtain from the Postmaster General a judicially enforceable order prohibiting the sender from making any further mailings to him or his children, and requiring the mailer to delete them from all his mailing lists.

More than 170,000 persons have re-

quested such orders. Many citizens however, are still unaware of this legislation, or do not know how to utilize its provisions. Accordingly, I have directed the Postmaster General to provide every Congressional office with pamphlets explaining how each citizen can use this law to protect his home from offensive advertising. I urge Congress to assist our effort for the widest possible distribution of these pamphlets.

This pandering law was based on the principle that no citizen should be forced to receive advertisements for sex-oriented matter he finds offensive. I endorse that principle and believe its application should be broadened.

I therefore ask Congress to extend the existing law to enable a citizen to protect his home from any intrusion of sex-oriented advertising—regardless of whether or not a citizen has ever received such mailings.

This new stronger measure would require mailers and potential mailers to respect the expressed wishes of those citizens who do not wish to have sex-oriented advertising sent into their homes. These citizens will put smut-mailers on notice simply by filing their objections with a designated postal authority. To deliberately send such advertising to their homes would be an offense subject to both civil and criminal penalties.

As I have stated earlier, there is no simple solution to this problem. However, the measures I have proposed will go far toward protecting our youth from smut coming through the mails; they will place new restrictions upon the abuse of the postal service for pandering purposes; they will reinforce a man's right to privacy in his own home. These proposals, however, are not the whole answer.

The ultimate answer lies not with the government but with the people. What is required is a citizens' crusade against the obscene. When indecent books no longer find a market, when pornographic films can no longer draw an audience, when obscene plays open to empty houses, then the tide will turn. Government can maintain the dikes against obscenity, but only people can turn back the tide.

RICHARD NIXON.

THE WHITE HOUSE, *May 2, 1969.*

PROBLEM CREATED BY MAILING OF OBSCENE MATERIAL

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

Mr. GERALD R. FORD. Mr. Speaker, Congress has struggled long and unsuccessfully to cope with the problem created by the mailing of obscene material. Now the Nixon administration has come up with three proposals which offer genuine hope of curbing this despicable activity of the smut profiteer.

The trend of most U.S. Supreme Court decisions in recent years has caused some Members of Congress to throw up their hands and take the attitude that little or nothing can be done about obscene mail.

But President Nixon appears to have found the means of stopping the flood of obscene mailings. This mail is aimed at expanding the smut peddler's market and is therefore directed to our youth and to adults as well.

In the case of our young people, President Nixon is proposing an antiobscene mail law which is based on a New York statute already upheld by the U.S. Supreme Court. This law would place a flat ban on the sending of obscene materials to any young person under 18. The Court has indicated that such a blanket prohibition on the mailing of offensive sex material to under-18 Americans will be upheld because of the age of those involved.

The other two of the Nixon administration's antiobscenity proposals involve mailings to adults. I strongly support these proposals as well as that dealing with young people. It is long past time that the courts recognize there must be a basis in law to support the desire of decent Americans to curb the smut peddler.

The people rightly are looking to the Federal Government for protection from the flood of pornographic mail. The laws now on the books have definitely proven inadequate.

President Nixon's antiobscenity proposals constitute a reasoned and workable approach to a most difficult problem. I intend to press for prompt enactment of his recommendations. I would expect that the Congress would welcome Mr. Nixon's legislative initiative in this problem area.

Mr. POFF. Mr. Speaker, the President's message of May 2 presented a comprehensive plan for regulation of the mailing and transportation of sexually oriented advertisements, and for the protection of our young people from salacious materials which may be harmful to them. This plan is one which imposes no restrictions beyond those absolutely necessary to meet the immediate need for legislation in this area. I fully support the President and I urge early action on these important measures.

Today when one subscribes to a magazine, or joins an organization, or does any number of things which result in the placement of his name upon a list, he may expect that some peddler of lewd pictures, books, or films is going to buy and use that list, and that one day an advertisement promoting some provocative material will be delivered to his home. Purveyors of smut are no respecters of persons, so the children in our homes are susceptible as well.

It is difficult indeed to understand the man who will deliberately deliver advertisements dealing in sex, perversion, and sadistic behavior to some child who happened to be named on somebody's list. It is time that we did something to prevent such callous commercial exploitation.

The President has recommended that we make it a Federal offense, punishable by imprisonment of up to 5 years, for mailing harmful materials to anyone under 18. Already more than 30 States have special provisions dealing with children in their obscenity laws. Federal action in this area would assist the States in their efforts to protect their young people.

It is my sincere hope that we will see early action on this most important recommendation.

Mr. CUNNINGHAM. Mr. Speaker, when one observes the sad state of some of our contemporary literature and the more conventional forms of the performing arts in America today, he can only speculate on the appalling nature of the material that is marketed clandestinely over the counter and through the medium of our postal system.

While most of these sordid films, plays, and publications are protected by the broad umbrella of the first amendment prohibition against laws "abridging the freedom of speech and the press," the American people can express their contempt and revulsion against this sort of material by refusing to patronize the movie houses and book stores that deal in them.

By and large, however, they are left defenseless against the onslaught of pornographic literature and materials that are mailed to their homes from the fever swamps of the smut industry in America.

This peculiar form of interstate commerce is indeed big business and it is getting bigger.

It is a particularly odious enterprise in that it deals in a commodity that is corrosive and destructive of the moral character and principle that all parents seek to inculcate in their children.

It is particularly harmful because of its furtive nature—often operating through seemingly respectable business fronts which mask its destructive potential.

I am reminded of the case where a Midwest youth of 14 responded to a magazine ad for 25 cents worth of foreign stamps. He received instead, a cheap booklet containing illustrations which would shock the sensibilities of any decent American.

You may multiply this example by the thousands; indeed as President Nixon pointed out in last week's message to Congress, 140,000 letters of protest regarding salacious mail were received by the Post Office in the last 9 months alone.

Mothers and fathers resent these intrusions into their homes and want our help to protect their children against exposure to erotic publications.

Mr. Speaker, the American people do not appreciate the irony of being asked to pay for a postal rate increase while the traffic in smut and pornography is virtually unfettered.

They cannot understand why, if they must pay higher postal rates, the privacy and dignity of their homes cannot be protected from the sex-related material that violates those homes.

Within the guidelines established by the Constitution and the courts, we have previously moved to protect American homes from this material, and this bill represents another step in that direction.

I introduced a bill in the 90th Congress dealing with the prohibition of pandering advertisements in the mails

which became law. That act represented the first significant move toward according the American citizen protection from this sort of pandering.

That law permitted a homeowner to secure a judicially enforceable order which prohibited the sender of salacious matter from making any further mailings to him or his children and requiring the mailer to delete their names from all his mailing lists.

Mr. Speaker, many citizens are unaware of this legislation and do not know how to utilize its provisions although over 175,000 individuals have taken advantage of the law during the past year.

The purpose of the Postal Revenue and Offensive Intrusion of Sexually Oriented Mail Act of 1969 would place the additional burden on the smut mailers to respect the rights of our citizens to keep their homes inviolate from the filth and smut that war against these homes and adds additional provisions.

Those sending pandering advertising materials through the mails will be required to purchase from the Post Office Department lists containing the names of families whose homes are off limits to this sort of material.

Mr. Speaker, I believe the average citizen understands the need for postal rate increases where they will serve to help reduce the chronic deficits and build a solid fiscal foundation that will promote post office efficiency and improvement.

At the same time, they have every right to demand that the Post Office exercise all of its authority to dry up the cesspools of obscenity that burden our postal system.

This legislation marks a major step in the achievement of both of these highly desirable objectives.

It is positive response to a condition, which, if left unchecked, can strike at the moral fibre of our national life as completely and as effectively as the termites that eat away, quietly and unobtrusively, at the foundations of your home.

We owe it to the American citizen to help rid him of the pestilence and virulence caused by this particular breed of termite.

Mr. CORBETT. Mr. Speaker, I would like to extend my full support to the President and the Attorney General in their efforts to end the interstate traffic and mailing of pornographic matter. It is an extremely difficult task to strike a balance between the necessity of freedom of expression, and the equally compelling necessity to protect our youth from the smut peddlers who prey on their immaturity and natural curiousity about sexual matters.

The Supreme Court has made it clear in recent decisions that obscenity does not come within the protection of the first amendment. Surely much of the smut mail which is sent unsolicited by these commercial exploiters into our homes falls outside the constitutional protection of free expression. Congress could strike a telling blow against such exploitation by passing the President's legislation with strong penalties for those who would use the mails as a vehicle of transmitting their filth to our young people. It would make a mockery of the first amendment of the Constitution to suggest that it was intended to protect those individuals who would poison the minds of our children with filthy books and pictures. These promoters have flooded the market with literature to satisfy any type of perversity, and they will continue to do so until shown by the Congress that this country has had enough.

The President has taken the important first step in this direction by firmly supporting legislation aimed at putting restrictions on these smut peddlers. Every Member of Congress should put himself on record as firmly endorsing the stand of the President and the Attorney General in their efforts to eradicate this social evil.

Mr. MACGREGOR. Mr. Speaker, it is one of history's little ironies that freedom of speech, that noble, that sacred institution of this Nation, should be linked in today's public mind almost exclusively with the problem of obscenity.

Anyone familiar with the lives and work of the Founding Fathers would be doubtful—at the very least—that they risked their lives, their fortunes, and their sacred honor so that some cunning pornographers could use the U.S. mails to destroy the moral fiber of young Americans. I believe, if somehow these great Americans of revolutionary times could come back to us, they would not hesitate to deal with these oligarchs of obscenity, these princes of pornography, these sultans of smut, with a directness and dispatch that might shock some who are more sensitive to their rights than their wrongs.

But lacking such a visitation, we must do what we must do, within the limits of our wisdom, and within our understanding of constitutional guarantees. President Nixon's message requests that we protect minors by making it a Federal crime to use the mails or facilities of commerce to deliver to those under 18 material dealing with a sexual subject in a manner unsuitable for young people. This request has the stamp of common sense and common decency; two qualities seen all too rarely today. I applaud the message as a whole and particularly this part of it.

Mrs. MAY. Mr. Speaker, last year, nearly 200,000 letters were received by the Post Office Department by those offended by unsolicited, erotic advertising material.

This material has become increasingly bold and shocking as the smut peddlers abuse the first amendment protection against abridging the freedom of speech or press.

As these American families have demanded protection from sexually related advertising, we in Government have often "shadow-boxed" with this issue, Mr. Speaker.

Two years ago, we attempted to bring protection to families not wanting offensive, erotic advertising material through the so-called pandering advertising amendment to the Postal Revenue and Federal Salary Act of 1967.

Unfortunately, this law put nearly all the burden upon the family not wanting such mail and the Post Office Department. Despite the Department's collecting the names of more than 170,000 families wanting their names taken off these mailing lists, there is little evidence they are receiving protection. Lacking criminal penalties, the law provides a cumbersome and time-consuming process for requiring the mailer to respect the mail patron's wish.

The President's proposal will remedy this defect by requiring those sending pandering advertising materials through the mails to first buy a list of those not wanting such mail from the Post Office Department. Secondly, violators will be subject to criminal penalties.

Mr. Speaker, the Postal Revenue and Offensive Intrusion of Sexually Oriented Mail Act of 1969 will do much to put the Post Office Department on a sounder fiscal basis and check the flow of offensive advertising through this great avenue of commerce.

Mr. SANDMAN. Mr. Speaker, obscenity and pornography are debasing to a nation which allows it to exist unchecked and unregulated. The quality of a nation can be measured by its art. Unfortunately, the United States today seems to disregard art in favor of sensationalism and sadism. This trend is beginning to adversely affect our country.

There is a broad spectrum of opinion concerning possible action or inaction by our Government to come to grips with this problem. Some would place no restrictions at all on what is shown in films or sent through the mails to our children. Others would set up rigid censorship of all our art forms. I am gratified that the President in his message to Congress has avoided these extremes in favor of a moderate, realistic approach to the problem of obscenity which aims at eliminating the smut peddlers while allowing art to flourish in an atmosphere of freedom.

We in the United States should jealously safeguard this precious right of free speech, and should be especially cautious unless we engage in overkill in our attempt to rid the country of pornography. President Nixon's message considers these factors calling for limited action where the need is most acute and the violations most flagrant—against those who send unsolicited pornography through the mails to our young people.

Freedom of speech is not freedom to poison the minds of our children with books and pictures with no artistic merit or socially redeeming value. I applaud the President in his wisdom and restraint in this very difficult area.

Mr. CAHILL. Mr. Speaker, it has always been a matter of great concern to me that certain individuals have been permitted, through the laxness of our laws, to flood our homes and mailboxes and our bookstores with what can only be described as utterly worthless filth, with absolutely no redeeming social value.

While we should not stifle true creative thinking, or free expression of ideas, neither should we permit these peddlers of perversion to pollute our society with their trash. We have a legitimate interest, in particular, in protecting the morals of our impressionable youth, and

in keeping from our door unsolicited salacious advertising materials.

I am, therefore, delighted that the President has proposed today that we take steps to curb the activity of pornographers in these two important areas. The first title of the proposed legislation is substantially identical to the bill which I introduced last January, designed to prohibit the mailing of obscene matter to households with minor children. The widespread support which my bill received—as of the date of the President's message more than a hundred other Representatives and 20 Senators have introduced identical or substantially similar bills—evidences the willingness of Congress to move now in this important area.

As the President has indicated in his message, the Supreme Court, in the Ginsberg case, has recognized the unique status of youth, and has pinpointed society's interest in protecting them from the cynical onslaught of the purveyors of hard-core pornography. We have a clear mandate to enact legislation in this area. The President has recognized this mandate, has seized it, and has passed it on to us.

With regard to the problem of unsolicited mailings, many of us have received complaints from constituents concerning unwanted and offensive advertising arriving at their homes. And they have asked, "Why can the Government not do something about this?" We can and we must do so now.

It is true that some steps have been taken. Present law allows those who receive unwanted mailings to ask the Postmaster General to order their names stricken from the mailing list of the sender. Our study commission will undoubtedly produce useful material for our further study and action. Also, some very significant steps have been taken in the private sector. But, much more can and must be done. And we can start now by enacting the President's proposals into law.

Mr. MESKILL. Mr. Speaker, I vigorously and wholeheartedly congratulate President Nixon for his message depicting one of the most serious problems afflicting the American public today, and proposing strong and appropriate ways to deal with it. The problem so eloquently described by the President is the fact that this Nation has, for the past several years, and even more so today, been deluged by a flood of filth in books, magazines, photographs, and movies.

There are persons in this country who have taken the constitutional right of freedom of expression as a license to pervert for profit. These smut purveyors have deliberately chosen to sell their obnoxious products to American young people.

We can no longer stand still and allow the basic moral fiber of our young people and, indeed, our families, to be so grossly and ruthlessly attacked. The President has called for the enactment of what could prove to be a very effective arsenal of weapons to be used in his declared war against obscenity. I applaud the President's proposal to protect minors from being mentally assaulted by prohibiting sex-oriented books, magazines, and materials being sent to them through the mails.

The President's program would also severely penalize those who advertise by emphasizing the salacious nature of the material involved. The deliberate moral corruption of our youth by pornographic materials must and will be curtailed with the approval of this program to shield young people from "offensive sex materials," to keep some smut advertising out of everyone's mailbox and to prevent delivery of any sex-oriented ads to people who do not want them.

Since 1964, complaints by people who have received unsolicited and unwanted pornographic material through the mails have doubled.

It is my opinion and the opinion of this administration that it is contrary to the public policy of our Government to allow an agency of the Federal Government, the Post Office Department, to be the instrument by which this highly offensive material is distributed to persons who do not want their privacy invaded or their children exposed.

That is why I am introducing today legislation to police the mails.

There can be no doubt that this legislation is necessary. It has been carefully drafted to conform to constitutional standards and Supreme Court decisions in this area. The time for words has passed; now, it is time to act.

The following is an explanation of this bill:

EXPLANATION OF THE OFFENSIVE INTRUSION OF SEXUALLY ORIENTED MAIL ACT OF 1969

Section 2. This section sets forth Congressional findings to the effect that sensational, sexually-oriented advertisements are being sent through the mails, unsolicited, to persons who find such material profoundly shocking and who do not want the privacy of their homes invaded in this manner. The section goes on to state that it is contrary to the public policy of the United States for the Post Office Department to be used as an instrumentality for the distribution of such material to persons who do not want their privacy to be so invaded, or who wish to protect their minor children from exposure to such material.

Section 3. This section adds two new sections to Chapter 51 of title 39, United States Code, relating to mailability.

Subsection (a) of the first new section, 4001, requires any person who mails sexually-oriented advertisements, as subsequently defined, to place his name and return address on the cover of this type of mail, and authorizes the Postmaster General to require that such mail carry a distinctive mark or notice. This requirement is designed to facilitate enforcement of other provisions of the law, and to enable unwilling recipients to refuse or otherwise dispose of such mail without opening the envelope.

Subsection (b) permits any person to place his name as well as the names of his children under the age of 19 on a list of those desiring not to receive sexually-oriented advertisements. All mailers are prohibited from sending any sexually-oriented advertisement to any person whose name has been on the list for more than 30 days. The list is to be maintained by the Postmaster General, and is to be made available to mailers upon payment of a reasonable service charge. The imposition of the service charge, in an amount determined by the Postmaster General, should result in the mailers of sexually-oriented advertisements bearing a significant part of the economic burden entailed in providing a mechanism to keep this type of mail out of homes where it is not wanted.

Subsection (c) prohibits any traffic in the list compiled by the Postmaster General, and restricts its use to the purging from private mailing lists of the names and addresses of persons who do not want to receive sexually-oriented advertisements. These limitations are intended to prevent the misuse of the Postmaster General's list to the annoyance of those who have requested that their names be placed on it and to prevent mailers from obtaining copies of the list without paying the service charge.

Subsection (d) defines the term "sexually-oriented advertisement" in a manner designed to cover the type of material that has been found to be most offensive to substantial numbers of citizens. The remedies provided under the present Pandering Advertisement statute, 39 U.S.C. section 4009, continue to be available with respect to advertisements whether or not they are within the statutory definition set forth in subsection (d).

The second new section of Chapter 51 of title 39, section 4012, provides machinery for judicial enforcement of section 4011.

Subsection (a) authorizes the Attorney General, upon request by the Postmaster General, to seek an order from a United States District Court directing an offending mailer to refrain from mailing sexually-oriented advertising to specified persons or groups or to the public at large. Authority is also provided for the inclusion in such an order of provisions directing postmasters to refuse to accept for mailing sexually oriented advertisements sent by the offending mailer, and to withhold relevant mail addressed to such a mailer.

Subsection (b), like present section 4005(b) of title 39, provides a simplified method of proving a relationship between a mailer and his agent, thereby making subsection (a) more readily enforceable.

Subsection (c) authorizes United States District Courts to issue temporary restraining orders and preliminary injunctions either before or during the course of judicial enforcement proceedings. The order or injunction may include provisions similar to the provisions authorized in subsection (b), as well as other appropriate provisions. This subsection is analogous to section 4007 of title 39.

Subsection (d) prescribes the venue for civil actions instituted under subsections (a) and (c), and states that such actions may be brought in the district in which the mailer resides or has his place of business, or in the district to which mail has been sent in violation of section 4011.

Subsection (e) makes it clear that the new statute is not intended to amend or repeal any of the postal obscenity laws or the Pandering Advertisements statute.

Section 4: This section adds two new sections to chapter 83 of title 18, United States Code, relating to postal offenses.

The first new section, 1735, makes willful violators of section 4011 of title 39 liable to a fine of $5,000 and 5 years imprisonment for a first offense and a fine of $10,000 and 10 years imprisonment for subsequent offenses.

The other new section, 1736, is designed to avoid the possibility of a natural person's incriminating himself by complying with the requirements of section 4011 of title 39.

Subsection (a) prohibits the Government from using information or evidence supplied by a natural person in compliance with section 4011 of title 39 as evidence in a criminal proceeding against him.

Subsection (b), similarly, provides that the fact of compliance by a natural person with the requirements of section 4011 of title 39 shall not be used against him in a criminal proceeding.

Subsection (c) provides that the grant of

immunity contained in the preceding subsections shall not extend to prosecutions for furnishing false information.

Mr. STEIGER of Wisconsin. Mr. Speaker, a measure of the flood of pornography inundating the Nation's mail boxes can be found in the fact that more than 170,000 Americans have sought Post Office orders against obscene mailings in the short period of time since the antipandering provision of Public Law 90–206 was adopted by Congress. It is very appropriate that President Nixon should propose the extension of this legislation in his timely message.

The President's message on obscenity is an example of the preciseness of thought and intensity of concern for justice that must characterize any honest discussion of the methods for combating pornography. The President does not fall prey to the emotional solutions which, while dealing harshly with the purveyors of obscenity, would also cripple our traditions of free speech. However, the President emphasizes that no Americans should be forced to accept this kind of material in his home through the U.S. mail.

Stating that "the courts have not left society defenseless against the smut peddlers; they have not ruled out reasonable government action," the President has refused to accept arguments that we have no recourse other than to allow the peddlers of obscenity to use our postal system unchecked.

I am convinced that this sense of balanced and reasoned judgment will prove to be the most effective weapon we have against obscenity in our free society.

The President's message gives impetus to the work of the Commission on Obscenity and Pornography created by the 90th Congress with my support. This Commission has the responsibility to analyze present laws pertaining to the control of pornography; study the methods, nature, and volume of the distribution of pornographic material; study the effect such material has on the public and particularly on minors; and make recommendations for appropriate legislative and administrative action. The Commission includes persons expert in the field of psychiatry, sociology, and criminology, and is probing deeply into the possible relationships between pornography and antisocial behavior. Distinguished lawyers and judges are researching the difficult area of protected expressions and criminal traffic in obscene materials.

Mr. Speaker, the decisive leadership of the Nixon administration, coupled with the work of the Commission, should go far toward making our society a more decent place in which to live.

Mr. RHODES. Mr. Speaker, a serious concern of many Americans is the invasion of their homes by those attempting to peddle filth and smut through the use of the mails. The President has recognized—and I certainly agree with his conclusion—that the answer to the problem of obscenity as well as other social ills lies ultimately with the people rather than with legislation by the Government.

Generally, those who desire to subject themselves to certain kinds of filth may do so. But, Mr. Speaker, there is no reason whatsoever why those persons not desiring to have themselves or their families exposed to such patently offensive matter should be required to do so. To hold otherwise would constitute a violation of one's right to privacy of the first order.

The President's proposal is a constructive one. It would require those who utilize the mails to respect the wishes of any citizen offended by unsolicited offensive material. It would prohibit the mailing of such material to persons under 18 years of age.

Mr. Speaker, I, for one, place great weight upon the constitutional protections to which we are entitled under the first amendment. For that reason, I find the contentions of those who would seek to justify every possible form of smut under the guise of free speech especially repugnant.

I support the President's proposal as one which recognizes both the protections of the first amendment and the interest of the individual in defending himself against an increasing onslaught of obscenity.

Mr. WIDNALL. Mr. Speaker, in a very forthright and forceful message, the President has put the administration squarely for legislation to restrict the flow of pornographic materials, particularly to minors. This is not a partisan issue, but one which reaches into every home in this Nation. I commend the President for his timely statement, and I hope that the Congress will act promptly.

The first of the President's requests is for legislation making it a Federal crime to use the mails to send obscene material to minors. My bill, H.R. 6651, introduced on February 7, 1969, would do this by making it a Federal offense to send obscene material to minors or to homes containing minors. This would do much to stamp out the ever-growing trafficking in smut. I am pleased that the President in endorsing my effort.

The President has asked the Congress to make it a Federal crime to use the mails, or other interstate commerce, for the commercial marketing of material with a prurient appeal. This is in line with the Supreme Court's decision that advertising with the specific intention of appealing to the recipient's sexual interest can be illegal.

The message also recognizes the limited effect of the current law permitting a recipient of obscene mail to request that his name be removed from a mailing list. The President asks for a statute which would permit citizens who do not wish to receive sex-oriented material to register their wishes with the Post Office Department. To send offensive mail to people on the list would be a crime.

The President has requested a sound package of legislation, one which would be effective and is based on sound legal precedent. The important thing, Mr. Speaker, is for this House and the Congress to act swiftly. The courts have made it abundantly clear that we may legislate in this area. Each day we do not act, more young minds are polluted and the moral standards of the country are endangered. We must act now.

GENERAL LEAVE TO EXTEND

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that all Members wishing to do so may have 5 days to extend their remarks following the message of the President.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar.

There are no bills on the Consent Calendar.

SOUTH CAROLINA 300th ANNIVERSARY MEDALS

The SPEAKER. The Chair recognizes the gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6269) to provide for the striking of medals in commemoration of the 300th anniversary of the founding of the State of South Carolina, as amended.

The Clerk read as follows:

H.R. 6269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

§ 1. Medals authorized

In commemoration of the three hundredth anniversary of the founding of South Carolina, which will be celebrated in 1970, the Secretary of the Treasury (referred to in this Act as the Secretary) shall furnish medals (referred to in this Act as the medals) in accordance with this Act to the South Carolina Tricentennial Commission (referred to in this Act as the Commission). The medals authorized under this Act are national medals within the meaning of section 3351 of the Revised Statutes (31 U.S.C. 368).

§ 2. Design and materials

The medals shall bear such emblems, devices, and inscriptions, shall be of such size or sizes, and shall be made of such materials as the Commission may determine with the approval of the Secretary.

§ 3. Minimum quantities; expiration of authority

Except for such quantities, if any, of gold or silver metals as may be approved by the Secretary, the medals may not be made in quantities of less than two thousand nor in an aggregate quantity greater than one hundred thousand. They shall be made and delivered at such times as may be required by the Commission, but no medals may be made after December 31, 1970.

§ 4. Determination of cost; security for payment

The medals shall be furnished at a price or prices equal to the costs of manufacture as estimated by the Secretary, including labor, materials, dies, use of machinery, and overhead expenses. The medals may not be made unless security satisfactory to the Secretary is furnished to indemnify the United States for full payment of these costs.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The gentleman from Georgia (Mr. STEPHENS) is recognized.

Mr. STEPHENS. Mr. Speaker, this is a completely noncontroversial bill introduced by the distinguished gentleman from South Carolina (Mr. RIVERS) to provide an appropriate means by which the people of the United States can join—without any cost to the United States—in the ceremonies marking the 300th anniversary of the founding of South Carolina. This would be accomplished through the striking of national medals which would be paid for in full—every cent of the cost—by the South Carolina Tricentennial Commission created by the General Assembly of South Carolina.

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

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

Mr. GROSS. Mr. Speaker, I have only a couple of questions.

In the first place, will any of these bills coming from the gentleman's committee require expenditures on the part of the Federal Government?

Mr. STEPHENS. I believe there will only be one bill of the five that will entail any expense of the U.S. Government, and that is an initial expense which is designed to be recovered by the sale of the medal. That is the bill that will be coming up third, if we go along in an orderly procedure. It is a bill that deals with a medal to honor the U.S. diplomatic courier service. It is in line with the type of medals that have heretofore been struck by the mint and placed on sale as list medals. That is the only one of these five that would be of any cost to the Government, but that would be the initial cost, and if the pattern is followed, the cost will be reimbursed through sales.

Mr. GROSS. Will gold be used in the making of any of these medals or whatever may be issued?

Mr. STEPHENS. In one of them gold definitely will be used. A decision will be made by the Secretary of the Treasury and the Office of Gold and Silver Policy as to whether gold or silver will be used in the others. But the gold will be purchased on the market. It will be bought and delivered to the Treasury by the sponsors of the medals who must also buy any silver at the regular going price.

Mr. GROSS. Has not the Banking and Currency Committee subscribed to the condemnation of gold? In other words, has it not said it is a barbaric metal; that it is an anachronism? I am surprised that the committee would bring out a bill which would provide that a medal, with the official sanction of the Government, would contain gold. I thought the Banking and Currency Committee joined with the Treasury Department last year in condemning gold as evil.

Mr. STEPHENS. If the gentleman will let me answer that statement, I do not think the Banking and Currency Committee has gone on record as saying that gold is evil. In fact, we have tried to make gold available so that it can be used for commercial purposes. We are not trying to compete with commercial enterprise. What we are trying to do is to keep people from collecting our paper dollars and converting them into gold, placing a demand on the Treasury. But this bill would not make a demand on the Treasury.

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

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

Mr. GROSS. The only way to obtain commercial gold is from the Government; is that not true?

Mr. STEPHENS. No.

Mr. GROSS. We just do not deal in gold in this country, and a succession of Democratic administrations have said that it is evil; that the public cannot traffic in gold. I am surprised that you would approve the issuance of a medal or anything else of value containing gold after the treatment that you have given gold to this country.

Mr. DORN. Mr. Speaker, I commend the House today for considering legislation to provide for the striking of medals in commemoration of the 300th anniversary of the founding of South Carolina. I know it will meet with the approval of both Houses of the Congress.

The tricentennial celebration which will take place next year is largely supported by the State of South Carolina, by private citizens and local businesses and industrial firms in the State. It will be a statewide observance commemorating the 300th anniversary of the permanent European settlement at Charles Town in the spring of 1670. There were earlier known unsuccessful settlements by the Spanish and French. In 1526 a group of Spaniards led by Lucas Vasquez de Ayllon attempted a settlement near Winyah Bay, and later, in 1562, Jean Ribaut attempted a settlement at Port Royal.

Mr. Speaker, South Carolinians were leaders in the political, cultural, and economic life of the early colonial government. No State has contributed more brilliant statesmen that South Carolina. Our State was one of the Thirteen Original Colonies to create the Union. No State fought harder to maintain its independence in the struggle of men to determine their own destiny. Devastated by war, no State worked harder or made greater sacrifices to rebuild its economy and reestablish itself as one of the most prosperous and influential States in our young Republic. South Carolina was virtually occupied by the enemy from the foothills of the mountains to the sea, but under the leadership of Thomas Sumter, Francis Marion, and Gen. Andrew Pickens, they continued to fight and eventually drove the enemy back. At Cowpens and Kings Mountain, the turning point of the Revolutionary War was accomplished for the whole Nation.

Yes, Mr. Speaker, we are proud of the Palmetto State. The tricentennial celebration will be one of South Carolina's greatest undertakings. We invite our neighbors and visitors from throughout our Nation to join with us in this celebration of our heritage.

The SPEAKER. The question is on the motion of the gentleman from Georgia that the House suspend the rules and pass the bill H.R. 6269, as amended.

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

The title was amended so as to read: "A bill to provide for the striking of medals in commemoration of the three hundredth anniversary of the founding of South Carolina."

A motion to reconsider was laid on the table.

WINSTON CHURCHILL COMMEMORATIVE MEDALS

Mr. STEPHENS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1081) to provide for the striking of medals in honor of the dedication of the Winston Churchill Memorial and Library.

The Clerk read as follows:

S. 1081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a), in honor of the dedication of the Winston Churchill Memorial and Library at Westminster College in Fulton, Missouri, in May 1969, the President is authorized to present in the name of the people of the United States and in the name of the Congress to the widow of the late Winston Churchill a gold medal with suitable emblems, devices, and inscriptions to be determined by the Fulton Area Chamber of Commerce, Incorporated, subject to the approval of the Secretary of the Treasury. The Secretary shall cause such a medal to be struck and furnished to the President: *Provided,* That the Fulton Area Chamber of Commerce, Incorporated, agrees to pay, under terms considered necessary by the Secretary to protect the interests of the United States, all costs incurred in the striking of such medal.

(b) The die from which such gold medal is struck shall be marred and donated to the Winston Churchill Memorial and Library for display purposes.

SEC. 2. (a) The Secretary of the Treasury shall strike and furnish to the Fulton Area Chamber of Commerce, Incorporated, not more than one hundred thousand duplicate copies of such medal in silver and bronze (of which not more than five thousand copies shall be in silver). The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

(b) The medals provided for in this section shall be made and delivered at such times as may be required by the Fulton Area Chamber of Commerce, Incorporated, in quantities of not less than two thousand, but no medals shall be made after December 31, 1969.

(c) The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for full payment of such costs.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. STEPHENS. Mr. Speaker, S. 1081 authorizes the striking of a gold medal to be presented to the widow of the late Sir

Winston Churchill, and of duplicate medals in bronze and silver, commemorating the dedication of the Winston Churchill Memorial and Library at Westminster College, Fulton, Mo., where the great wartime leader of Great Britain made one of the most important speeches of modern political history.

Not one cent of the cost of these medals—of any of the medals—would come out of the Treasury of the United States. All costs associated with the gold medal and of all of the duplicate medals are to be paid to the Treasury out of funds raised by the Fulton Area Chamber of Commerce, Inc.

The gentleman from Missouri (Mr. HUNGATE) is the sponsor of H.R. 7212, a companion bill to S. 1081. I might say, Mr. Speaker, that the subcommittee which first considered the bill and the full committee not only had no objections to the legislation but strongly endorsed this proposal for honoring Sir Winston Churchill in this fashion.

The SPEAKER. The question is on the motion of the gentleman from Georgia that the House suspend the rules and pass the bill S. 1081.

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

A motion to reconsider was laid on the table.

U.S. DIPLOMATIC COURIER SERVICE COMMEMORATIVE MEDALS

Mr. STEPHENS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7215) to provide for the striking of medals in commemoration of the 50th anniversary of the U.S. diplomatic courier service.

The Clerk read as follows:

H.R. 7215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the fiftieth anniversary of the United States Diplomatic Courier Service, the Secretary of the Treasury (hereinafter referred to as the "Secretary") is authorized and directed to strike bronze medals of a suitable size, and with suitable emblems, devices, and inscriptions to be determined solely by the Secretary.

SEC. 2. The Secretary shall cause such medals to be struck and sold by the mint, as a list medal, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. STEPHENS. Mr. Speaker, H.R. 7215 would honor the U.S. diplomatic courier service, and its intrepid group of career couriers, in the same manner in which Congress 3 years ago voted to strike medals honoring the U.S. Secret Service. The U.S. diplomatic courier service has completed 50 years of service without once having had a letter or document stolen. Its skill in safeguarding and promptly delivering secret dispatches to our oversea diplomatic posts is legendary.

All expenses associated with the production of this medal would be recovered by the Bureau of the Mint through sale of the medals to the public at a price sufficient to recover the full cost of manufacture.

Unlike the medals authorized in the other bills being considered this afternoon, the medals provided for in H.R. 7215 would be available to the public directly through the mint—as a list medal. There are numerous such list medals which are avidly purchased by the public, and which remain on sale for many years. The most recent such list medal authorized by Congress, as I said, was the Secret Service commemorative medal in 1966.

Mr. PATMAN. Mr. Speaker, as the sponsor of H.R. 7215, to authorize the striking of medals in commemoration of the 50th anniversary of the U.S. diplomatic courier service, I want to make a few remarks about the background of the organization in the State Department which this legislation would honor.

This is a career service of men specially trained in the safe handling and transport of the most important, most secret, official documents of the United States in the conduct of our foreign affairs. The responsibilities placed on the shoulders of our diplomatic couriers are as heavy as any assumed by any officials of the Government.

It is only since World War I that we have had any regular and secure method for transporting diplomatic documents. Prior to that, the documents were entrusted to individuals who served without pay and who carried these papers as an honorary assignment—they were entitled to special passports and this gave them some status and prestige. As a type of political plum—but the security was totally inadequate and other nations complained about the slipshod and haphazard manner in which our papers were being handled. They had reason to object, because often the information contained in those documents was supplied by friendly governments which feared our courier methods would compromise that information or embarrass the nations which had provided it to us.

Mr. Speaker, the story of the U.S. diplomatic courier service is a dramatic and exciting one. Under unanimous consent I include at this point, as part of my remarks, an article on the service written some years ago by Mr. Jack Grover of the State Department:

[From the Department of State Foreign Service News Letter, October 1953]

A BRIEF HISTORY OF THE U.S. DIPLOMATIC COURIER SERVICE

(By Jack Grover)

Surprisingly, it was not until quite recently, in 1918, that there was an organized U.S. Courier Service.

The question, "How were secret messages sent before that time?" at once arises. The answer is, "Haphazardly."

American ship Captains, United States Diplomatic Officers and miscellaneous American travelers were handed sealed mail with the simple instruction that it be delivered on arrival. Needless to say, the security afforded these items would have turned a modern SY man's hair gray.

The persons who carried such mail were called "Bearers of Despatches," and they received no pay for their services. However, to be so designated was considered something of a plum, as there was granted with the title a special passport which facilitated passage at international frontiers. The first real courier trip yet found in the records was made from Savannah to London on May 24, 1819, by Mr. Nat Crane, a red-headed Post Office employee.)

As might be guessed, since almost anyone could be made a Bearer of Despatches, many persons who should not have been were designated as such and entrusted with the carriage of important documents. Other governments, namely the British and Austro-Hungarians, who already had good courier services staffed by professional Couriers, from time to time objected to this laxness on our part, and stated that they did not wish to recognize other than official Couriers.

These objections were strongest in the very first part of the 20th Century. At that time, the U.S. Government began to emphasize to its posts that only diplomatic personnel should be appointed Couriers. This policy naturally resulted in a reduction of the number of persons available for courier service, but not in the need for it. So gradually some of the most important posts began to employ persons whom they used as full-time Couriers.

On December 2, 1914, the Department received a telegram from the Embassy at London to the effect that a man, who would be used as a Courier, had been employed. Paris soon followed suit. By 1917 the Couriers from these two posts were traveling to several others in Europe, notably Madrid and Rome.

Other posts in other parts of the world, as the need arose, established the same type of limited courier service. On August 24, 1918, trips between Mexico City and the border were initiated. In November, 1918, courier service between Tokyo and Peking was established. However, when the need for these lessened, the service was abolished. Gradually, very gradually, U.S. courier service, within Europe was extended.

But the whole tenor of both the official and unofficial U.S. attitude toward courier service from 1776 until our entrance into World War I was marked by a cool indifference.

THE BEGINNING

The first great war, with its constant demands for speed and security of communications, changed the picture abruptly and drastically. In 1917 there was great disorder and confusion in the handling of mail moving between Europe and America. Mail was piled high in European stations, trains were crowded, and troop trains were constantly disrupting the movement of the mail cars It was taking mail pouches from four to six weeks to travel between Washington and France.

At this time there was assigned to the Ordnance Department in Washington a Captain by the name of Amos J. Peaslee, who recently was appointed United States Ambassador to Australia.

As were so many others, Captain Peaslee was unfavorably impressed with the delays the mails were experiencing, and early in 1918 he conceived the idea of a Courier Service whose members would accompany the most vital mail in transit, seeing to its rapid and secure passage. On February 2 this plan was presented to General C. B. Wheeler, then Acting Chief of Ordnance. General Pershing was cabled and permission was immediately granted to put the idea into effect.

Late in March a small unit of seven men headed by then—Major Peaslee departed for Europe. Within three weeks after their arrival the transit time of the mail being moved between Europe and Washington had been cut in half. By the end of June the transit time had been reduced to an average of less than 12 days. The record was seven days, six hours. This drop in transit time was

considered remarkable, and certainly for those days it was. This military courier service continued its work to the end of the war, steadily expanding in personnel and area covered.

At the close of the war, the transatlantic courier service was technically disbanded. But in the last week of November, 1918, Major Peaslee received an urgent summons from the American Commission to Negotiate Peace to report to Paris. The Commission, impressed by the fine record of the military courier service, asked him to organize, set up, and operate a courier service throughout Europe to re-establish communication lines with the isolated Foreign Service posts, and service the Hoover Food Missions for central Europe.

The Military approved, and Major Peaslee with a nucleus of personnel from the previous military courier service took officers at 4 Place de la Concorde in Paris. The service was under the Department of State, and the personnel carried diplomatic passports. This Courier Service began operations on December 2, 1918, and this is the official birth date of the U.S. Diplomatic Courier Service. Major Peaslee deserves full credit for its conception and establishment.

WAX AND WANE

This group at once set up trips between America and France, and spread its strands of communication through most of Europe and even into the periphery of Asia. Personnel increased with service and in a few months the Courier's ranks numbered 70 men.

In the summer of 1919 however the American Commission to Negotiate Peace completed its mission and terminated its activities. On September 1 the Courier Service was disbanded and the men, on loan from the military forces, returned to civilian life.

No longer was there any service between the U.S. and Europe. However, due to the vital need for some sort of intra-European courier service, 11 Couriers (Marines) were assigned to the Embassy at Paris. Later one civilian was added, and two Couriers were assigned to London and one to Rome.

Various Americans—ship Captains, traveling members of the Foreign Service, and other travelers—were once again entrusted with the transmittal of diplomatic mail. This irregular and unsatisfactory service continued for some years. Then in 1929 there began pressure in Washington to cut professional courier service, until finally, at the close of business on June 30, 1933, due to financial consideration, the U.S. Courier Service was abolished completely.

REVIVAL

At the abolishing of the Courier Service a rumble of protest came from the posts throughout Europe. As the weeks and months went by, rather than dying out it grew louder. The posts had had a taste of secure, efficient, safehand diplomatic pouch service and they had liked it. Before it had been a case of not knowing what they were missing; now they did know.

At the London Conference in 1934 President Roosevelt learned of the discontinuance of courier service and decided that it should be re-established. For the fiscal year 1935, due mainly to Presidential backing, the State Department was granted $24,000 with which to operate the service.

On August 9, 1934, in a telegram to the Embassy at Paris the Department allotted that post $16,000 for the remainder of the fiscal year for one Courier and the work he would do. Two more Couriers were soon added to the rolls. Paris remained the headquarters.

In 1935 local courier service was set up between Peiping, Tientsin, Nanking and Shanghai, with Peiping as the base. Foreign Service Career Officers were used as Couriers. Next Japan was included in the runs.

For the fiscal year 1939 the Courier Service, which was under the Department of State's Chief of Foreign Service Administration, was allotted $35,000. Plane as well as ship Captains were now used to transmit pouches. In the middle of 1939 a courier trip between Mexico and Washington was initiated.

WARTIME

Suddenly the Courier Service, like so many organizations, mushroomed and thrived in the deepening shadow of war. Money became a secondary consideration. In 1941 the Courier Service received an appropriation of $58,000, in 1942 it received $144,000, and in 1943 the sum jumped to $335,000. These years were a major turning point in the history of the Courier Service.

About this time, in the fall of 1940, Courier Horton R. Telford was ordered on a trip from Berne to Istanbul. Many things could have happened to Telford on a trip into this area at that time, and many did. He was strafed by a plane, had to travel by oxcart, was arrested as a spy. But he got there.

On December 14 of the same year the SS *Western Prince* was torpedoed and sunk. Courier Henry E. Coleman who was aboard saved his mail, but nothing else, took charge of a lifeboat and finally made it to London. He then calmly continued his trip as though nothing had happened.

And there is the story of veteran Courier Al Frazier who was escaping from Yugoslavia just before the United States entered the war. The Germans boarded the train and ordered Frazier to hand over his pouches. Frazier in a loud voice stated that they contained dynamite which would be touched off before the pouches would be handed over. He was allowed to pass on.

After the Germans had occupied Paris Courier Tom Claffey made a bold dash with several pouches from Spain to our Embassy in France's capital. He went without necessary documents and against the advice of friends and authorities alike. He simply got aboard the train with his pouches and unexpectedly went through without mishap. From Paris he slipped across international and military frontiers to Rome.

Three Couriers were appointed on July 9, 1941 to provide courier service to Central and South America. The Embassy at Panama from then on was used so much as a transfer point that a Courier Office soon was established there. And another Courier Office was set up in Miami.

After America's entry into the war, events moved fast for the Courier Service. Courier P. Henry Mueller, in April of 1942, was sent to Cairo to establish a courier base for the servicing of Northeast Africa and the Near and Middle East. This office quickly expanded in personnel and area covered. On February 19, 1943, old-time Courier Thomas Valenza arrived in Algiers from Washington for the purpose of setting up courier service behind the Allied Forces, which he did. The Iberian Peninsula was made a separate area for courier operations in February of 1944.

In April of the same year, moving right behind the advancing Allied armies, Valenza switched his Algiers headquarters to Naples. From that point he set up service for southern Europe and the western section of North Africa. Our courier service spread in the wake of the conquering armies, and the Berne Office was moved back to Paris (from which it had been transferred early in the war) under Communications Officer Clark.

In the fall of 1945 Communications Officer Sylvain R. Loupe (now Chief of the Department of State's Diplomatic Mail and Courier Branch), the only man in the Service with training in the three fields of postal, military and Department of State communications, was instructed by the Department to organize and begin courier service in the Far East. This he did, setting up his Regional Base at Shanghai. Service from this post quickly expanded to many parts of Asia and the Pacific.

POSTWAR

Immediately after V–J day the Courier Service entered another phase of its history, that of consolidation and streamlining. Until that time the expansion of the courier routes had been so fast and conditions had changed so quickly that the service provided had to be more or less on an as-can basis. Sometimes Couriers would be sent out with only instructions of "Get there and back," and often they would be gone for weeks at a time with few people knowing where they were.

The Courier Service soon began to pick up the loose ends: rigid schedules were set up all over the world; documentation and paperwork were improved tremendously; duplication was cut out; rules and regulations were laid down. Edward T. Brennan of the Head Office in Washington, soon to become Chief of the Western Hemisphere Regional Office, and subsequently Chief of the Couriers, began making a long-needed series of basic studies of other courier systems, personnel and cost problems, and other analyses which were essential to a firm foundation on which to base actual operations.

Gradually the combined efforts of the Service's personnel paid off and efficiency became the general rule. In the eight years after the end of World War II the Courier Service had been reworked into an efficient, streamlined organization.

Things were still, as they have been throughout the history of the Service, happening to Couriers. The Head and Regional Offices' files concerning crashes, riots, special hardships, accidents and the many other hazards which are an integral part of a Courier's life, are full ones, and they are still growing.

Crash landings are routine.

In the past 11 years four professional Couriers have been killed while performing their duties. The airplane in which one was traveling, Homer C. White, departed from Accra on December 4, 1945, and simply never was seen again. Every Courier realizes he is pushing the old law of averages.

Dame Misfortune seems to have singled out John Powell, now Regional Supervisor at Panama, for special attention. He has been in accidents, riots, shootings, plane trouble, under ack-ack fire and other such uncomfortable circumstances. He was the Courier who, in April of 1948, landed in the middle of a revolution in Bogota. With his pouches he made his way by foot from the airport to the Embassy, but not without being assaulted and stabbed by the revolutionists.

The lot of a Diplomatic Courier is not all foam rubber airline cushions.

TODAY

Since 1948 the Courier Service has been in the Department of State's Division of Communications, and now includes the Head Office in Washington as well as four Regional Offices at Panama, Paris, Cairo and Manila. The Couriers service about (the number varies) 113 countries.

The number of Couriers and Courier Supervisors recently has been reduced from 100 (in January, 1953) to 77. Still, a rapid, worldwide web of courier communications is maintained. At this moment Couriers are traveling in the air and on the ground with their pouches of secret material—perhaps circling Rio, approaching Auckland, catching another plane at Colombo, passing Aconcagua between Santiago and Buenos Aires, going up through the Khyber Pass to Kabul.

Each year the professional Couriers travel over the equivalent of 20 round trips to the moon. (One man, veteran courier Tom Grimes, in 1951 was the first Courier to pull all of the runs all over the world.)

Regular official courier travel has been made in every type of conveyance from gondolas to jet jobs.

The Courier Service has never had a pouch or piece of mail stolen.

For an impartial observer looking at the whole panorama of history's courier services there is one certain conclusion: The United States Diplomatic Courier Service, from the stand points of security, speed, efficiency and world coverage—in short, on those points which are the major objectives of a courier service—is unquestionably and by far the finest of the courier services of history.

A short time ago the Department of State's Diplomatic Couriers adopted an official emblem—a golden eagle in flight. Each Courier may carry one. On the reverse side of the emblem is inscribed in Greek the Courier Service's motto, part of Herodotus's description of the Persian Couriers. The translation is: "None is swifter than these."

The SPEAKER. The question is on the motion of the gentleman from Georgia (Mr. STEPHENS) that the House suspend the rules and pass the bill H.R. 7215.

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

A motion to reconsider was laid on the table.

WICHITA CENTENNIAL COMMEMORATIVE MEDALS

Mr. STEPHENS. Mr. Speaker, I move to suspend the rules and pass the bill H.R. 8188) to provide for the striking of medals in commemoration of the 100th anniversary of the founding of the city of Wichita, Kans.

The Clerk read as follows:

H.R. 8188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

§ 1. Medals authorized

In commemoration of the one hundredth anniversary of the founding of the city of Wichita, Kansas, which will be celebrated in 1970, the Secretary of the Treasury (referred to in this Act as the Secretary) shall furnish medals (referred to in this Act as the medals) in accordance with this Act to Wichita Centennial, Incorporated (referred to in this Act as the Corporation). The medals authorized under this Act are national medals within the meaning of section 3351 of the Revised Statutes (31 U.S.C. 368).

§ 2. Design and materials

The medals shall bear such emblems, devices, and inscriptions, shall be of such size or sizes, and shall be made of such materials as the Corporation may determine with the approval of the Secretary.

§ 3. Quantities; expiration of authority

The medals may not be made in quantities of less than two thousand, nor in an aggregate quantity greater than one hundred thousand. They shall be made and delivered at such times as may be required by the Corporation, but no medals may be made after December 31, 1970.

§ 4. Determination of cost; security for payment

The medals shall be furnished at a price or prices equal to the costs of manufacture as estimated by the Secretary, including labor, materials, dies, use of machinery, and overhead expenses. The medals may not be made unless security satisfactory to the Secretary is furnished to indemnify the United States for full payment of these costs.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. STEPHENS. Mr. Speaker, this bill proposes the striking of commemorative medals honoring the 100th anniversary of the city of Wichita.

I now yield such time as he desires to the gentleman from Kansas (Mr. SHRIVER), the author of the bill.

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

Mr. SHRIVER. Mr. Speaker, I rise to urge the passage of this bill (H.R. 8188) which is sponsored by me and provides for the striking of medals in commemoration of the 100th anniversary of the founding of the city of Wichita, Kans.

In July 1969, the city of Wichita, which it is my privilege and honor to represent in the Congress, will begin a yearlong celebration of her 100th year as an incorporated community. An unprecedented program of centennial festivities will reach its climax, in 1970, on the anniversary of the date, July 21, 1970, when Wichita was first incorporated as a town.

This legislation authorizes the Secretary of Treasury to furnish medals in accordance with established regulations and procedures to Wichita Centennial, Inc. The corporation is prepared to submit the necessary design and artwork for the medals.

According to provisions of this bill, the medals may not be made in quantities of less than 2,000, nor in an aggregate quantity greater than 100,000.

The medals would be furnished by the Secretary of the Treasury at a price or prices equal to the costs of manufacture as estimated by the Secretary including labor, materials, dies, use of machinery, and overhead expenses.

It is my understanding the Wichita Centennial, Inc., is prepared to furnish the necessary security to indemnify the United States for full payment of the costs.

Wichita Centennial, Inc., is registered and recognized by both the State of Kansas and the Federal Government as a nonprofit corporation. Officers of the corporation include Mr. Jack K. Lashley, president; Mr. Herb D. Hollinger, vice president; John F. Eberhardt, secretary; Mr. H. Marvin Bastian, treasurer; and Mr. Kenneth E. Johnson, chairman of the finance committee. Managing director for the centennial is Mr. Robert Carroll.

This corporation is an organization of citizens who believe that the 100th anniversary of the city, and the year during which she crosses the threshold from her first to second century, represent a rare opportunity to pay tribute to the heritage of an historic past, to evaluate the achievements of a vital present, and to acknowledge the unlimited potential offered by a challenging future.

Striking of this medal will be an important part of Wichita's centennial observance, and it will serve as a reminder of the city's historic past as well as its great potential in its second century.

Mr. Speaker, I wish to thank the subcommittee and full Committee on Banking and Currency which have acted expeditiously and favorably on this legislation.

The SPEAKER. The question is on the motion of the gentleman from Georgia that the House suspend the rules and pass the bill H.R. 8188.

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

A motion to reconsider was laid on the table.

STRIKING MEDALS IN COMMEMORATION OF THE 100TH ANNIVERSARY OF THE FOUNDING OF AMERICAN FISHERIES SOCIETY

Mr. STEPHENS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1130) to provide for the striking of medals in commemoration of the 100th anniversary of the founding of the American Fisheries Society.

The Clerk read as follows:

S. 1130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the one hundredth anniversary of the founding of the American Fisheries Society on December 20, 1870, the Secretary of the Treasury is authorized and directed to strike and furnish to the American Fisheries Society not more than one hundred thousand medals with suitable emblems, devices, and inscriptions to be determined by the American Fisheries Society subject to the approval of the Secretary of the Treasury. The medals shall be made and delivered at such times as may be required by the American Fisheries Society in quantities of not less than two thousand, but no medals shall be made after December 31, 1970. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such costs.

SEC. 3. The medals authorized to be issued pursuant to this Act shall be of such size or sizes and of such various metals as shall be determined by the Secretary of the Treasury in consultation with the American Fisheries Society.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

Mr. STEPHENS. Mr. Speaker, S. 1130 is identical to H.R. 8648, sponsored by Representatives DON H. CLAUSEN and JOHN P. SAYLOR. It authorizes the striking of medals commemorating the 100th anniversary of the American Fisheries Society. We have received no objections to this bill. S. 1130 passed the Senate earlier this year, sponsored by the two Senators from the State of Washington. The Treasury has no objection to it. No costs would be assumed by the Treasury in striking the medals.

Mr. Speaker, I yield now to the gentleman from Pennsylvania (Mr. SAYLOR), one of the coauthors of the bill.

(Mr. SAYLOR asked and was given

permission to extend his remarks at this point in the RECORD.)

Mr. SAYLOR. Mr. Speaker, I am very pleased to note that the Committee on Banking and Currency has approved and reported to the House, bill H.R. 8648, which my colleague, Congressman DON H. CLAUSEN of California and I sponsored to commemorate the 100th anniversary of the American Fisheries Society.

The society will celebrate its centennial mark next year with appropriate ceremonies in New York City, September 13 to 16, 1970. H.R. 8648 would provide for the striking of medals in commemoration of the founding of the society on December 20, 1870.

The American Fisheries Society has been an active and constructive force for the gathering and dissemination of information pertaining to fisheries. From modest beginnings, the society is now embarked on programs that include the promotion and enhancement of all branches of fishery sciences in colleges and universities, the exchange of information relating to fishery sciences, and most important, the promotion of conservation and wise utilization of fisheries.

Membership of the society now includes 5,000 persons in the United States, Canada, and 60 other countries throughout the world. Over the years, the influence of the members of the society has been demonstrated in international fisheries decisions, both fresh water and marine. While negotiating treaties and agreements with foreign countries, prominent members of the society have served on international commissions and advisory bodies in discussions on fisheries problems. By holding national and international scientific meetings annually to report on findings of research and management studies, and then publishing these results, the field of fisheries has kept the public and scientists worldwide, abreast of developments.

The American Fisheries Society has performed a very valuable function in serving in the field of natural resources, and I feel it is appropriate to commemorate these many years of service with the striking of the medals called for in H.R. 8648.

Mr. PELLY. Mr. Speaker, the American Fisheries Society will commemorate its 100th anniversary this year, and it is fitting that this outstanding organization be honored by the striking of a centennial medal. I strongly urge my colleagues to support this legislation.

The American Fisheries Society gathers and disseminates information in the area of fishery science and practice which is a vital function in these days when our fishing industry is facing such problems. The United States today accounts for only 4 percent of the world catch, but she consumes about 12 percent of the total and is the world's largest market. Our fishing industry must be restored to a competitive, profitable position with consequent benefit to the economy, and without the fishery science and practice that has been exercised in the past, our problems undoubtedly would be even greater.

The American Fisheries Society now has more than 5,000 members in the United States and Canada, dedicated to the promotion and enhancement of all branches of fishery science, the encouragement of teaching all phases of fishery sciences in colleges and universities, the exchange of information relating to fishery sciences, and, most important, the promotion of conservation and wise utilization of fisheries.

Again, Mr. Speaker, I urge a favorable vote on the striking of medals for the American Fisheries Society as a commendation for the vital contributions it has made during the last century.

The SPEAKER. The question is on the motion of the gentleman from Georgia that the House suspend the rules and pass the bill S. 1130.

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

A motion to reconsider was laid on the table.

A similar House bill (H.R. 8648) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STEPHENS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the five bills considered today under the suspension of the rules.

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

There was no objection.

WE MUST ACT TO HALT THE FLOW OF SMUT MAIL TO MINORS

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

Mr. DULSKI. Mr. Speaker, there is widespread concern about the continued flow of obscene matter through the mails, particularly matter addressed to minors.

In February, I introduced comprehensive legislation aimed at halting the flow of material to our young people. This measure and others are pending before our Subcommittee on Postal Operations which is planning to hold public hearings in the near future.

Today, Mr. Speaker, I am introducing an expanded antismut bill, which includes all of my previous bill—H.R. 7375—plus several additional provisions which have been recommended by President Nixon, and which I feel it is proper to place before our committee as hearings are scheduled.

The control of the mailing of obscene material is a very difficult area of law, but I feel it is essential that we act forcefully to prevent mailings of obscene material to minors.

I have no question about our authority to protect our young people and this is the heart of my bill as originally introduced. The variation which I am introducing today, along with three other Members of our committee—Mr. NIX, Mr. CORBETT, and Mr. CUNNINGHAM—adds two other features:

First. I am proposing making it a Federal crime to use the mails for the commercial exploitation of a prurient interest in sex through advertising.

Second. I am proposing extension of the present law to enable a citizen to protect his home from any intrusion of sex-oriented advertising—regardless of whether or not a citizen has ever received such mailings.

This bill incorporates the features suggested by the White House in its message to Congress while we were in adjournment last Friday.

It does not, however, include the postal rate increase proposal, which was included as a part of the obscenity bill text sent to the Speaker by the Postmaster General at the same time.

The message from the White House on obscenity made no reference to postal rates. What is more, postal rates have no business being tied with control of obscene material being sent through the mails.

I have made it plain earlier that our committee has no intention of dealing with any change in postal rates until we first make substantial progress on postal reform. Our committee already is dealing with postal reform proposals.

It would be a grave mistake to burden legislation on control of obscenity with the very controversial matter of proposed postal rate increases.

In substance, my bill will impose a stricter ban on the use of the mails, in any way, for the solicitation, sale, delivery or distribution of pornographic material to a minor.

The same ban would apply on mailings to any person with whom a minor resides.

This new authority to the Post Office Department, with enforcement provision, is aimed directly at the area of greatest concern: the continuing unsolicited mailings to our young people.

In trying to curb the flow of smut, I feel it is essential that the law spells out in detail exactly what type of material is objectionable and should be banned from the mails. Such standards are a vital feature of my bill.

The Federal antipandering law which originated in our committee has proven its worth during the past year in giving recipients of such mail a way in which to halt further solicitations.

Since April 1968, the Department has received nearly 200,000 complaints about material which the recipients considered to be of the smut variety.

Acting on these complaints, the Department was able to order the removal of names from the mailing lists, under threat of referral of individual cases to the Justice Department.

In summary, what we aim to do in my bill today is—

First, to stop unsolicited mailings to minors at their source;

Second, to extend the present law to enable a citizen to protect his home from any intrusion of sex-oriented advertising—regardless of whether a citizen has ever received such mailings; and

Third, to make it a Federal crime to use the mails for the commercial exploitation of a prurient interest in sex through advertising.

Further legislative action to curb antismut mailings is a matter for urgent con-

sideration by our committee and the Congress and scheduling of hearings is now underway.

SUPREME COURT DECISIONS ON REAPPORTIONMENT RESULT IN CHAOS

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

Mr. SPRINGER. Mr. Speaker, a recent decision of the U.S. Supreme Court declared the recent reapportionment of Missouri invalid.

It would appear to me from a reading of the decision that this will invalidate reapportionment in at least 44 of the 50 States. If Illinois is forced to reapportion, this will be the third time in 8 years.

The disappointing fact with reference to the Supreme Court decision in reapportionment is that, instead of helping and guiding the legislatures, it has merely nullified the action of the various State legislatures. Nowhere has the Court indicated what it believes would be a valid and legal reapportionment.

The scope of the decisions of the Supreme Court have not just affected the Congress. They have affected both the lower and upper houses of every legislature in the land.

No decisions within the history of the Supreme Court have been so destructive to the morale of the legislative bodies as have the decisions of the last 7 or 8 years of the Supreme Court with reference to reapportionment. Even local legislative bodies at city, townhall, and county levels have been affected. There have been streams of correspondence to us as Members of Congress to please give them some indication as to where they stand with reference to proper proportional representation. The decisions have been so mixed and without guidance that it has been impossible for me as a Congressman to properly advise my own State legislature as well as lesser bodies as to what is the proper course to follow.

Mr. Speaker, these decisions have resulted in chaos in this country. In my own State, some counties will have been shifted three times if we are forced to reapportion again in Illinois. Surely local counties ought to have some idea of wherein they lie and who represents them in the Congress. These decisions of the Supreme Court have resulted in an impossible situation with reference to local governments. Somewhere this has to stop.

Under article III, section 2, paragraph 2, jurisdiction has been given to Congress to determine wherein the Supreme Court shall have appellate jurisdiction. In order that the Members may know the exact language, I herewith quote:

> In all the other Cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

A desperate situation demands action which will prevent what has been taking place in the past few years. This will leave to the States determination by them through their elected representatives of how various States should be apportioned. This is as the Constitution determined it in the beginning and it is as it should be.

I ask all of those Members of Congress who have like thinking to join me in this legislation which I can assure you has only been drawn as a last recourse to bring some kind of sense into the entire problem of reapportionment from Congress down to the county supervisor.

CAMPUS DISORDERS

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

Mr. ARENDS. Mr. Speaker—

> There can be no compromise with lawlessness and no surrender to force if free education is to survive in the United States of America.

Those were the clarion words of our President when he spoke out last week about the disorders on our college campuses. Attorney General John Mitchell was even more explicit in his condemnation of the militant students who violate the law. He emphasized that the law must be enforced because "where law ends, tyranny begins."

It comes within my knowledge that our Attorney General is determined to prosecute to the fullest extent of the law where there is legally acceptable evidence of a violation of a Federal law, such as the antiriot provision we wrote into the Civil Rights Act. But there are constitutional limitations on what the Federal Government can do or should do.

Local disorders are primarily a local and State responsibility. But the basic responsibility, insofar as campus disorders are concerned, rests with the administrators and faculties of the colleges and universities.

It is not the proper role of Government to interfere in the internal affairs of our colleges. It is, however, incumbent on the Government to provide the college authorities with whatever tools may be needed to deal with what has been taking place on our campuses.

In the final analysis, the solution to this problem of rebellion on the campuses lies with the college authorities themselves. All of us can understand the restlessness of youth, their questioning of authority and desire for changes. That has always been true with each generation in varying degrees, and it is a healthy, much to be desired, condition that makes for progress. All of us understand where there might be need for change and where student protests might be legitimate. But peaceful protest is one thing; anarchy is something else.

It is my considered judgment that the colleges and universities themselves have been lax in taking disciplinary action against those who have participated in these disorders. They have been all too willing to yield to demands and to grant amnesty.

It is not true that when a college admits a student he is granted a privilege? In our more prestigious colleges and universities, such as Harvard and Cornell, many apply for admission and few are granted the privilege to enroll. It does not follow that the mere granting of this privilege confers on the student all manner of rights to the extent of dictating what courses shall be taught and who shall teach them.

When a student abuses this privilege to the detriment of the purpose of the college to provide an education, the college authorities can and should withdraw the privilege. This is where our college administrators have lacked "backbone." They have meekly allowed a disruptive few to deny the many their privilege of learning.

It is contended that the head of a college or university is practically helpless when a group of students take over a university building. President Pusey, of Harvard, has been severely criticized for calling in the police when confronted with such a takeover. This action resulted in other undergraduates, and some members of the faculty, lending their support to the radical few and their "demands."

Perhaps President Pusey acted hastily. We do not know. But at least he showed he had "backbone," and he was determined that there be law and order on the Harvard campus.

In hindsight it would have been wiser if President Pusey had told everyone occupying the building that they had until a given time to leave the building or they would be expelled, and in any case all would be subject to disciplinary action. If within the stipulated time the building was not relinquished, the President might have obtained a court order enjoining occupancy and left it to the court to enforce its order.

I am not advocating suppression. Nor am I advocating counterviolence to combat violence. I am simply saying that, in my opinion, this problem of campus disorders can be resolved if our college and university authorities showed some "backbone," as President Nixon suggested, and employ the legal processes available to them in a society founded on freedom under law. If everyone is free to do everything, no one can be free to do anything. Freedom is not license; it is ordered liberty under law.

BILL TO ESTABLISH CABINET-LEVEL DEPARTMENT OF MARITIME AFFAIRS

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

Mr. ANDERSON of California. Mr. Speaker, I am today introducing H.R. 10869, to establish a Cabinet-level Department of Maritime Affairs. This bill would bring together and coordinate all U.S. commercial and governmental interests with respect to the sea. The proposed Department would include many of the agencies already in existence and scattered among several departments, such as the Maritime Administration, the Federal Maritime Commission, the Bureau of Commercial Fisheries, the Merchant Marine Academy, the Coast Guard, the Coast Guard Academy, the Coast and Geodetic Survey, the National Council on Marine Resources and Engineering Development, the national sea

grant college program, and the coastal area functions of the Federal Water Pollution Control Administration.

History and experience prove that our maritime interests, if included in an agency or department having other duties and responsibilities, become submerged, and are largely ignored and neglected.

MERCHANT FLEET

Today the American merchant marine carries less than 8 percent of this country's export-import trade. Over 90 percent of America's world trade is in foreign hands, dependent on foreign-flag ships, and the policies of foreign governments.

We rank a low 16th as a merchant shipbuilding Nation. America's obsolete merchant fleet is not only faced with a totally inadequate program of new ship construction, but also with a modern, rapidly expanding Russian fleet.

Today the privately owned American merchant marine consists of only 1,000 ships, of which about three-fourths are 20 years of age or older. In contrast, the Russian state-owned merchant marine consists of 1,400 ships, almost all of which are less than 10 years of age.

FISHING INDUSTRY

The health of our fishing industry is to great extent related to the size and strength of our merchant marine. Today our fishing fleet is, by and large, technically outmoded. Catches made by U.S. flag vessels have remained constant over the last three decades. During this period the United States has dropped from second to sixth among the world's fishing nations. United States vessels today land only about one-half of the total fish consumed in the United States and harvest less than one-tenth of the potential, available over the U.S. Continental Shelf.

I believe that our fishing industry can be restored to a competitive and profitable operation, but to do so we must abandon our pattern of neglecting this vital industry.

WATER POLLUTION

Much of the health of the fishing industry is in turn dependent upon our successful control of water pollution. Pollution in the coastal waters threatens to destroy marine life. Pollution in many of these waters has already contaminated the fishing population. For example, an estimated 1.2 million acres of the Nation's shellfishing grounds have been declared unsafe for the taking of shellfish for human consumption. We can no longer afford to give only part-time attention to the problems of pollution as it affects the marine environment.

OCEANOGRAPHY

The problems of water pollution and the conditions of our shipbuilding and fishing industries also affect our efforts in the field of marine science and oceanography. Today full realization of the potential of the sea is presently limited by lack of scientific knowledge and exploration. Support of basic research is vital to understand our marine environment, explore the sea's resources, and develop the ocean's potential.

Lack of maritime policy coordination and lack of a strong spokesman for the marine sciences is partially responsible. If we correct these faults we would bring marine research and development into line with our other major scientific endeavors.

Oceanography, water pollution, the fishing and shipping industries are indeed interdependent and interrelated. If any one of these four fields is neglected, the others will suffer. Unfortunately, for too long they have all been neglected. This is not a healthy situation for our Nation—either economically or militarily.

We must establish an aggressive national maritime program to promote development of our marine and maritime interests. A Department of Maritime Affairs, as I am proposing today in H.R. 10869, would provide an overall national ocean policy, so imperative to the revitalization of our maritime interests. With some 22 separate Government agencies presently engaged in various ocean activities, a unified policy for our merchant marine, fishing industry, water pollution efforts, and oceanography program is impossible. A Department of Maritime Affairs would create one strong maritime advocate instead of many weak ones, and provide a creative and imaginative approach to solving many of our maritime problems which have been ignored and neglected for too many years.

H.R. 10869

A bill to establish a Department of Maritime Affairs, 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 "Department of Maritime Affairs Act".

DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby declares that the general welfare of the people, the continued growth of the economy, and the ability of the Nation to meet ever-increasing demands for food and raw materials require the establishment of coordinated, comprehensive maritime policies conducive to the development of a fast, efficient merchant marine, to the rehabilitation of our fishing industry, to the restoration and preservation of our waters, and to the exploration of the ocean and its resources.

(b) The Congress therefore finds that the establishment of a Department of Maritime Affairs is necessary to assure the unified and effective administration of maritime programs of the Federal Government; to provide maximum development of commercial fishing potential; to stimulate technological advances in marine sciences; to encourage utilization of the ocean's resources; to prevent pollution of our shorelines, coastal waters, harbors and navigable waterways; to provide general leadership in the identification and solution of maritime problems; and to develop and recommend to the President and Congress for approval national maritime policies and programs to accomplish these objectives with full and appropriate consideration of the needs of the public, industry, labor, and the national security.

ESTABLISHMENT OF DEPARTMENT

SEC. 3. (a) There is hereby established at the seat of government an executive department to be known as the Department of Maritime Affairs (hereafter referred to in this Act as the "Department"). There shall be at the head of the Department a Secretary of Maritime Affairs (hereafter referred to in this Act as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) There shall be in the Department an Under Secretary, who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary (or, during the absence or disability of the Under Secretary, or in the event of a vacancy in the office of Under Secretary, an Assistant Secretary or the General Counsel, determined according to such order as the Secretary shall prescribe) shall act for, and exercise the powers of the Secretary, during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary. The Under Secretary shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time.

(c) There shall be in the Department four Assistant Secretaries and a general counsel, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time.

(d) There shall be in the Department an Assistant Secretary for Administration, who shall be appointed with the approval of the President, by the Secretary under the classified civil service who shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time.

SEC. 4. (a) The Secretary in carrying out the purposes of this Act shall, among his responsibilities, exercise leadership under the direction of the President in maritime affairs, including those affecting national security; provide leadership in the development of national maritime policies and programs, and make recommendations to the President and the Congress for their consideration and implementation; promote and undertake development, collection, and dissemination of technological, statistical, economic, and other information relevant to domestic and international development of the ocean's resources, to the merchant marine, to the fishing industry, and to water pollution; consult and cooperate with the Secretary of Labor in gathering information regarding labor-management problems and in promoting industrial harmony and stable employment conditions in the shipping and fishing industries; promote and undertake research in the areas of oceanography and water pollution; consult with the heads of other Federal departments and agencies on maritime requirements of the Government; and cooperate with State and local governments, industry, labor, and other interested parties, holding, when appropriate, public hearings.

(b) In exercising the functions, powers, and duties conferred and transferred to the Secretary by this Act, the Secretary shall give full consideration to the need for operational continuity of the functions transferred.

(c) Orders and actions of the Secretary in the exercise of functions, powers, and duties transfered under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the department or agency exercising such functions, powers, and duties immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such functions by the Secretary.

(d) In the exercise of the functions, powers, and duties transferred under this Act, the Secretary shall have the same authority as that vested in the department or agency exercising such functions, powers, and duties immediately preceding their transfer, and his actions in exercising such functions, powers, and duties shall have the same force and effect as when exercised by such department or agency.

MY DADDY HAS BLACK LUNG

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

Mr. HECHLER of West Virginia. Mr. Speaker, a very poignant personal account of coal workers' pneumoconiosis—"black lung"—has been written by Geneva Talbott, Marshall University student journalist. This article which appeared in the Sunday Gazette-Mail of Charleston, W. Va., on May 4, deserves the attention of all Members. It tells in moving terms the human story of the meaning of this dread disease among coal miners, and should strengthen the resolve of this Congress to pass meaningful coal mine health and safety legislation. It follows:

MY DADDY HAS BLACK LUNG

(By Geneva Talbott)

Daddy has Black Lung. Third stage. The doctors say that's next to final. He hasn't been able to work in over four years and of course, will never be able. He doesn't do much—just sits and stares out the picture window of his comfortable little home near Chapmanville. Or he reads his Bible. He and my mother spend much time in the church where he is Sunday School superintendent.

My father spent 35 years in coal mines. It was his livelihood—and his way of life. Now poor health has taken his living—and will soon take his life.

I remember when I first read the doctor's report. "Pneumoconiosis." It leaped out at me. There were other big words, too: arteriosclerotic cardiovascular disease, pulmonary emphysema, chronic asthmatic bronchitis, and more—but they hadn't stricken fear in me as that big word had. I asked my father what it meant.

"I don't know much about it. The doctor tried to explain it to me, but you know I can't understand all them big words. He just called it black lung. I guess that's because it's easier to pronounce and it kind of tells you what it is, too."

"But, Daddy . . ." I began to protest.

"Now, don't you worry. Whatever happens is God's will," he interrupted as he picked up his worn Bible and began reading.

I was a sophomore at Marshall University and I offered to quit school and get a job.

"We have a little saved. We can make it. You stay in school." Mother smiled in rejection of my idea.

I didn't know how hard it was for them until I came home from summer school and saw Mother's calloused hands and tired eyes.

"Mother, I heard from one of the neighbors that you . . ." I began.

"That I peddled vegetables? What's wrong with that? We had to pay the electric bill and I ain't got above my raisin'. Besides, people liked having the vegetables brought right to their doors," she informed me.

I remember that on this visit home Daddy had seemed so much worse than I had recalled—but then it had been several weeks. He had had a serious attack a few days before I arrived. He had gone to the cellar for canned food and had fallen, clutching at his heart and gasping for breath. "I thought it was all over," my mother told me tearfully.

"How do you feel now?" I asked my father.

"Ah, I'm all right. I just have a few pains around my heart sometimes—feels like a heart attack. Guess that's why this black lung is diagnosed as heart disease so often."

There have been many such attacks during these past four years. One might suppose that the frustration of poverty and of fighting two years for a monetary settlement added little pleasure to Daddy's dull and painful life. Then when the small check came, the lawyer got his share.

Despite all his diseases my father is a big, rugged man whose once-bulging muscles have become a little less firm. The twinkle in his dark eyes is gone except for when he talks about God or the mine.

As he recalls exciting, dangerous, happy or sad experiences in the dark cold mine, my mind follows him inside the mountain where I stand by his side as these things happen. I can see him as a good-looking sixteen-year-old dressed in patched jeans and overall jacket. His first day's work in a coal mine. A miner's hard hat would be cocked to one side. As he relates this tale, I look at his face and I know that look of excitement is the same as the one years before when his jaunty gait led him right up to the mine entrance. No signs of fear.

When he started mining in the late 1920's they used picks and shovels. Mechanization came along and Daddy told about his first day on a mechanical loader.

He remembered telling his friend Joe, I'm trading in my shovel today. The company's got that new mechanical loader now you know, and I'm going to be the first man to run it."

Joe had been interested.

"Yeah, I heard something about that. I went to see that thing—don't think it'll work at all."

"Oh, yes! I think it will. Them big arms will be slapping around in there loading more coal than all the rest of you guys put together," my father predicted. "Tell you all about it at lunch."

By lunchtime the loader had proved itself. Daddy victoriously eyed Joe as he pulled a bologna sandwich from the black lunch bucket.

"Reckon eating this coal dust could hurt a man's stomach?" my father laughed as he watched his buddy tenderly holding his sandwich with only two black fingers. That was so he wouldn't get the rest of it dirty.

"Nah," Joe replied as he gulped down the last bite—the one the dirty fingers had held. "There does seem to be a lot more today. Guess if that new loader loads more coal there has to be more bug dust," he added.

They put sprinklers on the head of loaders. This cut down the black, flour-like dust somewhat, but it could not be eliminated.

Years passed. Mechanization increased. Coal dust grew. Good health among miners decreased.

Daddy was an electrician the last 10 years of his coal mining life. Working on machinery necessitated his being throughout the mine. This meant breathing even more coal dust than usual.

He talks about the different kinds of machinery he worked on and his fingers twitch in wishfulness. He describes the long, low cutting machine so that one can almost see it at work. Once he demonstrated his method of moving around the 35 to 42 inch ceiling of the mine. His posture resembled that of a slumped over ape. He showed me his best position for comfort while repairing the machines—crouched on his ankles.

One wonders (except miners) what mysterious fascination holds these men within its grip. Many think coal mining is dull, routine, monotonous. Daddy says it's exciting and challenging.

"Never a dull minute. The men are the jolliest in the world. Sure they complain some but that's natural. It's dangerous and that makes it exciting. You never know if you'll be alive the next minute."

This amazes me, and I asked my father, "If you were able, would you go back to the mine?"

"Tomorrow!"

PRESIDENT NIXON'S MESSAGE ON THE DISTRICT OF COLUMBIA

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

Mr. GUDE. Mr. Speaker, I would like to take this opportunity to commend President Nixon on his comprehensive message last week to the Congress offering practical and balanced proposals for the District of Columbia.

As a member of the House District Committee I am well aware of the political realities which we face in considering such proposals as: The establishment of a commission to provide more self-government and to strengthen the District's government generally; voting representation in Congress; the 30 percent annual Federal payment formula; and the commencement of a regional rapid transit system. I feel that these proposals are timely with respect to decisions to be made as we deal with the essential priorities for our Nation's Capital.

As a representative of suburban Washington for more than 10 years, in the House of Representatives and the Maryland Legislature, I feel that it is high time that we all become committed to improving the structure, both physical and political of the District. The recommendations cited by President Nixon have been major emphases in my legislative agenda for Washington; I have worked especially toward the acceptance of the 30 percent payment formula to the District, District of Columbia representation in Congress, and the implementation of a balanced transportation system which would include resolution of the freeway impasse and adoption of a rapid rail system serving the entire Washington metropolitan area.

In light of this longstanding interest, I am greatly pleased by the President's obvious concern and astute approach toward progress in our efforts to make our Nation's Capital the model city for the Nation and for its residents. I cannot stress enough my ardent hope that we in Congress can join with the President in his concern and, in the coming weeks, give his proposals our careful and due consideration.

INVESTIGATE FORTAS

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

Mr. SCHERLE. Mr. Speaker, a full-scale congressional investigation into the conduct of Supreme Court Justice Abe Fortas is long overdue. Fortas, nominated by President Lyndon Johnson for Chief Justice, refused last year to reappear before a congressional committee to answer questions involving his financial and ethical behavior during his Supreme Court tenure.

The article on Justice Fortas, which appears in this week's issue of Life magazine, raises additional questions on his conduct in office. The excellent article, written by an outstanding investigative reporter, William Lambert, outlines the unusual relationship of a sitting Supreme Court Justice and a well-known stock manipulator then under Federal investigation—subsequently convicted—for that type of criminal activity. Included in that relationship was a questionable plane ride by Fortas to Wolfson's Florida plush resort home where he spent a

couple of days, and a $20,000 check for legal "studies" given Justice Fortas, which he returned 11 months later.

While the information collected by Life magazine is most valuable, the need for a thorough investigation by a congressional committee, which would have far more facilities available, is paramount.

The American people have a right to expect that even a member of the U.S. Supreme Court will be held accountable to the public for his activities. Justice Fortas should be called immediately before a congressional committee and made to answer questions about his conduct on the Bench. He should not be allowed to hide behind a cloak of judicial immunity. The American people and the Congress are entitled to know the facts in this matter.

The article follows:

FORTAS OF THE SUPREME COURT: A QUESTION OF ETHICS—THE JUSTICE AND THE STOCK MANIPULATOR

(By William Lambert)

On Tuesday, April 1, the Supreme Court of the United States shut the door on an appeal by financial manipulator Louis Wolfson and his longtime associate, Elkin "Buddy" Gerbert. It was very nearly the last hope of the two men to set aside the first of two convictions for violating U.S. securities law. In the announcement of denial of the writ, one of the justices, Abe Fortas, was noted as "recused," a lawyer's expression meaning he declined to take part in the decision.

On the surface, the recusal seemed usual and proper, for it was widely known that the justice's former law firm—Arnold, Fortas & Porter—had represented a Wolfson company, New York Shipbuilding Corp., while Fortas was a member of the firm. Moreover, after Fortas had ascended to the bench and his name had been scraped off the law firm's door, Arnold & Porter had represented Gerbert in his two criminal trials with Wolfson. Actually, quite apart from the actions of his former firm, Justice Fortas had reason to abstain from judging Louis Wolfson.

In an investigation over a period of several months, Life found evidence of a personal association between the justice and Wolfson that took place *after* Fortas was seated as a member of the nation's highest tribunal.

The basic facts are simple: While a member of the High Court, Fortas was paid $20,000 by the Wolfson Family Foundation, a tax-free charitable foundation set up by Wolfson and his brothers. Ostensibly, Justice Fortas was being paid to advise the foundation on ways to use its funds for charitable, educational and civil rights projects. Whatever services he may or may not have rendered in this respect, Justice Fortas's name was being dropped in strategic places by Wolfson and Gerbert in their effort to stay out of prison on the securities charge. That this was done without his knowledge does not change the fact that his acceptance of the money, and other actions, made the name-dropping effective.

Justice Fortas ultimately refunded the money to the foundation—but not until nearly a year after receiving it. By that time Wolfson and Gerbert had been twice indicted on federal criminal charges.

Wolfson is no stranger to litigation. He began his rise in financial circles in the 1930s when he took over the family junk business his immigrant father had built. By the early '50s his tall, lean figure and ruggedly handsome face, which shows some marks of youthful experience as a professional boxer, was a familiar sight at various corporate board meetings and on the newspaper financial pages. He took over the Washington, D.C. transit company and siphoned off its rich capital reserves. He nearly succeeded in gaining control of Montgomery Ward, but was narrowly beaten in a proxy battle. At one time he was the largest shareholder in American Motors, and when he sold out his position, he got embroiled in a dispute with the government over making "false and misleading statements." A prominent financial writer called him "the biggest corporate raider of all time."

On his part, Fortas was a well known figure in legal circles—and a high-powered political operator as well—long before he was appointed to the Court. As a leading partner in one of Washington's most prestigious law firms before his elevation to the bench, he is widely considered to be more than comfortably rich. He is acknowledged a brilliant legal scholar and also a violin virtuoso and a connoisseur collector of art and antiques.

From Lyndon Johnson's days as a congressman through his term as President of the United States, Fortas was counsel and close confidant. In 1964, when Johnson aide Walter Jenkins ran afoul of the law, it was Fortas (along with Clark Clifford) who tried to get the newspapers to suppress the story. If a person had to see the President, Fortas was the man who could arrange it. If the President wished to fend off influential tormentors—including the press—Fortas frequently was dispatched to do the fending.

Fortas continued to advise and do favors for President Johnson after he took his seat on the Supreme Court in October, 1965. That extrajudicial activity finally got him in trouble and cost him the job of Chief Justice.

When Johnson nominated him to succeed Earl Warren last June 26, 1968, Fortas had to face a not altogether friendly Senate Judiciary Committee. Some Republicans wished to hold the job open for a possible Republican appointment; conservative senators attacked Fortas for his liberal positions on criminal law and censorship. But there were also considerations which seemed germane to his judicial fitness.

His cronyism with the President bore on the doctrine of separation of powers among the branches of government. There were accusations that Justice Fortas had been functioning as a conduit for presidential wrath against friends who opposed his policies; that Fortas had tried to arrange appointments to the State Department and the federal bench; that he had functioned as a presidential consultant on various problems and position papers. He irked some senators by declining to comment on certain aspects of these matters.

The issue of his appointment approached a climax when a newspaper revealed that Fortas had accepted $15,000 for lecturing at American University's Washington College of Law. Such compensation (though overlarge) was not in itself criticized; but when it developed that Fortas' former law partner, Paul Porter, had solicited funds for the lectures from five of his or Fortas' influential friends, consternation prevailed even among Fortas supporters. One contributor was Troy Post, a wealthy Texan and Fortas friend whose son had been helped by Porter after an indictment for mail fraud. Another was Maurice Lazarus, who at one time sat with Fortas on the board of Federated Department Stores. Others were investment bankers Gustave Levy and John Loeb and New York lawyer Paul Davis Smith.

Critical senators were eager to press questioning about the fund and other matters. But on September 13, in a letter to the chairman, Fortas declined to appear again before the committee; and on Oct. 2, 1968, at Fortas' request, President Johnson withdrew his nomination.

Fortas' personal association with corporate tycoon Wolfson appears to have begun about four years ago. Wolfson himself recalls that Milton Freeman, a partner in Arnold, Fortas & Porter and a highly skilled securities lawyer, was active in his behalf as early as December 1964 in regard to his growing difficulties with the Securities and Exchange Commission. Fortas himself says that apart from the firm's representation of one of Wolfson's companies since May or June, 1965, his "only 'association' with Mr. Wolfson had to do with conversations beginning when I first met him in 1965, in which he told me of the program of the Wolfson Family Foundation. . . ."

This statement is contained in a letter to Life written in response to a request for a meeting where he would be given an opportunity to explain any information in Life's possession that might be construed in any way as an impropriety on his part. The request was turned down. "Since there has been no impropriety, or anything approaching it, in my conduct, no purpose would be served by any such meeting," Fortas wrote.

It is not easy to pin down the exact extent of the Wolfson-Fortas relationship, nor has Life uncovered evidence making possible a charge that Wolfson hired Fortas to fix his case. But the conflicting accounts of participants (some of whom refuse to tell all or anything), coupled with the findings of Life's independent investigation, yield certain facts.

On Jan. 3, 1966, three months after Fortas was sworn in as Associate Justice, a check for $20,000 was drawn to him personally on a Jacksonville, Fla. bank account of the Wolfson Family Foundation, and signed by Gerbert as foundation treasurer. It was endorsed with the Justice's name and deposited in his personal—not his old law firm's—bank account.

In February, Alexander Rittmaster, a Wolfson business associate who later was to be indicted with him, asked Wolfson what he was doing about the Securities and Exchange Commission's investigation, then at least 15 months in progress. Rittmaster said Wolfson told him it was going to be taken care of "at the top," and that the matter wouldn't get out of Washington. He also said that Fortas was joining the foundation.

On March 14, the SEC forwarded a report to the Justice Department in Washington and to U.S. Attorney Robert Morgenthau in New York. The report, highly classified, recommended criminal prosecution of Wolfson and Gerbert. The charge was that they conspired to unload secretly their control shares in the Wolfson-dominated Continental Enterprises, Inc., by failing to publicly register their projected stock sales. (The SEC investigation showed they realized $3.5 million from the sale, after which the remaining stockholders found their shares had dropped from $8 to $1.50).

On June 10, the SEC forwarded to Morgenthau's office another report, also classified, recommending prosecution of Wolfson; Gerbert, Rittmaster and two other Wolfson associates, Joseph Kosow, a Boston financier, and Marshal Staub, president of the Wolfson-controlled Merritt-Chapman & Scott Corp. The charges: buying secretly, in violation of securities laws, $10 million in Merritt-Chapman stock and selling it back to the company for a $4 million profit.

This was a particularly trying period for Wolfson. Government lawyers believe he learned almost immediately that the criminal reference reports had been forwarded to the Justice Department. He had clearly not expected this development. (Later, in support of a defense motion, Dr. Harold Rand of Miami indicated that those troubles had aggravated Wolfson's heart condition: "In June, 1966, Mr. Wolfson had several bouts of severe substernal pain and heaviness on his chest after prolonged long-distance calls of distressing news from meetings.")

On June 14, the day after the Supreme Court had gone into a week's recess, Justice Fortas flew to Jacksonville. Gerbert met him at the airport and drove out to Wolfson's elegant Harbor View Farm near Ocala, where Wolfson runs one of the largest thoroughbred horse-breeding spreads in the country.

On June 15, while Fortas was a house guest at Harbor View, the SEC's long-feared investigation finally came to public attention. An SEC attorney indicated what was up when he asked a New York State judge to hold up settlement of several stockholders' suits against Merritt-Chapman directors pending results of the SEC study.

The next day Fortas returned to Washington.

Later that month (the exact date is in question), Wolfson told Rittmaster—according to Rittmaster—that Fortas was "furious" because the SEC had reneged on a pledge to give the Wolfson group another hearing before forwarding a criminal reference report. Rittmaster said he was further reassured by Gerbert that there was no need to worry, that Fortas had been at the horse farm to discuss the SEC matter and that it was to be taken care of.

On July 18, Wolfson wrote a long letter to Manuel Cohen, SEC chairman, complaining, among other things, that "I had understood from my counsel that before the investigation was concluded responsible officials of the SEC would give us a chance to fully explain the results of the investigation." He asked that the criminal reference report be recalled to Washington, and that his associates and counsel be given a chance to appear.

On Aug. 16, 1966, a federal grand jury in Manhattan begin to take testimony in its investigation.

On Aug. 19, when Wolfson was under oath before the grand jury, Assistant U.S. Attorney Michael Armstrong recalled the letter to Cohen, and offered Wolfson an opportunity to be heard. Now, Wolfson took the Fifth Amendment.

On Sept. 8, before the same grand jury, Prosecutor Armstrong asked Merritt-Chapman President Staub this question: "Have you had any discussions with anybody relating to this grand jury investigation and to the effect that the investigation was going to come to a halt as a result of influence used in Washington?"—at which point *Staub* took the Fifth, and Armstrong lectured him that Washington influence would have no effect on the grand jury's deliberations. (Later, in arguing before the U.S. Circuit Court of Appeals against a defense contention that Armstrong's question was improper, Assistant U.S. Attorney Charles P. Sifton queried, "And I would ask where else such a warning can be given, where the government has reason to believe—as it had in this case—that pressure was being brought?")

On Sept. 19, Wolfson and Gerbert were indicted in the Continental Enterprises case.

On Oct. 18, Wolfson, Gerbert, Kosow, Rittmaster and Staub were indicted in the Merritt-Chapman & Scott case on charges of conspiring to obstruct the SEC investigation. Wolfson and Gerbert were also indicted for perjury.

On Dec. 22, Fortas drew a personal check for $20,000 on his own bank account, payable to the Wolfson Family Foundation, thus paying back the money he had received from the Wolfson foundation more than 11 months earlier.

Attorney Paul Porter, as Fortas' spokesman, told Life that the $20,000 was paid to Justice Fortas after Wolfson asked Fortas to help trustees of the foundation outline future charitable and scholarship programs for the fund. Porter affirmed that the money was paid to Fortas personally, not the law firm; that he—Porter—understood "a secretary" put it in Fortas' bank account, and that it was later refunded by the Justice "because Abe had a whole sackful of petitions for writs; the business of the Court took so much of his time he couldn't do the work for the foundation."

Fortas' interest in the foundation, Porter said, stemmed from his long-time involvement in charitable activities and his interest in education—the foundation had a program for granting scholarships for theological studies. He said Fortas made two trips to Florida to meet with foundation trustees, one before he went on the bench and the other after he became Associate Justice.

Mrs. Fortas—Carolyn Agger, as she is known in her role as tax attorney and partner in Arnold & Fortas—gave an account to a government agent which corroborated Porter's account in most respects, but in addition suggested that her husband's role was that of advising the trustees on possible civil rights projects.

The question arises: Aside from legal advice, what manner of counseling service could Fortas perform for the foundation that would justify a $20,000 fee? In the light of other recorded foundation expenditures, the amount seems generous in the extreme.

In its 1966 fiscal year, the foundation's gross income from capital investment was $115,200. Its outlay for expenses was $9,300 and included taxes, interest and $415 in miscellaneous costs. Its total grants for charity, scholarships and gifts came to $77,680. A $20,000 item—apparently the Fortas fee—was identified as "exchange" and was listed on the foundation's federal tax information return as an asset. One accountant said it appeared to be a prepayment for service expected to be rendered. The item disappears on the 1967 return, which would indicate Fortas' repayment.

In his letter to Life, Fortas fails to mention the payment at all, nor does he concede discussing foundation matters in any way with Wolfson. He says only that he was "told" by Wolfson of the foundation's works and admits being present at Wolfson's horse farm near Ocala, Fla. in June 1966, while *others* discussed the charitable programs.

The letter stated: "Mr. Porter, of Arnold & Porter, has told me you are interested in obtaining a chronology, and I am glad to send you the following information: The firm with which I was associated before I became a Justice of this Court was retained by one of Mr. Wolfson's companies in May or June 1965, as I remember. I was nominated as an Associate Justice of the Supreme Court in July of 1965, and took office in October. I began reducing my activities in the firm after the nomination, pending actually taking office, and most of the work on the account was done by others in the firm. If you are interested in more information on this subject, Mr. Porter has access to the facts and can presumably answer any questions concerning this that may be appropriate. I understand he has offered to do so.

"Apart from this, my only 'association' with Mr. Wolfson had to do with conversations beginning when I first met him in 1965, in which he told me of the program of the Wolfson Family Foundation in Jacksonville to promote racial and religious understanding and co-existence and to provide financial assistance, on a nondenominational basis, to candidates for the clergy.

"In June of 1966," the Fortas letter to LIFE continues, "I had the pleasure of a brief visit to Mr. Wolfson's famous horse farm, and during that trip to Florida I was present at a meeting of the Wolfson Family Foundation during which some of those present described some of its programs and, as I recall, discussed some of the pending scholarship applications. I did not, of course, participate in any of Mr. Wolfson's business or legal affairs during that visit, nor have I done so at any time since I retired from law practice. In fact, my recollection is that Mr. Wolfson himself was not present at the meeting of the Family Foundation."

Wolfson's reputation and his troubles with the SEC were well known in financial and legal circles. Fortas' questionable association with such a man was rendered even more serious by the fact that money passed between them. And if Rittmaster is to be believed—that Wolfson and Gerbert were using Fortas' name to calm their troubled co-conspirators and keep them from cooperating with government prosecutors—the relationship had far more serious implications. Rittmaster's story was unfolded to the government in August 1966. (Later, he was to testify for the government in the Continental Enterprises case.)

Rittmaster told government investigators of pressures supposedly brought by Wolfson to stop the criminal proceedings, and Fortas' name quickly arose. Rittmaster said Gerbert had told him that he—Gerbert—had picked up Fortas at the airport and driven him to the Wolfson farm, and that Fortas *had discussed* the SEC problem. Fortas himself had made Rittmaster's claim credible—he was in Ocala. Assistant U.S. Attorney Armstrong, obviously skeptical, dispatched the chief investigator in the Wolfson cases, SEC financial analyst Stuart Allen, to Florida, ostensibly to interview other prospective witnesses. Allen affirmed that the Justice had made the trip from Miami to Jacksonville on the date in question. He found a round-trip ticket to Jacksonville in Fortas' name in the files of Eastern Air Lines in Miami.

Other aspects of Rittmaster's story were also checked. The government attorneys finally concluded he was telling the truth.

Then they began to worry: there was, on the basis of Rittmaster's account, an outside possibility that Fortas himself might appear as a witness and testify that while in private practice he might have suggested to Wolfson that the financier had no legal problem in his handling of Continental Enterprises stock. Wolfson's defense, in essence, was ignorance of the law. If he could plead that he acted improperly with *advice of counsel,* and if a Supreme Court Justice then backed him up, the government's case might go down the drain. It is a measure of how seriously government prosecutors regarded the Wolfson-Fortas relationship that they viewed this as a serious contingency, and were prepared, if necessary, to cross-examine Justice Fortas.

The government still had to get the Merritt-Chapman case to trial, and here again there is no doubt that Fortas was regarded as a possible factor in the defense.

When that case came to trial nine months later, with Assistant U.S. Attorney Paul Grand heading the prosecution, Rittmaster walked into the courtroom and pleaded guilty, and the court was told that he would be a witness for the government against Wolfson and Gerbert. The jury apparently believed Rittmaster's testimony—an important consideration in weighing the credibility of his accounts of the Wolfson-Gerbert uses of Fortas' name—and voted conviction. (Without Rittmaster's testimony, the prosecution later conceded, the government would have lost its case.)

When Wolfson appeared for sentencing in the Merritt-Chapman case, Prosecutor Grand recalled to the court Rittmaster's testimony that Wolfson had said "if he had to he would go as far as Capitol Hill to see that nothing happened, and that at most these people would receive only a slap on the wrist."

Grand told the judge: "Mr. Wolfson, as the evidence indicates, stood ready to use what power and what influence he had, even beyond his own perjury, to prevent the investigation from proceeding."

It remained for Wolfson himself to have the last word. In an interview with a *Wall Street Journal* reporter, just days before he went to prison, the embattled industrialist said that through political connections he

could have gotten a pardon from President Johnson last December if he had asked for it. He told the reporter he received that assurance "from somebody who is as close as anybody could be" to Mr. Johnson.

But, said Wolfson, he turned down the offer. He didn't want any favors.

FROM THE CANONS OF JUDICIAL ETHICS, AMERICAN BAR ASSOCIATION

Canon 4: "A judge's official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law; and his personal behavior, not only upon the Bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach."

Canon 24: "A judge should not accept inconsistent duties; nor incur obligations, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official functions."

ROGERS SAYS TAXPAYERS' INVESTMENT SHOULD BE PROTECTED AT RIOTING COLLEGES

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

Mr. ROGERS of Florida. Mr. Speaker, in recent days I have discussed the stake the American taxpayers have in the current violent upheavals on the college campuses across our Nation. As campus disorders continue, and there are new ones practically every day, some people still say the Federal Government has no direct concern. Some of these same people will be seen around Capitol Hill seeking larger Federal aid commitments at the same time they refuse to take action to restore order so that these funds can be used as intended—for the education of students.

Total Federal support paid directly to universities and colleges increased from $1,400 million in 1963, to $3,300 million in 1967, the latest year published figures are available. These funds were given to some 2,100 institutions, but almost 69 percent went to only 100 of the total.

Let us take a look at some of the key universities involved in the current campus violence.

The University of California, including the Berkeley campus where many say today's troubles started 5 years ago, received $127,392,000 in 1967.

Columbia University, which last year had to close down completely and has again been taken over by mobs, $55,908,000.

Harvard University, which is now experiencing continued difficulties because of a refusal to crack down on lawbreakers and in spite of 3-to-1 vote by the majority of students not to continue a strike, $51,961,000.

Cornell University, which permitted an armed mob to force a reversal of a faculty vote against appeasement, $39,468,000.

Howard University, which has been in almost continuous turmoil, $21,873,000.

George Washington University, which is one of the few to indicate it will take action against rioters, $10,310,000.

And American University, which has seen it's president surrender his own office to a mob, $3,187,000.

In addition to these funds paid directly to the universities, California, Harvard, George Washington, and American have received an additional $188 million through research and development centers administered by them, and additional millions through such R. & D. centers in which they participate with other institutions. Nationally, this R. & D. expenditure adds another $908 million to the $3,300,000,000 given directly in 1967, for a grand total in that one year of $4,200,000,000.

So it can be seen that the taxpayers of this Nation have a considerable investment in these institutions. The funds to be dispersed from the 1970 budget are undoubtedly higher. Looking at the actual 1967 figures, we see that the American taxpayers spent one-half of a billion dollars on just seven institutions which have been experiencing violence, and only one of the group has indicated a firm policy to stop the militant minority from denying educational opportunities to the lawful majority.

The President of the United States, speaking this week to the national chamber of commerce meeting in Washington, Health, Education, and Welfare Secretary Finch in an earlier meeting, and the Vice President later, and others, have made strong statements about the need for colleges and universities to put their own houses in order. All Americans who respect lawful order, lawful dissent, and lawful reform, but who oppose illegal revolt, agree.

If the colleges and universities which receive tax funds are not willing or able to control illegal activity which denies the majority the right to an education, action by the Federal Government to protect its large investment in education will be required.

RECENT TAKEOVERS ON COLLEGE CAMPUSES BY GROUPS OF MILITANT DISSIDENT STUDENTS

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

Mr. NICHOLS. Mr. Speaker, Americans everywhere are understandably concerned about the recent takeover which is occurring on college campuses by groups of militant dissident students. Some of the participants claim to be protesting this country's military efforts in Southeast Asia, others are protesting social aspects of campus life, while others are attempting to dictate the policies of the universities including the hiring and firing of faculty members and are even demanding that their groups select the curriculum on campus.

After watching the television media and reading the newspaper recounts there is no question in my mind but that these groups are maliciously trying to disrupt and tear down our educational standards. I am further convinced that the American public is fed up to the gills with this type of irresponsible behavior of small groups on campus which deny the right of the majority of bona fide students in pursuing their education.

The patience of the people back home has reached its limit and I find in talking with people in all walks of life in my own State of Alabama that they expect this matter to be dealt with in a forthright and firm manner by those in authority at our institutions of higher learning. Fortunately in my State we have had a minimum of this sort of campus riots, demonstrations, and the like and certainly this is commendable on the part of the students, faculty, and the college presidents of my State. It is my belief, however, that it is the responsibility of the college presidents to control the affairs on campus and in this day and age it is absolutely imperative that he have the strong backing and support of his board of trustees. It is my belief further that those responsible for instigating, promoting, and conducting campus disorder should be expelled and on campuses where the college administration fails to correct these disorders that Federal financial assistance should be withdrawn and that all Federal financial assistance to college professors or students participating in such disorders be suspended and I am today introducing legislation to this effect.

In last week's editorial from the Sylacauga News, my editor, Mr. Charles Greer, has expressed my views and I commend this timely article to the attention of my colleagues. In the same issue a very fine article "The Third Eye" also appeared by my long-time friend, Dr. John Langley, which likewise calls attention to the responsibility which parents must assume in correcting a situation on the college campuses of this country which has gotten completely out of hand.

The articles follow:

EXPEL THEM ALL

President Nixon called the tune this week when he said it is time for faculties, boards of trustees and school administrators to stand up against terror on the campus. It is our conviction that were these leaders to have done so before campus disruptions became a so-called fad, there would be reason and calm would be the rule of thumb among university students today.

Granted there have been some repercussions at Notre Dame, but its president, Father Theodore Hesburg, proved faculty leaders can calm a dangerous situation with the authority of their office. What he said was, in our opinion, a classic:

"Any member of the faculty or student body who seeks to disrupt the Notre Dame campus, either violently or otherwise, will be given 15 minutes to 'meditate.' During that 15 minutes he must decide whether he wants to obey school rules and behave himself or not . . . If he persists five minutes more he is expelled . . . Immediately when expelled, he becomes a trespasser on campus and will be summarily arrested."

As someone has said, it would be ideal could the rebels be isolated from this mob ("La Psychologic des Foules"), for them they are apt to be dealt with as intelligent individuals, and as individuals they will be more rational in thought and action.

We agree as do Americans throughout the country, college students today are far more learned than in previous years. We respect their new ideas because up until now they have demanded this respect with their maturity and desire to learn. It is regretable the few campus rioters can change their attitude of esteem for students of higher learning.

It is nonsense to ever consider closing a university or college because of unruly stu-

dents. The answer lies in what the President and Father Hesburg advocates; the rioters must be expelled forthwith and room made for deserving youths who desire further education.

Educational institutions cannot survive unless their environment is conducive to higher learning.

THE THIRD EYE

(By Dr. John M. Langley)

When they spit on calm procedure
Anarchy is the name—
When the few disrupt the many
Revolution is the game!

In Baltimore—on Sunday afternoon—for the sake of decency—forty thousand young people gathered in Memorial stadium. Roving bands of militants and dissidents attacked the crowds leaving the rally—started fighting the promoters of decency—snatched purses from the girls—the whole fracas resulting in thirty eight being taken to hospitals and over fifty arrests. The statement of the Attorney General of that city, quote: "The idea of bringing 40,000 teenagers to Memorial Stadium, largely without parental supervision on a hot Sunday afternoon, was ill advised." The author agrees with him—not that forty thousand shouldn't have gathered for a decency rally—but about the lack of parental supervision, or sympathy, or moral backing. We prate and sigh about a lost generation of teenagers, but when forty thousand of them saw fit to rally about decency—where, pray, were their parents—their religious representatives—their PTA—their adult example setters? No one can convince me that someone in these many Baltimore homes and churches didn't know a rally was to be that afternoon. I imagine the churches were full that morning—the collection plates, as well! But where were the representatives in the afternoon—when the subject up for discussion was decency? Or doesn't that term qualify?

At Cornell University, two hundred and fifty out of a student body of eighteen thousand confronted all authority—were allowed to bring rifles and shotguns onto campus (for self defense?)—the whole goings on photographed—cowed and surrendered college authorities—the robed leader of the assault in all his splendor—the background (for all to see) a mass of loaded guns in the hot little hands of the victors. And the terms—complete amnesty—payments of suit fees in case any parent was annoyed enough to sue—all demands met—a complete and disgusting tucking-of-tail! It's enough to bring on acute nausea. Where do the parents stand?

Parents still have moral responsibility for their children and their public actions—and private too, for that matter. Government still is responsible for the safety of the public at bona fide rallies—and in the name of deceny yet. The autonomy of college authorities concerning the policies expressed on their campuses should be such that, at Cornell, the seventeen thousand seven hundred and fifty serious students could pursue, unpressured, their places in the sun. When these three authorities have broken down—call it by any name you care to—you have anarchy, you have revolution—and the infallible result of those two monsters is ruin! Let's not blame the teenagers—not this time? Remember—they were there—uncoerced—unpressured—volunteers in the express pursuit of a word embodying every virtue known to man—decency! Again, we have to ask—where were the parents—the representation of safety in public places—and the religious, whose prime purpose for being is more and more decency!!!?

Oh yes—a postcript, if you please? They postponed the one scheduled for last week in Birmingham. The why of that is every man's and woman's dead albatross!

REPRESENTATIVE PICKLE INTRODUCES BILL TO INCREASE AMOUNT OF OUTSIDE EARNINGS FOR SOCIAL SECURITY RECIPIENTS.

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

Mr. PICKLE. Mr. Speaker, today I am introducing a bill designed to increase the amount of outside earnings social security recipients may receive without suffering a reduction in present benefits.

As you probably know, the level was raised in the 90th Congress from $1,500 a year to the present level of $1,680 per year. In spite of this increase, I still have witnessed many situations which are aggravated by this limitation, and, the bill I am introducing today will increase the level to $2,400 per year, or $200 a month.

With the cost-of-living rates going up at such a rapid rate, it is difficult for fixed-income individuals and couples to maintain any kind of financial stability. Yet, under the present arrangements, if they seek substantial outside employment to make up any shortages which may arise, they are confronted squarely with the proposition that if their income goes over $140 per month, then their social security benefits are correspondingly reduced.

This situation needs relief, and I am hopeful that the Ways and Means Committee will give this point its closest consideration in any upcoming social security hearings.

I realize that there are many who would feel that there should be no limits at all on outside income, and that if an individual has obtained eligibility for social security payments, then he has a vested interest in having them at whatever level his past earnings warrant.

While there is a certain logic to this approach, there are several reasons why that approach is questioned. The main reason is that unless there were a limit on the income, there would be a tremendous additional load on the social security fund. It is estimated that the increase to $2,400 per year ultimately will call for an increased withholding tax of .2 to .3 percent, and removing the limit altogether would require the withholding rate to go much higher.

Moreover, there are valid reasons based on public policy for having the social security fund work to the best possible benefit of the greatest number of those eligible retired individuals who in fact need the monthly benefits simply to maintain a decent but modest standard of living. If the benefits were distributed too widely—including to those who may have very large incomes from other sources and who do not really need the social security payment—then the results would be that the man who does need it worse is not helped as much as he might be.

We realize, I believe, that the Social Security System is premised on the philosophy that the monthly payment alone will probably not be enough for a retirement. Still, it is a good way to provide a sound basis for the retirement years, and it elevates everyone to a certain floor from which the rest of his needs are at least within striking range.

Mr. Speaker, I repeat that this increase is needed, and I hope that it is given a good hard look.

FOR AN END TO MINORITY TYRANNY ON COLLEGE CAMPUSES, AND FOR THE IMMEDIATE RE-ESTABLISHMENT ON CIVIL PEACE AND THE PROTECTION OF INDIVIDUAL RIGHTS

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

Mr. MACGREGOR. Mr. Speaker, the American Association of University Professors met in convention in my home city of Minneapolis, Minn., on Friday and Saturday of last week. On Saturday they passed what appears from newspaper stories to be an ill-considered resolution bordering on the irresponsible. The resolution reportedly "deplored" the speech of Attorney General John Mitchell delivered on the occasion of Law Day, 1969, to the members of the Detroit Bar Association. It appears that the professors acted without having before them the actual words uttered by Mr. Mitchell in Detroit.

In that speech Attorney General John Mitchell called "for an end to minority tyranny on college campuses and for the immediate reestablishment of civil peace and the protection of individual rights." In pointing out that peaceful students also have rights—the right to study in an atmosphere of reason and civility—the Attorney General said:

> Let me be specific. University officials are not law enforcement experts or judges . . . they should not take it upon themselves to decide how long the violence should endure and what rights should be trampled upon before local government is called in . . .
>
> When people may be injured, when personal property may be destroyed, and when chaos begins, the university official only aids lawlessness by procrastination and negotiation.

Mr. Speaker, I believe it will benefit all of us in the Congress, and perhaps the interested citizenry throughout America, to have the exact and complete text of the Attorney General's Law Day speech.

The document referred to follows:

WHAT KIND OF WORLD DO YOU WANT?

(Address by Attorney General John N. Mitchell)

INTRODUCTION

It is a great pleasure to come to the City of Detroit to speak to your bar association on Law Day.

As you may know, while I was born in Detroit, I have spent most of my life in New York and now in Washington—one the center of financial power and the other the center of political power. But their very peculiarities tend to insulate those who live there from the real problems of America. That is why I enjoy coming to a great industrial center like Detroit on this occasion.

This evening, I would like to talk to you about a serious threat to our system of law, a threat which is as disturbing as the violence in our cities. It is the violence and dissatisfaction on our college campuses.

Campus disorders are basically a local problem to be solved at the local level and not by the federal government. But as Attorney General—as the senior law enforcement officer in the nation—I believe that I have the responsibility to comment on national problems which affect the administration of justice even though my legal jurisdiction may be limited.

I also come to you tonight as a fellow citizen, as a parent with two children recently graduated from college and as a grandfather concerned about the future.

An eminent Nobel laureate said last month in Boston: "What we are up against is a generation that is by no means sure it has a future." I disagree with that assessment.

I suggest that this generation has the most promising future world of any generation of Americans.

But I must pose to them the query of Mr. Justice Holmes:

"Behind every scheme to make the world over lies the question, what kind of world do you want?"

What kind of world do our students want? Do our university officials want? Do our teachers want? Do our citizens want? And I must remind you that when we talk about our students we are not talking about an alien people—we are talking about our own sons and daughters and about the type of nation we are making for them to inherit.

I. THE FACTS

Let me quote briefly to you a capsulized dispatch issued by the Associated Press at 10:15 a.m., EST, on April 24:

Washington—Student militants seize buildings at American University and George Washington University.

Ithaca—Cornell University faculty members agree to demands of students who seized college buildings armed with guns.

Kent, Ohio—Kent college students create physical disturbances.

New Orleans—Southern University students lower the American flag.

Cambridge—Harvard professor resigns in the wake of police-student clash.

Princeton—Sixty students block doorways to a research facility.

New York—One hundred-fifty students and faculty stage a sit-in at Fordham University.

College Park, Maryland—University of Maryland protestors attempt to block entry to a science center.

New York—Two Brooklyn high schools forced to close after three days of student unrest.

That is one day of what kind of world some of our students have. In the current academic year, there have been demonstrations on over 200 college campuses throughout the nation. This has resulted in more than 2300 arrests and property damage in excess of an estimated $2.2 million.

Since January 1, 1969, the protest movement has escalated its tactics. For example, in the State of California:

At San Francisco State a bomb permanently blinded one student and a second bomb was discovered before it exploded.

At Pomona College in Claremont, a secretary was blinded in one eye and lost two fingers when a bomb exploded as she was removing it from a college mailbox.

At the University of California in Santa Barbara, a custodian at the Faculty Club died from burns when he picked up a firebomb.

At Berkeley, in the last eight months, there have been four arsons and two bombings, and $1.1 million in property damage.

This Administration has tried to be patient in the hope that students, faculty, and local officials, working together, would put an end to this chaos.

But the time has come for an end to patience. The time has come for us to demand, in the strongest possible terms, that university officials, local law enforcement agencies and local courts apply the law.

I call for an end to minority tyranny on the nation's campuses and for the immediate reestablishment of civil peace and the protection of individual rights.

If arrests must be made, then arrests there should be. If violators must be prosecuted, then prosecutions there should be.

It is no admission of defeat, as some may claim, to use reasonable physical force to eliminate physical force. The price of civil tranquillity cannot be paid by submission to violence and terror.

II. THE IDEA OF THE UNIVERSITY

The American university educational system is one of our proudest achievements.

Perhaps, it is that our current generation does not appreciate the toil that has gone to build it. Starting with one small donated library in 1636, our university system now numbers more than 2,000 public and private institutions with 6.9 million students. The concept that we have in this nation that all who are qualified deserve an education has been one of our unique contributions.

James Russell Lowell noted:

"It was in making education not only common to all, but in some sense compulsory on all, that the destiny of the free republics of America was practically settled."

Another cherished concept of our university is—as the Commission headed by former Solicitor General Archibald Cox reported—

"A university is essentially a free community of scholars dedicted to the pursuit of truth and knowledge solely through reason and civility . . . resort to violence or physical harassment, or obstruction is never an acceptable tactic for influencing decisions in a university."

III. THE STUDENT MOVEMENT

To date, we have had disturbances on more than 200 campuses—about nine per cent of the colleges in the country. In only a small number of such disturbances was there any severe physical violence and bloodshed reported. The total arrest rate, of 2300, is less than four-tenths of one per cent of all of our students.

While accurate statistics are not available, it is believed that less than two per cent of our students have engaged actively in any disruptions causing physical or property damage.

It might be convenient to look at these statistics and suggest that the situation has been exaggerated. I think not.

Society has a way of selecting symbols and it is no accident that some of the most violent demonstrations have occurred at some of our most highly regarded universities—California, Wisconsin, Harvard, Cornell, Duke, Columbia—the universities to which we point with pride as among the leaders of our higher educational system.

Furthermore, it is undeniable that, while violence-prone activists represent a small percentage of our students, some of their actions have struck a responsive chord to a whole generation: so responsive, in fact, that the activists receive at least tacit support or neutrality from many other students.

As Professor Freund said prophetically, a year ago, our students accuse us of hypocrisy: that our laws, while pretending to be equal, give preference to the rich; that our politics, while pretending to be honest, are tools for the influential; that our scientists, while pretending to be humanitarian, build machines of war; that our economic prosperity, while pretending to affluence, leaves some citizens hungry; that our religion, while pretending to be pious, is conveniently indifferent.

I would be less than candid with you if I did not admit that their accusations are sometimes true. I cannot deny that the world of my generation may appear hypocritical to the generation of our sons. Neither do I deny that my father's generation appeared hypocritical to me as his father's did to him.

What our sons must remember is that we have today in this nation more equality in the law, more honesty in politics, more ethics in science, more people employed and less people hungry, and more religious dedication to the problems of society than at any other period in our history and than in any other nation in the world. Our progress may be too slow for our sons. But it is good faith progress; and cautious advancement is no justification for destruction.

A decade ago we saw the "silent generation" going quietly from the university to earning a living. Today, we have the "involved generation" who are interested in the problems of our society. They are active in civil rights, in poverty, in hunger, in education for the poor, in job retraining, and in partisan politics. I welcome this generation's demand that the university not be an extra-territorial community removed from society, but that it and its members deeply involve themselves with the problems of the day.

But if they are to assume a role as adult activists in a community, they must also assume the obligations that go with adult citizenship. And one of the primary obligations upon which we exist is a simple maxim, carved above an entrance of the Justice Department in Washington, which says:

"Law alone can give us freedom. Where law ends, tyranny begins."

Campus militants, directing their efforts at destruction and intimidation, are nothing but tyrants. But there are others who share the blame by failing to act—university administrators must take firm and immediate action to protect the rights of faculty members to teach and of other students to learn. Faculty members should stop negotiating under the blackmail threat of violence. Apathetic students should stand up for the rights of those who wish to pursue civility and scholarship in the academic community. To the extent that they remain neutral or refuse to act, they are all accessories to the tyranny we are now witnessing.

IV. THE CONSTITUTIONAL RIGHT TO DISSENT

The genesis of our current student problems is thought to lie in our encouragement of lawful dissent.

The right to express disagreement with the acts of constituted authority is one of our fundamental freedoms. The First Amendment expressly protects "the freedom of speech" and "of the press" and "the right of the people peaceably to assemble, and petition the Government for a redress of grievances."

As one Supreme Court Justice has described it:

"The right to speak freely and to promote the debate of ideas is . . . one of the chief distinctions that sets us apart from totalitarian regimes."

Recognizing this, the Supreme Court has construed the First Amendment to protect the right of a citizen to speak, to write and to disseminate his ideas by peaceful methods.

Citizens have the right to use the streets and other public grounds, to conduct reasonable demonstrations, to distribute handbills and to quietly picket.

Furthermore, schools should be encouraged to abide by First Amendment principles.

As Mr. Justice Brennan has said:

"The vigilant protection of constitutional freedom is no where more vital than in the community of American schools. The classroom is particularly the 'market place of ideas'."

While this description was applied to the public, tax-supported school, it would seem to me that First Amendment ideas should apply equally to all universities, both public and private.

V. THE LIMITS OF DISSENT

But there are definite limits beyond which these First Amendment guarantees may not be carried.

The Supreme Court has flatly rejected the argument "that people who want to propagandize protests or views have a constitutional right to do so whenever and however they please."

As Mr. Justice Goldberg has said:

"We also reaffirm the repeated decisions of this Court that there is no place for violence in a democratic society dedicated to liberty under law. . . . There is a proper time and place for even the most peaceful protest and a plain duty and responsibility on the part of all citizens to obey all valid laws and regulations."

The Supreme Court has explained that demonstrators do not have a constitutional right to cordon off a street, or to block the entrance to a building, or to refuse to allow any one to pass who will not listen to their exhortations.

The question remains, of course, whether the rights of students to protest on a university campus are to be greater or the same as the rights which the ordinary citizen enjoys under the First Amendment.

Only two months ago the Supreme Court ruled that the right of students to engage in peaceful protests does not include the right to disrupt the educational process.

If we are to be consistent, I believe that students on campus enjoy at least the minimum protections for freedom of speech specified by the Constitution. In certain circumstances it may be appropriate for university authorities to offer additional rights. Exageration and bizarre behavior, romanticism and intellectual rebellion are traditional among our youth. The scope of these additional rights, if any, should be decided by each individual university authority.

But let me make one thing clear; students do not enjoy any special prerogative to interfere with the rights of other students or, as the Supreme Court has said: ". . . conduct by the student in class or out of it . . . is . . . not immunized by the constitutional guarantee of freedom of speech."

The right to be a student carries other fundamental rights than the right to dissent. Among these valuable rights which must also be protected are the right to use research facilities, free from occupation by demonstrators; the right to use libraries free from seizure by dissidents; the right to consult with administrators free from having one's personal file and records destroyed; the right to study in an atmosphere of "reason and civility."

VI. THE MORAL RIGHT TO DISSENT

In any honest discussion on student protests, one must meet the claim that civil disobedience is an accepted tradition in American society.

This is especially true among our student population who claim that their seizures of university buildings and imprisonment of university officials are legitimate acts of civil disobedience similar to their participation in the civil rights protests.

I disagree. First: traditionally, civil disobedience has involved an issue of universal or fundamental morality—such as the equality of the races. No such issue has been involved in the current student protests.

Second: organized disobedience in the civil rights movement has rarely involved violence or bloodshed. It has concentrated, rather, on non-violence and on symbolic action which offered no substantial deprivation of rights to anyone else. One can hardly equate a sit-in at a bus terminal with throwing a student out of a second story window.

Third: in this country, the historical key to civil disobedience has been its amenability to arrest and prosecution. Indeed, it has always been considered, as Thoreau told Emerson, that the moral righteousness of breaking a law was in the punishment that the law meted out.

Today's militants also reject that concept. They physically resist arrest and they are unwilling to submit the merits of their cause to any tribunal other than their own self-determination.

VII. WHAT SHOULD BE DONE

Having defined the problem, I feel obligated to offer a few suggestions on what can and should be done to resolve it.

My jurisdiction, as you well know, is limited to the application of federal law. Our concept has always been that, unless we in the federal government have a clear mandate, we permit the states and the municipalities to deal with law enforcement problems. The clearest mandate we have, so far, is the antiriot provisions of the 1968 Civil Rights Act. It prohibits persons from crossing state lines with intent to incite riots.

We have substantial information confirming the widely accepted belief that several major university disturbances have been incited by members of a small core of professional militants who make it their tragic occupation to convert peaceable student dissatisfaction into violence and confrontation.

These circumstances can only lead to the conclusion that this hard core is bent on the destruction of our universities and not on their improvement.

You can be assured that these violence-prone militants will be prosecuted to the full extent of our federal laws.

We are also collecting a great deal of information about student disorders and those who cause them.

We are offering this information to state and local law enforcement officials operating in jurisdictions where campus disorders may occur.

No society, including an academic society, can survive without basic agreement by a great majority of its members as to the fundamental precepts upon which it operates.

The first precept for any academic community must be to outlaw terror.

The second premise is that students, faculty and administration officials should all participate, in some measure, in the decision-making process. What this means, at a minimum, is that university administrators must offer a serious forum for responsible student criticism—and more than that, it must be clear to the students that their grievances will be honestly considered and will not be lightly dismissed under the procedural ruse of an artificial dialogue.

Third: universities must prepare for prospective violence. It is no longer acceptable for a university administration to claim, after the events of this year, that they were taken unawares—that they acted in panic and that their mistakes can be blamed on the alacrity with which the demonstration developed.

Here, too, the entire university community should be consulted since it is the censure or approbation of a majority of this community which will determine the course of student violence.

If, as has been done at some universities, the majority overwhelmingly rejects minority violence, the militants are left isolated except for brute physical power. Since the entire concept of confrontation is to attract the sympathy of the majority—and sometimes the sympathies may be forthcoming because of inappropriate reactions—this major avenue of support for violent demonstrators should be substantially diminished.

In any event, the university administrator should, in anticipation of the outbreak of a disturbance, consult with local law enforcement officials on the methods of handling various disturbances. Preparation and coordination by these parties may well eliminate the disturbance and will assure the timely application of any required counter-force.

Fourth: if all else fails and a disturbance does occur, university officials should consider applying immediately to a court for an injunction. This tactic has proved fairly successful in the past. It takes the university out of the law enforcement business, where it does not belong, and replaces it with the court which is better suited for this purpose.

Let me be specific: University officials are not law enforcement experts or judges. When a violent outbreak occurs, they should not take it upon themselves to decide how long the violence should endure and what rights should be trampled upon until local government is called in. For minor demonstrations, which involve no serious disruptions, the university should have the viability to decide for itself what the best solution may be.

But when people may be injured, when personal property may be destroyed, and when chaos begins, the university official only aids lawlessness by procrastination and negotiation. The university is not an extraterritorial community and its officials have the obligation to protect the rights of the peaceful students on its campus by use of the established local law enforcement agencies and the courts.

I should like to conclude this address by asking our sons and daughters to consider the words of Rousseau:

"If force creates right, the effect changes with the cause: every force that is greater than the first succeeds to its right. As soon as it is possible to disobey with immunity, disobedience is legitimate; and the strongest being always in the right, the only thing that matters is to act so as to become the strongest. But what kind of right is that which perishes when force fails?"

Ladies and Gentlemen: "Behind every scheme to make the world over, lies the question: what kind of world do you want?"

THE CASE FOR SPANISH BASES

The SPEAKER pro tempore (Mr. ANDERSON of California). Under a previous order of the House, the gentleman from Florida (Mr. SIKES), is recognized for 30 minutes.

Mr. SIKES. Mr. Speaker, the question of the retention of American bases in Spain has not been resolved. Negotiations are in progress between the U.S. Government and the Government of Spain. These negotiations, if I am correctly informed, are not on whether the United States needs the bases or on whether Spain wants the U.S. presence continued in that country, but on the compensation which is properly due Spain for the use of the bases. While these negotiations are in progress, there has been criticism from some quarters of the fact that the United States wants to continue its bases in Spain. To me, this criticism is completely meaningless. It cannot have foundation in fact. It ignores important fundamentals regarding the defense of the United States and of the free world. It ignores the fact that Spain is one of the strongest bastions against communism in the entire world. It ignores the fact that Spain has a stable government; that Spain is one of the few countries which has shown it wants U.S. bases on its soil. These in today's troubled world are not small considerations. There should be a vigorous outpouring of support for the retention of U.S. bases in Spain to reflect what I consider to be the true sentiment of the

American people. I am convinced America needs these bases and that the American people want them continued.

Now let us talk about purely military considerations which continue to be highly important.

We have heard many critics argue that the American bases in Spain, built to accommodate SAC B–47 bombers nearly 15 years ago, are now obsolete and should be abandoned. The B–47's are certainly obsolete and if the only purpose served by the bases in Spain was to support B–47 operations, I could agree that the bases themselves are now superfluous. But American bases and facilities in Spain are not serving an obsolete strategy. Just as the nature of the threat from the Soviet Union has evolved since 1953, so have the uses of our bases in Iberia.

We are all aware of the increasing Soviet presence in the Mediterranean area both in terms of naval vessels and in terms of military assistance programs to countries on the southern shore of the Mediterranean. The political-military geography of the West European Mediterranean area has undergone substantial change since the negotiation of the first 5-year extension of the United States-Spanish Defense Agreement in 1963. We no longer have the air bases which we once had in Morocco. France's withdrawal from NATO's military structure has deprived us of bases in that country and, while we still enjoy overflight rights in France, we cannot count on French cooperation in times of crisis.

In 1953 American base rights in Spain provided a launching point for nuclear armed B–47's. Today Rota Naval Base on the Atlantic coast near Cadiz is used as home port for a submarine tender which serves Polaris equipped nuclear submarines. The Polaris boats operating out of Rota constitute a significant portion of the American SSBN force deployed in the Atlantic-Mediterranean areas. Use of Rota permits these submarines to attain a higher degree of target coverage than would be possible if they had to operate from U.S. ports. To meet the growing Soviet submarine threat, Rota is a staging base for airborne antisubmarine surveillance operations at the entrance to the Mediterranean. The rapid growth of the Soviet nuclear powered submarine force puts dramatic emphasis on our need to retain the capability to perform this key mission. Rota also provides logistic support for surface naval elements transiting the area, including underway replenishment ships for the 6th Fleet.

A POL—petroleum, oil, and lubricant—pipeline runs from Rota through Moron Air Base, Torrejon Air Base, and terminates at Zaragoza Air Base, in northeast Spain. We have large POL storage terminals at each location. Thus, in the event of a crisis, the bases are prepared to handle the large number of U.S. tactical and airlift aircraft which would stage through Spain. The U.S. Navy also maintains several remote POL and ammunition storage depots which support the 6th Fleet.

Spain is a nodal point for a military communications network which carries U.S. transatlantic channels and circuits connecting the Mediterranean area with Germany and the United Kingdom. In the future, communication satellite technology will gradually reduce U.S. reliance on ground communication relay stations in Spain. Until the 1972–73 time period, however, the existing facilities in Spain will continue to constitute a major component of the worldwide U.S. defense communications system. Spain also provides sites for Loran—long-range navigation—systems operated by the U.S. Coast Guard and which provide electronic navigational data to ships.

One of our three air bases in Spain is now in standby status. Zaragoza Air Base, in northeastern Spain near the city of Zaragoza, was placed in caretaker status in 1964; it can be quickly activated for a general war contingency, and could play an important role in speeding augmentation forces into the theater.

Torrejon Air Base near Madrid is the principal U.S. Air Force base in Spain. Headquarters 16th Air Force is located there. The 401st Tactical Fighter Wing, a military airlift command unit, a Strategic Air Command subgroup, and numerous communications and support units are also housed at Torrejon. The 401st, home based at Torrejon, provides fighter aircraft committed to sensitive missions at forward bases in the Mediterranean area and the aircraft are deployed in these forward areas. Basing these aircraft in Spain has provided a feasible alternative to stationing them in the United States, which would involve considerably greater expense and would require many more aircraft to support the mission at the forward bases.

The military airlift command terminal at Torrejon has absorbed over half the load formerly handled at Chateauroux, France. In addition, Spain figures importantly in the evacuation plans of U.S. dependents and other American noncombatants in the event of a European crisis. Moron Air Base near Seville contains and air/sea rescue squadron and a mobile communication group. Both Moron and Torrejon are key bases for staging through combatant aircraft deploying from the United States in emergencies. Like Torrejon, Moron is a refueling point and staging base for transport airlift flights to the southern Europe Mediterranean area.

Often overlooked in an evaluation of the importance of U.S. base and operating rights in Spain is the critical need for overflight rights. If we lose our rights in Spain, American military aircraft in peacetime and in emergencies would have to "thread the needle" through the narrow Strait of Gibraltar. Availability of Spanish air bases allows us to enter the Mediterranean from the north as well as the west. Loss of these rights would place severe limitations on our ability to protect our interests in the Mediterranean area.

I understand that the Department of Defense has studied thoroughly the need for our bases in Spain. It is the judgment of that Department that the availability of the Spanish base complex and operating rights will continue to be militarily of great importance to the United States during the next 5 years. In reaching this conclusion, the Defense Department studied various alternatives to the Spanish bases including relocation to the Untied States and relocation to other areas in Europe. In every case the conclusion was the same: to leave Spain would be quite expensive, it would be difficult to find and establish suitable alternate bases, and it is unlikely that a capability truly equal to what we have now could be maintained. These conclusions have been supported by the State Department and endorsed by the past administration as well as by the present administration. It would be foolish to abandon these bases when our need for them is so clearly evident.

THE EMERGENCY SMALL LOAN PROGRAM: ITS BENEFITS IN LEON, IOWA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have introduced the Emergency Consumer Small Loan Act of 1969 which is designed to alleviate financial hardships and crises of the very poorest of our Nation's poor. This is a program which was initiated by my amendment in 1966 to the Economic Opportunity Act of 1964. The funds for the program will terminate in June of this year; accordingly, I have submitted legislation for its extension and expansion.

In order to demonstrate the value of making emergency loans available to the poor, I have sought to publicize my findings from a survey I made of the 15 "demonstration" areas in which the program is operating. Today, I wish to highlight the effectiveness of the program in Leon, Iowa, which is located in the Fourth Congressional District of Iowa. This district is represented in Congress by the Honorable JOHN HENRY KYL.

As of January 31, 1969, the emergency family loan program, operating under the South Central Iowa Community Action Program, Inc., and extending over five counties—Clarke, Decatur, Lucas, Wayne, and Monroe—has granted 204 loans out of 258 applications for a total of $37,292. The initial fund was only $20,000, but $19,299 in loan repayments has enabled the making of almost double the original loan grant. The loan repayments have gone so well that none of the loans have had to be written off. At the end of January 1969, 131 loans were outstanding for a total of $17,993. The average loan has been $183 and the director of the emergency family loan program estimates that total savings in interest to all applicants has been $5,379.

These statistics demonstrate that funds appropriated for the loan program, except for administrative expenses, can be used over and over again for the benefit of the poor who want to help themselves. I believe that the operation of this program in Leon, Iowa, shows the value of the experience gained in this effort by the administrators: losses are minimal and professional standards have been established. In the light of that experience, there is no reason to

believe that we cannot use the program at Leon as a model for extending emergency loan services to many other areas. The poor wish to help themselves and maintain their own dignity by proving that they can act responsibly.

It is my informed judgment that the Emergency Consumer Small Loan Act of 1969 is directed expressly toward the factors of human development which would be most conducive to overcoming the problem of poverty in America. We not only aid the poor during emergencies, but the poor offer us the opportunity to convince them that their own initiative is the most valuable resource that they possess. The director of the program in Leon, Iowa, feels that his most valuable contribution is the financial counseling and budgeting assistance he renders to low-income persons. This has been a common remark by administrators in all parts of the country and buttresses our belief that this program is successful, has proven itself, and should now be extended on a more appropriate scale. The bill I have introduced, H.R. 9643, is designed to accomplish this and deserves support.

THE COMPREHENSIVE MANPOWER ACT OF 1969

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 60 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, today I rise to introduce the Comprehensive Manpower Act of 1969. Joining me in cosponsoring this legislation are Representatives QUIE, WIDNALL, ERLENBORN, DELLENBACK, ESHLEMAN, and HANSEN of Idaho.

While developing this legislation in recent months, I have remained in close contact with the Labor Department. This bill is intended as a positive step in the direction of a comprehensive manpower policy. It is in fundamental agreement with an administration bill, which will, I am sure, be introduced in the next few weeks, and attempts to achieve similar objectives.

The bill is designed to develop a systematic national manpower policy and to provide a comprehensive delivery system for manpower services. CMA will consolidate dozens of Federal and State job training and placement programs.

Present manpower programs are fragmented, overlapping, and contradictory. The result is that the people who need the services most are getting them only in an incoherent, inefficient, and frustrating way, if at all. Manpower policy is unnecessarily complicated. Comprehensive planning is discouraged and the systems at the local level are often swamped in chaos and confusion.

The legislation I propose would result in "one stop shopping" for manpower training, work experience, and placement services focused on the needs and requirements of the individual worker. This bill would not solve all of the problems, but it will alleviate many of them.

The objectives of the proposal are to facilitate long-range manpower planning; adapt the program mix to community circumstances; and allow packaging of services according to individual need.

The bill seeks to strengthen the State and local role in manpower planning and implementation while maintaining Federal guidance through a series of explicit guidelines.

Ultimate responsibility for the success or failure of manpower programs must be vested in the State and local political officials who are answerable to their constituents and thus to the clients receiving manpower services. Sufficient authority and resources at the same time must be placed in the hands of State and local administrators to enable them to meet the challenges within their jurisdictions both with sustained plans of action and with sufficient flexibility to adjust their programs to the unique and changing needs of each community. The separate administrators for each of the innumerable existing manpower programs are now so little known and scattered that they are far removed from the control either of elected officials or even in many cases from the control of the funding agencies.

THE NEED FOR A COMPREHENSIVE MANPOWER BILL

What is the magniture of this Nation's job and training problem? As James Sundquist points out in the Brookings Institution's "Agenda for a Nation," it is not measured by the unemployment figure, which has averaged about 3 million during the last 3 years. On the one hand, that figure includes well-trained workers who suffer unemployment only briefly, as well as secondary workers in families with good income. On the other hand, it excludes those who are underemployed and need training to raise their earnings above the poverty level.

To get a better measure of the problem of unemployment and low earnings, the Labor Department has developed the concept of "subemployment" which includes two groups: the long-term unemployed—who are unemployed 15 weeks or more during the year—and those who earn less than $3,000 for year-round, full-time work. In 1966, a total of 9.1 million persons, about one out of every 10 workers, was classified as subemployed.

According to estimates by the interagency manpower planning task force, there are currently about 11 million persons in poverty, for whom better employment is a possible solution to their own poverty as well as the poverty of their dependents. About 7 million of these persons possess inadequate education and training for the skills required in today's labor market. And the great majority of these 11 million may well be handicapped by a lack of knowledge of what kinds of jobs are available, where they are, and how to go about applying for them. These figures stand in sharp contrast to the 1 million people who Stanley Ruttenberg, writing in the Labor Department's new Manpower magazine, indicates have been enrolled in Manpower Development and Training Act programs since 1962.

The employment problems of certain areas and groups are particularly severe. A Department of Labor survey of 10 urban slum areas in 1966 revealed a subemployment rate of 34 percent. Unemployment rates of nonwhites remain approximately twice the average rate. Unemployment of youths is three times the general unemployment rate, and the rate of nonwhite youth unemployment is twice as high as that of white youths. There remains a high incidence of unemployment among the undereducated, and several million unskilled persons remain below the poverty threshold, even though they work in full-time, full-year jobs.

Population and labor force trends indicate what the magnitude of our manpower effort must be in the next few years. The task force on occupational training in industry indicates that there are now 82 million in the labor force and that figure is likely to increase to 100 million by 1980. Forty million youths will enter the world of work during the 1970's. The 1969 Manpower Report of the President anticipates that the labor force will grow faster than ever before both because of the increasing participation of women and the increasing numbers of young people reaching working age.

The Manpower Report concludes that both economic growth and "an immense effort to develop the skills and abilities of the labor force" will be needed.

It concludes:

> The manpower future is promising for those who have or will achieve the education and training essential for professional and technical jobs. In the semiskilled trades, which have in the past provided great numbers of jobs for people with limited education, a high school education or prior skill training is likely to be increasingly necessary as the supply of persons with such preparation becomes larger. And all workers, regardless of their level of education, are likely to need continuing education to prepare for the constant changes in jobs that are characteristic of our society.

We are thus faced with the dual challenge of greatly increasing the number of our manpower training, development, and placement programs and at the same time raising the level and quality of these efforts. If we can mount a sufficient effort, the jobs will be there. Ruttenberg estimates that professional and technical occupations will increase by about 45 percent and provide 651,000 new openings in addition to 3.3 million replacements for those who retired, died, or shifted to other jobs. An average of 175,000 openings for typists and stenographers will be available each year. The number of office machine operators is expected to double and the number of electronic computer workers to increase by 140 percent in the coming decade.

The challenge will be formidable. For example, among nonwhite youths—the group that includes the largest number and percentage of people that enter the labor force poorly equipped for getting and holding a job—the rate of increase between 1965 and 1975 will be 50 percent.

But we must develop a comprehensive manpower policy equal to that challenge. As Peter Drucker emphasizes in "The Age of Discontinuity: Guidelines to Our Changing Society:"

The most hopeful development in America today is the rapid growth of the Negro knowledge worker in recent decades.

The emergence of knowledge as central to our society, Drucker feels, has opened up "the greatest opportunity the black man has yet had in America."

More generally, Dr. Seymour Wolfbein, dean of the School of Business Administration at Temple University, recently concluded:

Our problem is to set our manpower goals to make certain we have the skills and talents we need so desperately now and in the near future.

Testifying before the Joint Economic Committee, Secretary Schultz pointed to another function which our manpower policy will increasingly perform in coming years. While indicating that he did not want to exaggerate this new role, the Secretary suggested that manpower programs have now "grown to a size and scope that gives them strategic significance in our economic as well as social policies."

The extent of our present manpower efforts falls far short of meeting the full scope of our current and future employment needs. Unless we begin to build a planning and delivery system which utilizes both the public and private sectors at the Federal, State, and local levels, we shall not be able to cope with this Nation's manpower requirements. No single level of government can do the job. The comprehensive manpower bill is an attempt to begin to pull together and utilize our resources more systematically and effectively.

RECOGNITION OF THE NEED FOR A COMPREHENSIVE MANPOWER BILL

Many experts, with varied perspectives on employment and education issues, have spoken out on the need for a more comprehensive approach to manpower policy.

In the concluding chapter of "Federal Training and Work Programs in the 1960's," Dr. Sar Levitan and Dr. Garth Mangum write:

Communities can accommodate federal and local (manpower) goals only if both are clearly articulated and neither has been. Unification of the federal manpower programs into a single funding source might facilitate a clear statement of goals from which guidelines could be developed. With that beginning, it would seem advisable to distribute the bulk of federal manpower funds through the states by formulas based on need, allowing considerable discretion in the use of funds within federal guidelines and in pursuit of national goals adjusted to the peculiarities of local conditions; there should be, however, federal review and monitoring to see that guidelines are followed and appropriate goals pursued.

The national manpower policy task force is a private nonprofit organization of academic manpower experts who earlier this year published a position paper on "The Nation's Manpower Programs." The group, which includes among its members Dr. John Dunlop, Dr. Eli Ginzberg, and Dr. Arthur Ross, former Commissioner of the Bureau of Labor Statistics, recommended a comprehensive approach to serve the disadvantaged. Building on the work of Mangum and Levitan, who are also members, the task force advocated new legislation that would build upon the cooperative area manpower planning system and other efforts at streamlining the administration of manpower programs. Working closely with Dr. Mangum and other members of the task force, I have tried in the Comprehensive Manpower Act of 1969 to translate their carefully developed approach to manpower policy into legislation.

Others have also advocated a more comprehensive approach to manpower development, training, and placement. In its report last month the Joint Economic Committee stated:

There is urgent need to reorganize manpower programs to provide comprehensive coordinated assistance that the disadvantaged need and to carry that assistance through until the individuals are fully supporting.

In concluding his policy paper on "Jobs and Income for Negroes," Dr. Charles Killingsworth finds:

The policy problem is much less one of selection from among competing programs than it is one of coordination of complementary approaches.

He indicates that while everyone agrees in theory, there is no single solution to the question of a systematic employment and income policy, and what they say in practice is—

Other programs will be needed, too, but what I advocate is the single most important thing that we can do, and we should give this priority.

It is time now to stop looking for new program gimmicks and get down to the business of fitting the diverse pieces of our manpower policy together.

In a speech before the Industrial Relations Research Association, my distinguished colleague from Michigan, Congressman JAMES O'HARA, eloquently expressed a similar concern:

Federal manpower legislation has grown, like the British Empire, in a series of fits of absent-mindedness. . . . As 1968 begins, we are looking forward to a total annual investment of $3 or $4 billion in the area of manpower training. And yet, we still have nothing that can fairly be assessed as a manpower policy. We have no broad, overall manpower institutions.

Both the outgoing and incoming Labor Department executives through their actions and statements have demonstrated an awareness and conviction that it is now time to develop a comprehensive manpower approach. The recent reorganization of the Labor Department drawing the Employment Service and bureau of work training programs into a unified framework within the Manpower Administration represents an important step—a welcome step and prerequisite for greater Federal-State-local manpower collaboration.

The Manpower Report of the President transmitted to Congress in January endorses the concept of a Comprehensive Manpower Act stating:

As long as the manpower program is constrained to operate within a framework put together on a piecemeal basis, just so long will it be unable to achieve full effectiveness in providing the kinds and amounts of services each disadvantaged person may need to become employable. . . . Effective action to overcome the roadblocks imposed by categorical programs would be aided by new legislation—a comprehensive manpower act providing a single, consolidated legislative base for planning, developing, administering, coordinating, and evaluating a nationwide manpower program designed to meet the needs of all Americans.

In a speech last February before the national Governors conference, Secretary Shultz proposed removing the labels from a number of remedial manpower programs. Instead, he suggested, a unified program should be established under which funds could be "deployed flexibly" to meet differing needs in different areas of the country.

Not only the Federal Government, but also a number of the States have demonstrated a desire to develop a more coherent manpower policy. California has recently begun coordinating a large number of programs within a human resources development agency. Utah last month passed a bill creating a State manpower development council. New York has long demonstrated an awareness of the close relationship between economic development and manpower policy, and has devoted considerable resources to manpower planning. For manpower planning purposes, Iowa has divided itself into a series of multicounty regional units which are coordinated under its State cooperative area manpower planning system. Several manpower experts in Wisconsin have expressed to me their strong interest in assuming a greater manpower responsibility at the State level.

Some States may well not be ready to allocate additional resources and play a larger role in manpower planning and implementation. But we have now reached the point where it is no longer advisable to hold back those States which are ready to move forward and indulge in the luxury of administering the bulk of our programs from Washington. Under the Comprehensive Manpower Act the Secretary of Labor is given considerable authority to insure that manpower funds at the State and local levels are spent wisely and serve those who most need manpower development and training. But the only way in which the States which have proven less able to run these programs will develop greater capability is if they are given more decisionmaking responsibility and additional funds to allocate. We shall never attract as many capable people as we need to serve in these programs at the State level, if we merely allow these agencies to monitor Federal grants.

The rapid growth in Federal expenditures and number of people served in our manpower programs alone is sufficient reason to begin drawing the programs together. The following tabulation by the Bureau of the Budget demonstrates both the rapid strides we have made in a comparatively short time and the formidable administrative task which lies ahead in adequately serving this many people and economically and efficiently this much money:

TABLE 1.—GROWTH IN FEDERAL EXPENDITURES FOR TRAINING AND WORK-TRAINING PROGRAMS, FISCAL YEARS 1963–69

[Expenditures in millions of dollars]

Program	Expenditures							Number of people served in [1] 1969
	1963	1964	1965	1966	1967	[1]1968	[1]1969	
Training:								
Manpower Development and Training Act [2]	50	104	222	275	275	434	407	275,000
Job Corps			54	258	339	306	295	98,000
Jobs in business sector (JOBS) program						35	175	[3] 140,000
Work incentive program [4]						15	119	102,000
Other programs [5]	15	17	18	18	21	85	103	105,000
Work-training:								
Neighborhood Youth Corps:								
School and summer			51	241	133	191	178	469,000
Out of school					131	168	181	93,000
Operation Mainstream [6]					13	41	46	22,000
Work experience program [7]			21	76	121	113	41	13,000
All programs	65	121	366	868	1,033	1,388	1,545	

[1] Estimated.
[2] Excludes $10,000,000 in 1968 and $16,000,000 in 1969 included in totals for the JOBS program.
[3] Number placed from beginning of program in February 1968 through August 1968.
[4] Public employment of adults, and out-of-school teenagers on public assistance.
[5] Includes: Indian manpower activities, new careers, veterans on-the-job training, opportunities industrialization centers, and Area Redevelopment Act training (1963–66).
[6] Public employment of elderly poor.
[7] Public employment of unemployed parents of dependent children and other needy persons. To be replaced in 1968 and 1969 by the work incentive program and Operation Mainstream.

Source: U.S. Bureau of the Budget, unpublished tabulations.

WHAT THE COMPREHENSIVE MANPOWER BILL DOES

The comprehensive manpower bill would encompass the manpower programs currently available under the Economic Opportunity Act with those authorized under the Manpower Development and Training Act, a total of $1 billion in fiscal year 1969. The act allots 70 percent of the total funds available to the States. The remaining 30 percent is to be granted by the Secretary of Labor to meet particular poverty needs, interstate, regional and national manpower problems, and manpower programs involving national industries. Incentive grants are also authorized for States which develop exceptionally effective manpower plans and implement them unusually well.

The bill vests authority for State manpower planning in the Governor of each State and directs him to form a manpower planning group with Federal approval of the structure but not the personnel. The planning group would have staff and budget supplied from the manpower program budget. Included among the planners would be representatives of all State agencies which are involved in the delivery of services under federally funded manpower programs, such as State employment agency and State educational agencies, closely related agencies which might include vocational rehabilitation and welfare agencies, representatives of labor and management and the public. This group would indicate the present and projected needs for manpower programs and suggest long-term objectives. They would also write an annual program plan describing how programs, services and activities for the coming year would fit into the State's long-term needs.

Individual programs which never look beyond the upcoming year, and work separately and with little coordination and communication would be replaced by a joint effort in which each agency would be involved in implementing part of a comprehensive plan. The individual worker in need of job training or employment services would be informed of all the program alternatives available to him rather than only those which a single agency can make available.

The main problem this bill tries to come to grips with is that the array of manpower programs that have emerged in the 1960's are not part of any systematic effort to identify and provide each of the services needed by various groups of workers or by all the work force. Instead, individual programs were written, made into law, and amended in rapid succession to meet current crises with little attention to their interrelationship. Though particular goals of various programs are reasonably clear, the overall objectives of these programs, when viewed together, are not.

The manpower programs treated in this bill, which emphasize services for those who face various disadvantages in competing for jobs, are the Manpower Development and Training Act, and the several manpower components of the Economic Opportunity Act. In addition, the new responsibilities added during the Sixties to the U.S. Employment Service make it a major deliverer of manpower services.

The act is an attempt to preserve and build upon what has been accomplished in recent years. The States are given considerable freedom, but not a blank check, to develop the mix of programs which are suitable to their area. The Secretary of Labor would not approve any State comprehensive manpower plan which does not meet standards specified in the act. The quality of the State programs, the effectiveness of job-related educational training, and the extent to which State programs meet the needs of poverty families will determine whether the Secretary of Labor agrees to fund the State's comprehensive manpower plan.

For the benefit of my colleagues I include at this point in my remarks a copy of the bill and a section-by-section analysis of the bill.

H.R. 10908

A bill to develop and strengthen a systematic National, State, and local manpower policy and provide for a comprehensive delivery of manpower services

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 "Comprehensive Manpower Act of 1969".

FINDINGS AND STATEMENT OF PURPOSE

SEC. 2. In recognition of the unmet needs of the unemployed and underemployed, the Congress finds that it is essential to the welfare of all Americans that concerted action be taken by National, State, and local governments to more effectively and economically utilize State and Federal funds for manpower training, work experience, job placement, and other services. Further, that it is essential to (1) establish explicit priorities for the allocation of these funds to insure that they are used to reach and assist those in greatest need of manpower services; (2) to establish clear-cut goals for the total system of manpower training, work experience, placement, and other services to maximize the effectiveness of the system in assisting individuals to find and maintain gainful employment; (3) to enlist the full support of private industry in securing jobs for enrollees of manpower programs; (4) to link together and coordinate the efforts of Federal, State, and local public and private agencies involved in performing manpower services; (5) to facilitate a smoother transition for students leaving the Nation's educational institutions and entering the world of work; (6) to develop new approaches for improved services and changes in traditional organizational patterns used to assist economically disadvantaged and insufficiently trained individuals; and (7) to coordinate the Nation's manpower needs and services as closely as possible with economic development, transportation planning, new residential housing, and other factors related to the development of new job opportunities.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. There is hereby authorized to be appropriated to the Secretary for making grants under this Act the sum of $2,000,000,000 for the fiscal year 1971, $2,300,000,000 for the fiscal year 1972, $2,500,000,000 for the fiscal year 1973, and $3,000,000,000 for the fiscal year 1974. For the fiscal year 1975, and each succeeding fiscal year there is authorized to be appropriated only such sums as the Congress may hereafter authorize by law.

USE OF FUNDS

SEC. 4. From the sums appropriated for making grants under this Act for a fiscal year, the Secretary shall reserve 30 per centum for making grants authorized under section 12. The remainder of such sums shall be used by him to make grants to assist States to carry out comprehensive manpower plans as hereinafter provided.

ALLOTMENTS TO STATES

SEC. 5. (a) The Secretary shall allot among the States the funds remaining after he has made the reservation required by section 4 in accordance with uniform standards, and in arriving at such standards, he shall consider only the following factors:

(1) the proportion which the manpower allotment of a State during the preceding fiscal year bears to the total manpower allotments of all States during the preceding fiscal year,

(2) the proportion which the non-agricultural labor force of a State bears to the total non-agricultural labor force of the United States,

(3) the proportion which the unemployed within a State bears to the total number of unemployed in the United States, and

(4) the proportion which the population, age 14 through 17 years, in a State bears to the total population, age 14 through 17 years, in the United States.

Notwithstanding the foregoing, the allotment for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands shall be $150,000, and none of the remaining States shall be allotted less than $1,000,000.

(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Secretary determines will not be required for such year shall, if section 10 does not provide for its expenditure, be available for reallotment from time to time, on such dates during such year as the Secretary may fix, to other States in such amounts as the Secretary shall determine.

DEVELOPMENT OF COMPREHENSIVE MANPOWER PLANS

SEC. 6. The Secretary shall enter into an agreement with the Governor of each State under which a planning group will develop a comprehensive manpower plan for the State. Such planning group shall consist of the appropriate State agencies, including the State education agency and the State employment service, and representatives of labor, management, private agencies active in the manpower field, and the public, appointed by the Governor. Each such agreement shall—

(1) require each comprehensive manpower plan to set forth a long-range program plan (or, as is appropriate, a supplement to, or revision of, a previously submitted long-range program plan) for programs to be carried on with assistance under this Act, which program plan extends over three years beginning with the fiscal year for which the comprehensive manpower plan is submitted, describes the present and projected needs for programs provided for in this Act, and sets forth the long-range program objectives;

(2) require each comprehensive manpower plan to set forth an annual program plan, which describes the content of, and allocation of Federal funds to, programs, services, and activities to be carried our under the plan during the year for which Federal funds are sought, and indicates how and to what extent such programs, services, and activities will carry out the program objectives set forth in the long-range program plan;

(3) require (A) that institutional training be, where possible, arranged or provided through State education or training agencies and that such training and on-the-job training provided for under the plan be of high quality and be so constituted as to duration and content as to meet the special needs of trainees, (B) that adequate and safe facilities, and adequate personnel and records of attendance and progress be provided, and (C) that in the case of on-the-job training, each trainee's program involve reasonable progression and reasonable compensation considering such factors as industry, geographical region and trainee proficiency;

(4) require each comprehensive manpower plan to give special emphasis to the employment and training needs of persons who are from poverty families using as an index of poverty the minimum income per household of a given size, composition, and farm or nonfarm status, as set forth by the Social Security Administration;

(5) set forth priorities in terms of target groups, and varieties of programs established by the Secretary in light of national needs;

(6) set forth a program for providing placement services which w'll utilize the facilities and services of the State employment services as well as facilities and services from other sources, and which will make effective placement services available, not only to persons who have completed training under a comprehensive manpower plan, but also to other categories of persons;

(7) require that personal and educational and vocational counseling, testing, and evaluation be utilized to assure that each individual served will be provided appropriate services, and that follow-up services be provided to insure that training is effectively utilized by the trainee;

(8) establish the criteria to be used in fixing training and other allowances and compensation for services;

(9) establish the criteria to be used in fixing the payments to be made to employers participating in on-the-job training and similar programs;

(10) require the utilization to the maximum extent feasible of public and private profit and nonprofit agencies and organizations, and of all the State and local agencies and organizations which are capable of contributing to the program, with priority given to skills centers and other education and training programs operated or arranged through State and local educational agencies; and

(11) require the establishment and operation of a data system which will provide, in readily accessible form, statistical information sufficient to enable the administrators of the plan to evaluate the effectiveness of programs carried on under the plan and to determine means of improving their effectiveness.

COMPREHENSIVE MANPOWER PLANS

SEC. 7. (a) Any State which desires to receive a grant from funds allotted it under section 5 shall submit through the Governor thereof to the Secretary a comprehensive manpower plan developed pursuant to an agreement entered into under section 6, but no such plan shall be submitted until a public hearing has been held on the plan. The comprehensive manpower plan of a State must—

(1) provide that responsibility for carrying out the plan is placed in the Governor of the State,

(2) provide for as varied and extensive manpower programs (and related activities) and work experience programs as is consistent with the needs and resources of the State and with the amount of Federal assistance being provided,

(3) set forth the method of administration and the organizational structure to be used in carrying out the plan,

(4) meet the guidelines and standards prescribed by the Secretary under section 6,

(5) provide for coordination of the programs carried on by the State with those carried on by any metropolitan area any part of which lies within the State,

(6) take into consideration manpower programs carried on under title I of the Demonstrations Cities and Metropolitan Development Act of 1966, the Appalachian Regional Development Act of 1965, the Public Works and Economic Development Act of 1965, or any other Federal or State law,

(7) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State or metropolitan area (including any such funds paid by either of them to any other public or private agency) under this Act, and

(8) provide for making such reports, in such form and containing such information, as the Secretary may reasonably require to carry out his functions under this Act, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) The comprehensive manpower training plan of a State may include any (or all) of the following types of programs, services, or activities:

(1) A program for testing, counseling, and selecting for occupational training those unemployed or underemployed persons who cannot reasonably be expected to secure appropriate full-time employment without training.

(2) A special program for the testing, counseling, selection, and referral of youths for occupational training and further schooling, who because of inadequate educational background and work preparation are unable to qualify for and obtain employment without such training and schooling.

(3) A special program of testing, counseling, selection, and referral of persons forty-five years of age or older for occupational training and further schooling designed to meet the special problems faced by such persons in the labor market.

(4) Programs of training for persons who, though employed, are in need of additional skills.

(5) Programs for the attainment of basic education and communications and employment skills, by those eligible persons who indicate their intention to and will thereby be able to pursue, subsequently or concurrently, courses of occupational training of a type for which there appears to be a reasonable expectation of employment, or who have completed or do not need occupational training but do require such other preparation to render them employable.

(6) Programs to provide appropriate physical examinations, medical treatment, and prostheses for persons selected or otherwise eligible to be selected for training under this Act.

(7) Experimental programs for part-time training of persons, including employed persons, to meet critical skill shortages.

(8) Programs for on-the-job training needed to equip persons selected for training with the appropriate skills, and giving special consideration to on-the-job training programs which devote systematic effort to providing new opportunities for advancement through more systematic development of career ladders.

(9) Programs to provide part-time employment and useful work experience for students from low-income families who are in the ninth through twelfth grades of school (or are of an age equivalent to that of students in such grades) and who are in need of the earnings to permit them to resume or maintain attendance in school.

(10) Programs to provide unemployed, underemployed, or low-income persons (aged sixteen and over) with useful work and training (which must include sufficient basic education and institutional or on-the-job training) designed to assist those persons to develop their maximum occupational potential and to obtain regular competitive employment.

(11) Special programs which involve work activities directed to the needs of those chronically unemployed or underemployed poor who have poor employment prospects and are unable, because of age, lack of employment opportunity, or otherwise, to secure appropriate employment or training assistance under other programs, and which, in addition to other services provided, will enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including without limitation activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands.

(12) Special programs which provided unemployed, underemployed, or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served in fields including without limitation health, education, welfare, neighborhood redevelopment, and public safety, which provide maximum prospects for

advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.

(13) Special programs which concentrate work and training resources in urban and rural areas having large concentrations or proportions of low-income, unemployed persons, and within those rural areas having substantial outmigration to urban areas, which are appropriately focused to assure that work and training opportunities are extended to the most severely disadvantaged persons who can reasonably be expected to benefit from such opportunities, and which are supported by specific commitments of cooperation from private and public employers.

(14) Special programs for referring persons who have finished training to employment opportunities in urban and suburban areas outside their own neighborhoods.

(15) Programs for needy persons who require work experience or special family and supportive services, as well as training, in order that they may be assisted to secure and hold regular employment in a competitive labor market.

(16) Supportive and follow-up services to supplement work and training programs under this or other Acts including health services, counseling, day care for children, transportation assistance, and other special services necessary to assist individuals to achieve success in work and training programs and in employment.

(17) Employment centers and mobile employment service units to provide recruitment, counseling, and placement services, conveniently located in urban neighborhoods and rural areas and easily accessible to the most disadvantaged.

(18) Programs of the type described in section 12(a), with particular emphasis on programs involving intrastate and local employers.

(19) Programs to establish and operate, in cooperation with the State education and other appropriate State agencies, skills centers to provide basic education, employability and communications skills, prevocational training, vocational and technical programs, and supplementary or related instruction for on-the-job training whether conducted at the job site or elsewhere.

(20) Programs to make relocation payments to allow unemployed persons to relocate themselves and their families in localities affording employment opportunities.

(21) Programs to provide guidance, counseling, testing, and job referral services to unemployed and underemployed persons.

(22) Programs to evaluate the effectiveness of other programs carried on under the plan.

(23) Programs to equip migrant and seasonal farm workers through education and training to meet the changing demands in agricultural employment and to take advantage of opportunities for regular or permanent employment.

(24) Programs under which a cooperative working relationship is developed between education and training institutions and private employers.

APPROVAL OF PLANS

SEC. 8. The Secretary shall not approve any comprehensive manpower plan of a State which fails to meet the requirements of this Act and the standards and guidelines prescribed by him under section 6. The Secretary shall not approve the comprehensive manpower plan of a State until the Secretary of Health, Education, and Welfare has given his approval of those aspects of the plan relating to institutional training, including the operation of skills centers. Any political subdivision dissatisfied with the comprehensive manpower plan submitted by the State shall have the right to appeal to the Secretary. The Secretary shall not approve such a plan until he has afforded each such political subdivision an opportunity for a hearing on its appeal.

ADMINISTRATION OF PLANS

SEC. 9. Whenever the Secretary, after reasonable notice and opportunity for a hearing to the appropriate official of the State which submitted a plan, finds—

(1) that the plan has been so changed that it no longer complies with the requirements of this Act or of the standards and guidelines prescribed under section 6, or

(2) that in the administration of the plan there is a failure to comply substantially with any such requirement,

the Secretary shall notify such official that no further payments will be made with respect to such plan (or, in his discretion, further payment with respect thereto will be limited to portions thereof not affected by such failure); until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Secretary shall make no further payments with respect to such plan (or shall limit payments to portions thereof not affected by such failure).

DIRECT FUNDING BY SECRETARY

SEC. 10. Where a State fails to submit a comprehensive manpower plan to the Secretary within a reasonable time, or the Secretary disapproves such a plan or discontinues payments with respect to such a plan under the authority of section 9, he and the Secretary of Health, Education, and Welfare shall jointly formulate and carry out a comprehensive manpower plan in such State. Such a program shall meet the requirements of this Act applicable to plans submitted by States, except that where the Secretary has discontinued payments with respect to a portion of a plan under section 9 the program which they carry out directly shall be similar in character to the portion of the plan with respect to which payments were discontinued. In carrying out this section where a State has failed to submit a plan or the Secretary has disapproved it, the State's allotment may be utilized. In carrying out this section where the Secretary has discontinued payments, the sums withheld may be utilized.

INCENTIVE GRANTS

SEC. 11. (a) In order to encourage States to expand and improve the programs, services, and activities provided under their comprehensive manpower plans, the Secretary may make incentive grants to States. An incentive grant may be made to any State which the Secretary finds has developed a comprehensive manpower plan which shows resourcefulness and imagination in making effective use of the manpower resources of the State and is carrying out such plan in a highly effective and efficient manner. An incentive grant may also be made to any State which makes expenditures from non-Federal sources in carrying out its comprehensive manpower plan. Such a grant may not exceed 75 per centum of the amount so expended. At the time he makes an incentive grant the Secretary shall make public a statement detailing the reasons he has made the finding required by this section. Incentive grants made to a State shall be used by it to supplement the funds paid to the State to carry out its comprehensive manpower program.

(b) There is authorized to be appropriated for making grants under this section the sum of $100,000,000 for the fiscal year 1972, $115,000,000 for the fiscal year 1973, $125,000,000 for the fiscal year 1974; and $150,000,000 for the fiscal year 1975. For each fiscal year thereafter only such sums may be appropriated as the Congress may hereafter authorize by law.

DIRECT GRANTS

SEC. 12. (a) The Secretary may utilize the sums reserved under section 4, either directly or through grants to or contracts with public and private agencies and organizations (including States and metropolitan areas), for the following types of programs, services, and activities:

(1) Programs which, though eligible for inclusion in a comprehensive manpower plan can be effectively carried out only on a national or multistate basis,

(2) Programs, services, and activities carried on under title I of the Manpower Development and Training Act of 1962: *Provided*, That special emphasis shall be placed on carrying out research projects showing promise of finding solutions to problems arising in carrying out this Act,

(3) Programs, services, and activities which, though not included in a comprehensive manpower plan, will supplement such plans and meet needs which are uniquely national, interstate, or regional in character,

(4) Programs to provide incentives to private employers, other than nonprofit organizations, to train or employ unemployed or low-income persons, including arrangements by direct contract, reimbursements to employers for a limited period when an employee might not be fully productive, payment for on-the-job counseling and other supportive services, payment of all or part of employer services, payment of all or part of employer costs of sending recruiters into urban and rural areas of high concentrations or proportions of unemployed or low-income persons, and payments to permit employers to provide employees resident in such areas with transportation to and from work or to reimburse such employees for such transportation,

(5) Programs, services, and activities supplementary to activities carried on under a comprehensive city demonstration program approved under title I of the Demonstration Cities and Metropolitan Development Act of 1966,

(6) Educationally oriented projects (with the approval of the Secretary of Health, Education, and Welfare) where the Secretary of Health, Education, and Welfare finds that, in a manpower context, the educational community is significantly modifying its methods, or procedures, or is developing effective linkages with industry, labor organizations, and other groups or organizations,

(7) Experimental and demonstration programs of training and education for persons who are in correctional institutions and are in need thereof to obtain employment upon release.

(b) In carrying out this section the Secretary shall give special emphasis to programs meeting the needs of low-income persons who are chronically unemployed.

FUNCTIONS OF THE SECRETARY

SEC. 13. (a) In carrying out this Act, the Secretary is authorized and directed to use his authority under the Act of June 6, 1933 (the "Wagner-Peyser Act") with a view to insuring that the activities of the United States Employment Service and of the systems of State employment offices are coordinated with activities carried on under this Act.

(b) The Secretary shall carry out research programs and demonstration and evaluation programs designed to assist States and metropolitan areas to make their programs more effective.

(c) The Secretary shall carry on a program for the continuing evaluation of the effectiveness of programs, services, and activities provided under this Act. In carrying out this subsection, the Secretary shall make maximum use of the data systems of States.

(d) The Secretary is authorized to make grants to States to assist them in preparing their comprehensive manpower plans, but

the amount of such grant shall not exceed 90 percentum of the cost of such preparation.

(e) The Secretary shall make technical assistance available on a continuing basis to assist States in developing and carrying out their comprehensive manpower plans.

(f) In carrying out the responsibilities under this Act, the Secretary shall provide, directly or through grants, contracts, or other arrangements, training for specialized or other personnel and technical assistance which is needed in connection with the programs established under this Act or which otherwise pertains to the purposes of this Act. Upon request, the Secretary may make special assignments of personnel to public or private agencies, institutions, or employers to carry out the purposes of this section; but no special assignments shall be for a period of more than two years.

(g) There is authorized to be appropriated such sums as may be necessary to enable the Secretary to carry out his functions under this section and the functions transferred to him by section 18 for the fiscal year 1970, and each of the three succeeding fiscal years.

DEFINITIONS

SEC. 14. For purposes of this Act—

(1) The term "Secretary" means the Secretary of Labor.

(2) The term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territories of the Pacific Islands.

ADVANCE FUNDING

SEC. 15. To the end of affording the responsible State, local, and Federal officers concerned adequate notice of available Federal financial assistance for programs, services, and activities provided for under this Act, appropriations for grants, contracts, or other payments under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation. In order to effect a transition to this method of timing appropriation action, the preceding sentence shall apply notwithstanding that its initial application under any such Act will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

MAINTENANCE OF EFFORT

SEC. 16. No comprehensive manpower plan shall be approved under this Act unless the Secretary satisfies himself that the State has not reduced or is not reducing its own level of expenditures for programs of the type included under the plan, or expenditures for vocational education.

OTHER AGENCIES AND DEPARTMENTS

SEC. 17. (a) The Secretary and the Secretary of Health, Education, and Welfare shall enter into arrangements under which the Secretary of Health, Education, and Welfare will supervise and evaluate all instructional training provided under this Act so as to protect the United States against loss and to assure that the training provided is of high educational quality.

(b) In the performance of his functions under this Act the Secretary, in order to afford unnecessary expense and duplication of functions among Government agencies, shall use the available services or facilities of other agencies and instrumentalities of the Federal Government. Each department, agency, or establishment of the United States shall cooperate with the Secretary and, to the extent permitted by law, provide such services and facilitates as he may request for his assistance in the performance of his functions under this Act.

ANNUAL REPORT

SEC. 18. Not later than one hundred and twenty days after the close of each fiscal year, the Secretary and the Secretary of Health, Education, and Welfare shall prepare and submit to the President for transmittal to the Congress a full and complete report on activities carried on under this Act during such year.

TRANSFER OF JOB CORPS

SEC. 19. (a) All functions of the Director under part A of title I of the Economic Opportunity Act of 1964 are, effective July 1, 1969, transferred to the Secretary of Labor.

(b) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, available, or to be made available, in connection with the functions transferred by subsection (a) of this section as the Director of the Bureau of the Budget shall determine shall be transferred to the Department of Labor on July 1, 1969.

(c) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem necessary in order to effectuate the transfer provided for in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

REPEALS

SEC. 20. Titles II, III, and V of the Manpower Development and Training Act of 1962, and part B of title I and title V of the Economic Opportunity Act of 1964 are repealed, effective July 1, 1970.

EFFECTIVE DATE

SEC. 21. For purposes of planning and preparing for carrying out programs under this Act, including the preparation and approval of comprehensive manpower plans, this Act shall be effective immediately, but for purposes of making grants under sections 4 and 13, this Act shall become effective July 1, 1970, except that the repeals provided for under section 20 shall not affect the disbursement of funds under, or the carrying out of, any contract, commitment, or other obligation entered into prior to July 1, 1970.

EXTENSION OF ECONOMIC OPPORTUNITY ACT PROVISIONS

SEC. 22. Section 161 of the Economic Opportunity Act is amended by inserting before the period at the end of the first sentence the following: ", except that he shall carry out part B until June 30, 1971". Section 504 of such Act is amended by striking out "three" and inserting "four".

ADDITIONAL MATERIAL TO BE INCLUDED IN MANPOWER REPORT

SEC. 23. Section 107 of the Manpower Development and Training Act of 1962 is amended by adding at the end thereof the following new sentence: "The President's report shall also include appropriate information with respect to educational programs which relate to the purposes of the Comprehensive Manpower Act."

A SECTION-BY-SECTION ANALYSIS OF THE COMPREHENSIVE MANPOWER ACT OF 1969

A Bill to develop and strengthen a systematic National, State, and local manpower policy and provide for a comprehensive delivery of manpower services.

SECTION 2

The purpose of the bill is to establish priorities for the allocation of manpower funds, to establish clearcut goals for a National, State and local system of manpower training, work experience, placement and other services which would focus on the needs of the individual, to coordinate the efforts of the public and private sectors in performing manpower services, to develop a closer relationship between the nation's educational institutions and the world of work, and to link manpower services more closely with economic development and agency planning which involves the development of new job opportunities.

SECTION 3

Authorization of appropriations is $2 billion for FY 1971, $2.3 billion for FY 1972, $2.5 billion for FY 1973 and $3 billion for FY 1974.

SECTION 4

Use of funds: 30% of the sums appropriated under this Act are reserved for the Secretary of Labor. The remaining 70% is to be allotted by the Secretary to the States to carry out comprehensive manpower plans.

SECTION 5

Allotments to the states are to be made on the basis of a formula including only the following four factors: 1) the proportion of the total allotment of manpower funds which the state received the previous fiscal year; 2) the proportion which the state's non-agricultural labor force bears to the nation's total non-agricultural labor force; 3) the proportion which the unemployed within a state bears to the total number of unemployed in the U.S.; and 4) the proportion which the population, age 14 through 17, in a state bears to the total population, age 14 through 17, in the U.S.

SECTION 6

Development of Comprehensive Manpower Plans: The Secretary of Labor shall enter into an agreement with the Governor of each State under which a planning group will develop a comprehensive manpower plan. The planning group is to consist of those public and private agencies within the state who are active in manpower development and training. A number of guidelines and standards must be met in such an agreement including: 1) a 3 year manpower plan describing the present and projected needs for manpower programs and setting forth long-range program objectives; 2) an annual program plan dscribing the allocation of programs, services, and activities for the coming f.y. and relating those actions to the program objectives set forth in the long-range plan; 3) the requirement that each comprehensive manpower plan give special emphasis to the employment and training needs of persons who are from poverty families using as an index of poverty the size and composition of the family and its farm or non-farm status; 4) the setting forth of priorities in terms of target groups, and varieties of programs established by the Secretary in the light of national needs; 5) the setting forth of a job placement program including the facilities of the Employment Service and other sources which will be available both to persons who have completed training under a comprehensive manpower plan and to other persons; 6) the utilization of all public, private, and non-profit agencies which are capable of contributing to the program, with priority given to skills centers and other education and training programs operated or arranged through State and local educational agencies.

SECTION 7

(a) Before the Governor may submit a plan to the Secretary, a public hearing shall be held. The comprehensive manpower plan of a State *must:* 1) place responsibility for carrying out the plan in the Governor; 2) provide for manpower programs consistent with the needs and resources of the State; 3) set forth clearly a method of administration and the organizational structure to be used in carrying out the plan; 4) meet the guidelines and standards prescribed by the Secretary; 5) be prepared by a planning group the members of which are appointed by the Governor; 6) provide for coordination of the State plan with programs carried on by metropolitan areas within the State; 7) take into consideration manpower programs carried on in connection with Model Cities, Appalachian regional development, Economic Development areas, or any other Federal or State law; 8) set forth careful fiscal control

and fund accounting procedures and 9) provide for keeping necessary records and making periodic reports to the Secretary.

(b) The comprehensive manpower plan *may* include a number of programs spelled out in the act including the following: a program for testing, counseling, and selecting for occupational training those unemployed or underemployed persons who cannot reasonably be expected to secure appropriate full-time employment without training; programs for the attainment of basic education and communications and employment skills where there is a reasonable expectation of subsequent employment; programs for on-the-job training which are to be given special consideration because they devote systematic effort to providing new opportunities for advancement through development of career ladders; programs to provide part-time employment and useful work experience for students from low-income families in the ninth through twelfth grades of school; special programs which provide the unemployed or underemployed with jobs leading to new careers; special programs which concentrate work and training resources in urban and rural areas having large concentrations of low-income, unemployed persons, and within those rural areas having substantial outmigration to urban areas; programs for needy persons who require work experience or special family and supportive services, as well as training, in order to be competitive in the labor market; programs such as Job Opportunities in the Business Sector with particular emphasis upon programs involving intra-state and local employers; skills centers to be established and operated in cooperation with the State education and other appropriate State agencies.

SECTION 8

Approval of plans: The Secretary shall not approve any State plan which fails to meet the standards and guidelines he is directed to enforce. The Secretary of HEW must give his approval to those portions of the plan related to institutional training. Each political subdivision within the State is entitled to a hearing before the Secretary. The Secretary, in turn, may not disapprove a plan without giving a State an opportunity for a hearing.

SECTION 9

Administration of plans—where the plan has changed to the point where it no longer complies with the standards and guidelines or the administration of the plan fails to comply with the plan, the Secretary shall curtail further payments of all or part of the plan until he is satisfied that there will no longer be a failure to comply.

SECTION 10

Direct funding by the Secretary—When a State fails to submit a comprehensive manpower plan within a reasonable time, the Secretary may discontinue payments and, with the Secretary of HEW, formulate and carry out the entire plan or that portion of the plan which they have vetoed.

SECTION 11

(a) The Secretary of Labor may award *incentive grants* either where a State has shown exceptional ability in developing and implementing a plan or where a State has made expenditures from non-federal sources in carrying out its plan.

(b) A separate authorization is made for incentive grants for $100,000,000 for FY 1972, $115,000,000 for FY 1973, $125,000,000 for FY 1974 and $150,000,000 for FY 1975.

SECTION 12

(a) Direct grants—The Secretary may use the sum reserved for him to fund:

1. programs which are national or multi-state in character;

2. programs carried on under Title One of MDTA;

3. programs which will supplement State plans and at the same time meet needs which are uniquely national, interstate, or regional in character;

4. programs directly involving national corporations in large-scale hiring of unemployed or low-income persons;

5. programs to supplement activities carried on under the Model Cities program;

6. educationally oriented projects which the Secretary of HEW determines have, in a manpower context, significantly modified educational procedures or developed effective linkages with industry, labor and other organizations;

7. experimentation and demonstration programs of training and education for persons in correctional institutions.

(b) In carrying out this section the Secretary shall give special emphasis to programs meeting the needs of low-income persons who are chronically unemployed.

SECTION 13

Functions of the Secretary: The Secretary is authorized to perform several functions including the use of his authority under the Wagner-Peyser Act to coordinate the activities of the Employment Service closely with the activities under this Act; the provision of funds and technical assistance to States for program planning, and of funds for further training of people who are, or will be, involved in the manpower field.

SECTION 14

1. The term "Secretary" means the Secretary of Labor.

2. The term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territories of the Pacific Islands.

SECTION 15

Advance funding: Appropriations for grants, contracts, or other payments under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year they will be available for use.

SECTION 16

Maintenance of effort: The Secretary shall not fund any State which reduces its own level of expenditures for programs of the type included under the plan.

SECTION 17

Other Agencies and Departments: The Secretary of HEW shall supervise and evaluate all instructional training provided under this Act. In order to avoid unnecessary duplication and expense, the Secretary shall use the available services or facilities of other agencies of the Federal government.

SECTION 18

An Annual Report shall be submitted covering activities carried on under this Act.

SECTION 19

Transfer of Job Corps: (a) All functions of the Director of the Job Corps under Part A of Title 1 of the Economic Opportunity Act are, as of July 1, 1969, transferred to the Secretary of Labor.

(b) So much of the personnel, property, records, and unexpended balances of appropriations as the Director of the Bureau of the Budget shall determine shall be transferred to the Department of Labor.

(c) Such further measures as the Director of the Bureau of the Budget finds necessary to effectuate the transfer shall also be taken.

SECTION 20

Repeals: Titles II, III and IV of the Manpower Development and Training Act of 1962, and Part B of Title V of the Economic Opportunity Act of 1964 are repealed, effective July 1, 1970.

SECTION 21

Effective Date: For purposes of planning, this Act shall become effective immediately. The grants to be made, however, shall not become effective until July 1, 1970.

SECTION 22

Extension of Economic Opportunity Act provision: Part B of Title I and Title V of the Economic Opportunity Act are extended for one addtional year and these provisions will, therefore, not expire until June 30, 1971.

SECTION 23

Additional material to be included in the Manpower Report: Section 107 of Title I of MDTA is amended to include appropriate information with respect to educational programs which relate to the purposes of the Comprehensive Manpower Act.

Mr. Speaker, in the bill there are four criteria specified to serve as the bases for the formula by which the Secretary of Labor will allocate to the various States funds with which to operate their comprehensive manpower programs. While under the bill the Secretary will be allowed necessary flexibility for effective administration of the law, Congress will still have exercised its function by specifying the criteria on which the decisions of the Secretary will be based. We provide the "what" of the standards; the Secretary provides the "how."

The four criteria are specified in section 5 of the bill. They are: First, the average number of the unemployed in each State; second, the size of the nonagricultural work force in each State; third, the number of teenagers in the State; and finally, the relative size of the allocations previously received by each State for manpower purposes, as measured by the 1968 allocation of manpower funds.

The use of the 1968 allocation enables us to build on existing experience, but provides continuity in administration. The other three factors introducing weightings which allow for the relative size of the adult population in the labor force but not working; the size of the employed nonagricultural labor force, and the entrance group of workers. Teenagers are not adequately represented in proportion to their number in the labor force figures themselves.

As an example of how these criteria would allocate funds to the States for their comprehensive manpower programs, I include at this point a table indicating the percentage distribution by State, using the new criteria in this act and giving each equal weight in the formula, and an illustrative distribution of the 70 percent of the 1968 manpower funds for the programs to be included within the Comprehensive Manpower Act of 1969 which would be allocated to the States:

PERCENTAGE DISTRIBUTION BY STATE AND AN ILLUSTRATIVE DISTRIBUTION OF THE 1968 MANPOWER FUNDS BY STATE USING THE FORMULA IN THE COMPREHENSIVE MANPOWER ACT OF 1969

State	Percentage distribution of the allotment	1968 manpower fund distribution (millions)
Alabama	1.82	$10.1
Alaska	.24	1.3
Arizona	.87	4.8
Arkansas	1.01	5.6
California	10.14	56.3
Colorado	.97	5.4
Connecticut	1.46	8.1
Delaware	.23	1.3

PERCENTAGE DISTRIBUTION BY STATE AND AN ILLUSTRATIVE DISTRIBUTION OF THE 1968 MANPOWER FUNDS BY STATE USING THE FORMULA IN THE COMPREHENSIVE MANPOWER ACT OF 1969—Continued

State	Percentage distribution of the allotment	1968 manpower fund distribution (millions)
District of Columbia	1.45	$8.1
Florida	2.43	13.5
Georgia	2.06	11.4
Hawaii	.38	2.1
Idaho	.30	1.7
Illinois	5.20	28.8
Indiana	2.26	12.5
Iowa	1.21	6.7
Kansas	.86	4.8
Kentucky	1.65	9.2
Louisiana	1.77	9.8
Maine	.55	3.1
Maryland	1.56	8.7
Massachusetts	2.83	15.7
Michigan	4.19	23.2
Minnesota	1.91	10 6
Mississippi	1.18	6.6
Missouri	2.27	12.6
Montana	.41	2.3
Nebraska	.62	3.4
Nevada	.27	1.5
New Hampshire	34	1.9
New Jersey	3.58	19.9
New Mexico	.60	3.4
New York	9.38	52.1
North Carolina	2.41	13.4
North Dakota	.29	1.6
Ohio	4.61	25.6
Oklahoma	1.19	6.6
Oregon	1.06	5.9
Pennsylvania	5.19	28.8
Rhode Island	.49	2.7
South Carolina	1.35	7.5
South Dakota	.32	1.8
Tennessee	2.30	12.7
Texas	4.80	26.6
Utah	.51	2.8
Vermont	.20	1.1
Virginia	1.84	10.2
Washington	1.59	8.8
West Virginia	.94	5.3
Wisconsin	2.03	11.3
Wyoming	.15	.8
Total, United States	97.28	554.9

FEDERAL EMPLOYEES' HEALTH INSURANCE COSTS

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

Mr. HALPERN. Mr. Speaker, I have today introduced a bill to require the Federal Government to assume, in stages, the full cost of the health insurance which since 1960 has been available to Federal employees. My bill provides that the Government's share of the cost of health insurance for Federal employees shall rise to 50 percent of the cost after June 1969, to 75 percent of the cost after June 1970, and to the full cost after June 1971.

When health insurance was first made available to Federal employees the Federal Government paid about two-fifths of the cost and the employee paid about three-fifths of the cost. However, as things have worked out, because of dollar limits on the amount the Federal Government can pay toward any individual's health insurance, the rising cost of health insurance has resulted in employees paying an average of over 70 percent of the cost.

Progressive employers, all over the country, provide health insurance to their employees at no cost. In fact, since the amounts paid out for employees' health insurance is a cost of doing business, and, therefore, not taxable income, one can say that the Federal Government pays a part of the cost of health insurance for employees in private industry. And, with corporate tax rates being what they are, in some cases the Government share for private employees is more than the Government pays for its own employees.

It is time, Mr. Speaker, for the Federal Government to take the same action in regard to its employees that progressive employers everywhere have taken with regard to their employees. If we do not do something, and do it soon, Federal employees will be priced out of the health insurance market.

I would call this body's attention to the fact that I am not alone in crying out against the unfair treatment Federal employees receive in regard to health insurance. On the very first day of this Congress the honorable gentleman from New Jersey (Mr. DANIELS)—who is so knowledgeable about matters relating to the retirement and health benefits provided Federal employees—introduced a bill identical to my bill. At that time he pointed out the urgent need "to relieve employees and annuitants of the unfair burden of continuing to assume the lion's share of constantly spiraling costs."

Mr. Speaker, I join with the gentleman from New Jersey in urging prompt action on this proposal. Health care costs continue their rapid rise. As health care costs rise, health insurance costs must rise. Under the present program, employees and annuitants must bear the full burden of rising costs. Therefore, we must act to relieve them of their disproportionate burden.

AMENDING SOLID WASTE DISPOSAL ACT

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

Mr. TIERNAN. Mr. Speaker, a generation ago, the terms solid waste and litter were virtually unknown. Solid waste, until recently, was just plain garbage and people did not worry so long as it was properly disposed of.

Litter has been around as long as there have been people. It is mentioned in the histories of early Rome, and Shakespeare's father was once fined for littering. But it was not considered a problem until the advent of the packaging revolution and the automobile which made people sufficiently mobile to litter the entire national landscape.

Consumers today discard over 5 pounds of refuse a day, per capita, and projections show this will double by 1975 and may triple by 1980. Few people worried or spoke about this problem even as late as 1960. By 1965, the problem in urban areas reached the crisis stage, so that the Solid Waste Disposal Act of 1965 was enacted. Action has been faster since then, mainly due to the latent nature of the problem. Attention thus far has been principally focused on municipalities and local governments. Unfortunately, the public's commitment to this problem has been inadequate. While we have developed elaborate systems of transportation, organization, and management to bring goods to the consumer, we have left the major questions of disposal and reuse of our wastes unanswered.

Senator MUSKIE, when introducing this bill in the Senate last week, stated:

In our current view, materials are relatively cheap. We buy, we use, and we throw away.

Senator MUSKIE referred to the statement of Austin C. Daley, chief of the division of air pollution control of the Rhode Island Department of Health, given during a hearing before the Senate Subcommittee on Air and Water Pollution at Boston on April 10. Mr. Daley stated:

We are a nation of users, not consumers.

Mr. Daley, a nationally recognized expert in the field of solid wastes management, also pointed out:

In our efforts to cope with this problem, we must recognize that we can neither create nor destroy matter.

Mr. Speaker, with this in mind, I am today introducing the Resource Recovery Act of 1969. This bill would amend and strengthen the Solid Waste Disposal Act of 1965. It would also extend the provisions of that act for an additional 4 years. Two new provisions incorporated within this legislation are:

First, the Secretary of Health, Education, and Welfare is directed to conduct studies and report to the President and the Congress on economical means of recovering useful materials from solid wastes, recommended uses of such materials for national and international welfare, and the market of such recovery; recommended incentive programs—including tax incentives—to assist in solving the problems of solid waste disposal; and recommended changes in current production and packaging practices to reduce the amount of solid wastes. The Secretary also would be authorized to carry out demonstration projects to test and demonstrate the recovery techniques developed by these studies.

Second, the Secretary would be authorized to make grants to any State, municipality, or interstate or intermunicipal agency for the construction of solid waste disposal facilities, with incentives for new and improved methods for dealing with solid wastes.

The Solid Waste Disposal Act of 1965 was just a beginning. If we are to effectively manage our refuse, we must first effectively utilize our resources. Billions of dollars in raw materials are now being wasted. We can no longer afford this waste. This bill, the Resource Recovery Act of 1969, will help us meet this pressing problem. I urge my colleagues to join with me in supporting this vital legislation.

Mr. Speaker, for the further edification of my colleagues, I insert the text of the bill and Mr. Daley's remarks at this point in the RECORD:

H.R. 10916

A bill to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such Act, 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 "Resource Recovery Act of 1969."

SEC. 2. Section 203 of the Solid Waste Disposal Act is amended by inserting at the end thereof the following:

"(7) The term 'municipality' means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over the disposal of solid wastes."

SEC. 3. (a) Subsection (a) of section 204 of the Solid Waste Disposal Act is amended by striking out all beginning with "the development and application" through the end of such subsection and inserting in lieu thereof the following: "the reduction of the amount of such waste and unsalvageable waste materials, and the development and application of new and improved methods of collecting and disposing of solid waste and processing and recovering usable materials from solid waste (including devices and facilities therefor)."

(b) Such section 204 is further amended by striking out subsection (d).

SEC. 4. The Solid Waste Disposal Act is amended by redesignating sections 205 and 206 as section 206 and 207, respectively, and by inserting after section 204 a new section as follows:

"SPECIAL STUDY AND DEMONSTRATION PROJECTS ON RECOVERY OF USEFUL MATERIALS

"SEC. 205. (a) The Secretary of Health, Education, and Welfare shall as soon as practicable carry out an investigation and study to determine—

"(1) economical means of recovering useful materials from solid waste, recommended uses of such materials for national or international welfare, and the market impact of such recovery;

"(2) appropriate incentive programs (including tax incentives) to assist in solving the problems of solid waste disposal; and

"(3) practicable changes in current production and packaging practices which would reduce the amount of solid waste.

"(4) practicable methods of collection and containerization which will encourage efficient utilization of facilities, and contribute to more effective programs of reduction, reuse, or disposal of wastes.

The Secretary shall report the results of such investigation and study to the President and the Congress.

"(b) The Secretary is also authorized to carry out demonstration projects to test and demonstrate recovery techniques developed pursuant to subsection (a).

"(c) The authority contained in section 204 for the purpose of carrying out research and demonstration projects shall be applicable to the provisions of this section."

SEC. 5. Section 207 of the Solid Waste Disposal Act, as redesignated by the previous section of this Act, is amended to read as follows:

"GRANTS FOR STATE, INTERSTATE, AND LOCAL PLANNING

"SEC. 207. (a) The Secretary may from time to time, upon such terms and conditions consistent with this section as he finds appropriate to carry out the purposes of this Act, make grants to State, interstate, municipal, and intermunicipal agencies, and organizations composed of public officials which are eligible for assistance under section 701(g) of the Housing Act of 1954, of not to exceed 66⅔ per centum of the cost in the case of a single municipality, and not to exceed 75 per centum of the cost in the case of an area including more than one municipality, of (1) making surveys of solid waste disposal practices and problems within the jurisdictional areas of such agencies and (2) developing solid waste disposal plans as part of regional environmental protection systems for such areas, including planning for the reuse, as appropriate, of solid waste disposal areas and studies of the effect and relationship of solid waste disposal practices on areas adjacent to waste disposal sites, and not to exceed 50 per centum of the cost of overseeing the implementation, including enforcement, and modification of such plans.

"(b) Grants pursuant to this section shall be made upon application therefor which—

"(1) designates or establishes a single agency as the sole agency for carrying out the purposes of this section for the area involved;

"(2) indicates the manner in which provision will be made to assure full consideration of all aspects of planning essential to areawide planning for proper and effective solid waste disposal consistent with the protection of the public health, including such factors as population growth, urban and metropolitan development, land use planning, water pollution control, air pollution control, and the feasibility of regional disposal programs;

"(3) sets forth plans for expenditure of such grant, which plans provide reasonable assurance of carrying out the purposes of this section;

"(4) provides for submission of a final report of the activities of the agency in carrying out the purposes of this section, and for the submission of such other reports, in such form and containing such information, as the Secretary may from time to time find necessary for carrying out the purposes of this section and for keeping such records and affording such access thereto as he may find necessary to assure the correctness and verification of such reports; and

"(5) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the agency under this section.

"(c) The Secretary shall make a grant under this section only if he finds that there is satisfactory assurance that the planning of solid waste disposal will be coordinated, so far as practicable, with, and not duplicative of, other related State, interstate, regional, and local planning activities, including those financed in part with funds pursuant to section 701 of the Housing Act of 1954."

SEC. 6. The Solid Waste Disposal Act is further amended by redesignating the last four sections in such Act as sections 211 through 214, respectively, and by inserting after section 207, as redesignated by this Act, the following new sections:

"GRANTS FOR CONSTRUCTION

"SEC. 208. (a) The Secretary of Health, Education, and Welfare is authorized to make grants pursuant to this section to any State, municipality, or interstate or intermunicipal agency for the construction of solid waste disposal and resource recovery facilities, including completion and improvement of existing facilities.

"(b) Any such grant—

"(1) shall be made for a project only if it is consistent with any State or interstate plan for solid waste disposal, is included in a comprehensive plan for the area involved which is satisfactory to the Secretary for the purposes of this Act, and is consistent with any standards developed pursuant to section 209;

"(2)(A) shall be made in amounts not exceeding 25 per centum of the estimated reasonable cost of the project as determined by the Secretary in the case of a project serving a single municipality and not exceeding 50 per centum of such cost in the case of a project serving an area including more than one municipality, and only if the applicant is unable to obtain such amounts from other sources upon terms and conditions equally favorable;

"(B) notwithstanding any other provision of this paragraph, the Secretary may increase the amount of a grant made under (A) by an additional 50 per centum of such grant for any project which utilizes new or improved techniques of demonstrated usefulness in reducing the environmental impact of solid waste disposal, recovery of resources or recycling useful materials.

"(3) shall not be made until the applicant has made provision satisfactory to the Secretary for proper and efficient operation and maintenance of the project after completion;

"(4) shall not be made unless such project is consistent with the purposes of the Federal Water Pollution Control Act and the Clean Air Act; and

"(5) may be made subject to such conditions and requirements, in addition to those provided in this section, as the Secretary may require to properly carry out his functions pursuant to this Act.

"(c) In determining the desirability of projects and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of the project to the public interest and to the public necessity for the project, and the use by the applicant of comprehensive regional or metropolitan area planning.

"(d) Not more than 15 per centum of the total of funds appropriated for the purposes of this section in any fiscal year shall be granted for projects in any one State. In the case of a loan for a program in an area crossing State boundaries, the Secretary shall determine the portion of such grant which is chargeable to the percentage limitation under this subsection for each State into which such area extends.

"RECOMMENDED STANDARDS

"SEC. 209. (a) The Secretary of Health, Education, and Welfare shall, in cooperation with appropriate State, interstate, and regional and local agencies, within eighteen months following the date of enactment of this section, recommend to appropriate agencies standards for solid waste collection and disposal systems (including systems for private use) which are consistent with health, air, and water pollution standards and can be adapted to applicable land use plans.

"(b) Further, the Secretary shall, as soon as practicable, recommend model codes, ordinances, and statutes which are designed to implement this section and the purposes of this Act.

SEC. 6. (a) Subsection (a) of section 214 of the Solid Waste Disposal Act, as redesignated by this Act, is amended by striking out "not to exceed $19,750,000 for the fiscal year ending June 30, 1970." and inserting in lieu thereof the following: "not to exceed $46,000,000 for the fiscal year ending June 30, 1970, not to exceed $83,000,000 for the fiscal year ending June 30, 1971, not to exceed $152,000,000 for the fiscal year ending June 30 1972, not to exceed $216,000,000 for the fiscal year ending June 30, 1973, and not to exceed $236,000,000 for the fiscal year ending June 30 1974. The sums so appropriated shall remain available until expended."

STATEMENT OF AUSTIN C. DALEY, CHIEF OF THE DIVISION OF AIR POLLUTION CONTROL, RHODE ISLAND STATE DEPARTMENT OF HEALTH, BEFORE HEARING OF U.S. SENATE SUBCOMMITTEE ON AIR AND WATER POLLUTION, UNDER CHAIRMANSHIP OF SENATOR EDMUND S. MUSKIE, AT BOSTON CITY HALL COUNCIL CHAMBER, APRIL 10, 1969

My name is Austin C. Daley. I am the Chief of the Division of Air Pollution Control of the State of Rhode Island. Prior to my present position for seven years I was Director of the Air Pollution Control Department of the City of Providence, Rhode Island. I am a registered professional engi-

neer in Rhode Island and a Diplomate in the American Academy of Environmental Engineers. I have been a member of the Air Pollution Control Association for 20 years.

First, I would like to express my appreciation to Senator Muskie and the Senate Subcommittee on Air and Water Pollution for the honor of receiving an invitation to testify here today.

The problems in solid waste disposal in Rhode Island are basically no different from any other Atlantic coastal state. They are growing rapidly and will soon reach nightmare proportions. At present the two most satisfactory methods of disposing of this waste are by means of the sanitary landfill and by the reduction of combustible waste by incineration. Unfortunately, there are very few municipal incinerators in this country that do not cause air pollution, and the residue from these incinerators also has to be deposited in a landfill. Lack of space, particularly in congested urban areas, makes it apparent that the landfill is not a long-range solution, and science will have to come up with a breakthrough in research as to a satisfactory method of disposal. Since private industry has not been successful in devising solutions, greater support for this research must be given to the Solid Wastes Program of the United States Public Health Service and to the universities which are working on solid waste disposal projects. It is imperative that we come up with answers before our urban society chokes in its own solid waste.

In our efforts to cope with this problem it is important that we recognize two basic facts: first, we can neither create nor destroy matter and, second, we are a nation of users, not consumers.

However, while waiting hopefully for the needed breakthrough in solid waste disposal, whether it be in recycling and re-use of material or a more efficient reduction process, we must meanwhile make a greater effort to improve conditions with the means we have at hand. One of the most serious solid waste disposal problems is created by the nation's largest industry, i.e. junked car bodies. Millions of them are being left on our streets and open spaces annually.

On October 9, 1968 the Rhode Island Division of Air Pollution Control sponsored a conference on the disposal of junked car bodies which was well attended by scrap metal dealers, including out-of-state people, a representative from the Institute of Scrap Iron and Steel in Washington and many state and federal health officials. We were told that this was the first conference of such scope ever held in this country. We offered several plans for cooperation among the scrap metal dealers. These schemes included a big nuisance-free incinerator financed on a cooperative venture by members of the industry. Such cooperative arrangements have been worked successfully by dairy farmers and fishing fleets for years. To our disappointment very little enthusiasm was manifested by those in attendance. Today many still continue to strip car bodies and dispose of components by clandestine open fires, usually burning after dark. For obvious reasons this arrangement is bad, particularly when it is realized that the junked car dealers, in picking up these abandoned cars, are performing a useful solid waste disposal function.

The automobile industry should be induced and encouraged to work out with the scrap metal dealers a coordinated, efficient and inoffensive system of processing these junked cars for steel reclamation. Similar steps should be taken to encourage the manufacturers of glass and plastic bottles and containers and aluminum cans to assist in devising means in the proper disposal of the solid waste they create. We are confident that this committee has heard these views expressed before, but we in Rhode Island want to add our voice to those in other states as to the urgency of the solid waste problem confronting this country.

Those of us engaged in fighting air and water pollution and tackling solid waste problems have found that our activities overlap, and we are in fact members of a team battling for environmental survival. Because of the interstate travel of pollution, the role of the federal government in combatting it has, of necessity, been increased, and we in Rhode Island appreciate both the financial and professional assistance we have received from federal agencies. However, we would like to point out, particularly in two great undertakings of the federal government, some activities creating serious solid waste problems that are not being handled properly.

The Department of Transportation pays for 90 percent of the interstate highway program costs, and this road construction frequently entails the removal of miles of trees and brush and hundreds of buildings in the path of a new highway. In Rhode Island the contractors clear this brush by burning it. Since they claim the brush is green, even in winter, they always lace it with old auto tires to sustain combustion. The resulting heavy pollution is visible for miles.

We have repeatedly protested against this pollution but our state law does not give us authority over this type of open burning. It is under the authority of the municipality where it takes place and, although nearby residents often complain, no city or town has ever made a move to stop it. We have suggested that a logging and wood chipping program be inaugurated. These chippers can handle logs up to eight inches in diameter and wood chips make excellent mulch. So far our suggestions have been fruitless and it is particularly frustrating, after the pavement is poured, to witness the arrival of truckloads of expensive wood chip mulch to be spread on the banks for highway beautification. We believe that to chip the brush and store it at the site would not only eliminate air pollution, but would result in considerable savings. We also object to the open burning of buildings that have to be removed from the path of the highways, but we will offer our proposed solution for this problem in our discussion of urban renewal demolition.

Virtually all of Rhode Island's 39 municipalities have present or future plans to participate in urban renewal programs under the Department of Housing and Urban Development grants, which provide from two-thirds to three-quarters of total project cost. This will necessitate the razing of approximately 1,900 buildings in the next five years in our little state. Sometimes these buildings are burned on the site. Our colleagues in the Massachusetts Air Use Management Division can tell you about the evils of this practice. A few years ago scores of buildings were burned down for urban renewal clearance at this very spot where we are meeting today. The Boston urban renewal people were interested solely in creating this present attractive downtown complex. Vast quantities of poisons and dust entering the atmosphere were of no concern to them. This same attitude is frequently displayed by the people building our interstate highways.

Since these two activities, interstate highway construction and urban renewal, are so heavily financed by federal agencies, we feel that the Department of Transportation and HUD have a responsibility to make arrangements for decent waste disposal as part of their projects when they are in the planning stages. In a broad sense, these two government agencies are engaged in manufacturing and all manufacturing processes generate waste. We cannot ask the Rhode Island city of Central Falls, with 19,000 people in its 1.27 square mile area, to find room to dispose of the rubble and timber from a cluster of buildings demolished in the path of a highway or urban renewal. The same situation holds true for most of our congested cities.

We feel that when all the interstate highway programs and urban renewal projects are on the drawing boards, a Solid Waste Program expert from the U.S. Public Health Service should be included as an integral member of the planning team, and he should stay with each project until its completion. His duties would be to plan for the proper removal and disposal of all solid waste. In the highway projects he would arrange for the logging and chipping of brush and the carting of rubble and timber from demolished buildings to a proper disposal site. The disposal of demolition debris would be coordinated with urban renewal waste disposal.

For demolition debris disposal the solid waste disposal engineer would select sites for a defined region which could conceivably cover an area as large as Rhode Island and southeastern Massachusetts. All demolition debris would be trucked in suitable vehicles without spillage to the disposal site where adequate personnel and equipment would work the landfill. If the disposal sites have sufficient area, municipalities could deposit other solid wastes there on a fee basis.

This would cost money but comparatively little when computed as a proportionate cost of the entire project. And air pollution is costing us more than money today. It is a sad commentary on our affluent society when we permit these vast, polluting open fires to vitiate our atmosphere because of economics. Solid waste dispostal is a vital function in any urbanized community, and it should not be neglected because it costs money. Soap, hot water, towels, toothpaste and brushes cost money but, because of this, should we discard personal hygiene? Since the activities of federal agencies create some of our biggest solid waste problems, these departments should set the pace in decent solid waste disposal. By doing so, they would be offering a splendid example for our states and municipalities to follow. The U.S. Public Health Service Solid Waste Program has the experts to provide the know-how as planning team members for all future highway and urban renewal projects. Let us put these people to work immediately.

PLANS FOR ENDING THE VIETNAM WAR

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

Mr. EDWARDS of California. Mr. Speaker, recently a distinguished American scholar with great experience in international affairs outlined what I believe is a sound plan for ending the Vietnam war, Dr. Richard A. Falk, professor at the Center for Advanced Study in the Behavioral Sciences at Stanford University, former professor of international law at Princeton University, former counsel to the Senate Foreign Relations Committee and to the U.S. Arms Control and Disarmament Agency, and counsel before the International Court of Justice, made his proposals in a speech April 7, 1969 in Portland, Oreg.

I recommend Dr. Falk's views, and while I know that President Nixon said during the recent presidential campaign he had a plan to end the Vietnam war, I would suggest he also study this proposal. President Nixon's plan for the Vietnam war has not become clear during the first 100 days of his administration, and perhaps application of Dr.

Falk's proposal would make that plan clearer.

I believe Professor Falk has outlined a workable proposal to end the Vietnam war and I include it in the RECORD so all of us may have the opportunity to study it:

ENDING THE VIETNAM WAR: SOME PREMISES AND A PLAN

(By Richard A. Falk)

1. By now it should be evident to all that the United States military mission has been able to prevent victory by the National Liberation Movement. This mission has been accomplished at great cost in blood, treasure, and prestige. Even in the United States important sectors of our society have lost confidence in the integrity and wisdom of the government. In Vietnam the damage and devastation is awesome, and it is continuing: more tonnage of bombs is dropped per month on the tiny agricultural country of South Vietnam than on the whole of Europe during the height of World War II.

2. Why have the costs been so great to accomplish such a meager political mission? To prevent, in reality to delay an NLF victory is very different than securing victory on behalf of the Saigon regime. Not long ago, the Presidential Adviser, Henry Kissinger wrote: "the guerrilla wins if he does not lose. The conventional army loses if it does not win." (*Foreign Affairs*, Jan. 1969, p. 214). Why have more than 535,000 American troops, supported by the greatest arsenal of weaponry ever known (the helicopter support has been estimated as alone worth more than 1,000,000 combat troops) been unable to achieve victory, especially when fighting alongside more than 1,000,000 troops of the Saigon armies? We have been able to destroy but not to prevail, because in a war of revolutionary nationalism it is the allegiance of the people that finally and decisively counts. The Saigon regime is isolated to such an extent that most leaders of non-Communist political groups are in jail for advocating some kind of political compromise to end the war. To advocate in Saigon what is official South Vietnamese policy in Paris continues to be a serious crime. As recently as March 15, Thich Tien Minh, one of the few Buddhist student leaders not yet in prison, was arrested with fifty student followers and sentenced to 10 years of hard labor. His crime: the advocacy of peaceful settlement through negotiations and a coalition government.

3. The Saigon regime knows that it cannot survive peace. If the present rulers are lucky they will physically escape the wrath of their countrymen. When the Americans leave the government of Thieu and Ky is almost certain to collapse. The leaders in Saigon have demonstrated that they understand that their fate is linked to the continuation of the war and to the maintenance of the massive American presence: hence, they opposed President Johnson's original limited bombing halt as of March 31, 1968, and they have opposed the complete halt of bombing North Vietnam as of October 31, 1968 and have advocated the resumption of bombing in the North ever since; hence, they opposed the Paris negotiations and have done all in their power to obstruct the continuation of peace talks; hence, they imprison all moderate anti-Communist political leadership in South Vietnam.

4. Why, then, does the Saigon regime propose to meet directly and secretly with the NLF to discuss a settlement? It is a tactic designed to confuse the American government and to undermine criticism. It is not a serious offer of a political compromise. In fact, the probable objective of the Saigon government is to demonstrate that no settlement can be reached by non-military means. The conclusion, then, is as follows: it is impossible to settle the war in Vietnam by negotiations if a condition is that the terms of settlement should be acceptable to the present government of South Vietnam.

5. If this analysis is correct, then what should the United States do about it? If it does nothing, then the prospects are for a continuation of the military stalemate, with high casualties, periodic bursts of official optimism (never gloom), and a renewed and rising cycle of protest and repression here at home. President Nixon's 100 days of domestic grace are drawing to a close. At present, there is little leverage that the United States possesses. Secretary of Defense, Melvin Laird recently returned from South Vietnam with the startling discovery that no Americans should be withdrawn until all North Vietnamese troops have left South Vietnam *and* the armies of the Saigon regime have received training and modern equipment such as to provide "an indigenous capability." Only then can they avoid defeat, prevent political collapse, and hope to hold their own against the NLF. The military and political balance remains highly unfavorable and the glimmer of light all but disappears from the end of the tunnel. We are, in effect, saying to Hanoi that it must unilaterally withdraw its troops from South Vietnam, and, then, perhaps, if we have built up the armies of Saigon sufficiently we will begin to withdraw. This is obviously untenable. Beyond this, it would not be likely to work. The failure of the South Vietnamese Armed Forces has been primarily a matter of its unwillingness to fight against the NLF. One never hears about the inabilities of the DRV or NLF to fight the American forces, despite their complete exposure to American bombing patterns and their markedly inferior equipment and firepower.

The bitter irony is that the Vietnamese on our side are a conscript, mercenary army that, by and large, lacks any political will; the American military units engage in more combat with far greater motivation. The war cannot be won, defeat can be prevented indefinitely at high costs; in such circumstances Saigon has no incentive at all to seek a political compromise.

6. What should be done? The United States should begin to withdraw its armed forces at the rate of between 50,000 and 100,000 per two months so long as (1) Sagion keeps non-Communist third force political leaders in prison and discourages third force politics; (2) Saigon fails to broaden its regime to include moderates, including several prominent figures who have advocated a political compromise; (3) Hanoi reciprocates to the extent of avoiding major initiations of military combat and withdraws or keeps withdrawn an equivalent percentage of its own forces. The American withdrawal should take place in a certain context of ambiguity so as to enable maximum leverage over both the Saigon regime and over the NLF and Hanoi, that is, by providing the former with incentives to terminate the withdrawal process and the latter with incentives to continue it. The United States would finally recover some initiative and be in a position to exert some leverage. In any event, the stalemate would be broken, a way down and out would have been created, and some alternative found to the present cruel and destructive war of attrition. Almost anything is better than what we are doing now. Either the Saigon regime cooperates in the search for a compromise or it collapses or it demonstrates, most unexpectedly, its capacity to fight on alone.

7. Finally, we need to have some idea about the character of a political compromise. In essence, there would need to be three main groups represented in a coalition national government; the NLF, the third force constituencies, and the army and civil service. It would be essential to have a strong moderate as Minister of the Interior, that is, as the person in charge of police functions in post-war South Vietnam. A provisional coalition government can most effectively be established by negotiations rather than elections. The completion of the process of withdrawing foreign forces should be scheduled to occur during a transitional period no longer than 18 months. Several international observation teams could be gradually built up during this period staffed by neutral and distant countries and supported by neutral financing.

One observation team would observe elections on a village and province level and another would investigate and report on allegations of reprisal. National elections open to all parties and all platforms (including planks on reunification) would be scheduled to occur within two years of the ceasefire. A Vietnam Reconstruction Agency, staffed by international civil servants and funded from American and possibly other sources, would give aid to the governments in Saigon and Hanoi for purposes of reconstruction. Reunification, if it occurs, would be the result of negotiations between the elected governments of North and South Vietnam. Within three months of a ceasefire, however, normal economic, cultural, and social relations between the two parts of Vietnam would be re-established. Serious consideration should also be given to encouraging a free trade area among all parts of what was formerly Indochina. A separate conference of principal world states should be convened before national elections are scheduled so as to ratify the Vietnam settlement, re-examine the prospects for reinvigorating the neutralization plan for Laos, and explore the possibility of securing some kind of endorsement of principles of peace for Asia by China, the United States, and the Soviet Union.

8. The proposal, in summary, has the following constituent parts:*

Phase I: immediate incremental withdrawal of U.S. forces, at the rate 50,000–100,000 per two months, terminable by major DRV–NLF escalation of war *and* GVN failure to release political prisoners, broaden its regime, and permit third force politics to occur.

Phase II: negotiated settlement:

Offensive, then total, cease-fire followed by the complete withdrawal of foreign forces and substantial disarmament of domestic armed forces of NLF and ARVN within 3–6 months.

Coalition government (NLF, army-civil service, third force groups) (strong control of police by third force Minister of Interior).

Observed elections in stages (local, province, national) to be completed within two years of cease-fire. National elections will not be held in the event that the observer group directorate recommends their postponement.

Gradual build-up to 10,000 of international observer group with distinct teams having investigative and reporting functions and independent funding in relation to political activity and complaints of reprisal.

Reunification, if at all, by free intergovernmental negotiations *following* national elections in South Vietnam or, in the event elections are postponed no sooner than five years from the date of formal cease-fire; normalization of releases between North and South Vietnam within three months after total cease-fire.

Economic reconstruction planned according to the priorities of the two governments, funded by the United States at $1–2 billion per year for a minimum of three years, and administered by a small agency staffed by international civil servants.

Guarantees and pledges by all parties on reprisals and an offer of political asylum by the United States to as many as 10,000 Vietnamese.

Conference of guaranty to ratify the settlement in Vietnam, scheduled to occur after

*The more detailed reasoning of the fuller document can be obtained by request from the author.

the cease-fire and before the national elections; China, the Soviet Union, and the United States are essential participants and would seek to agree to a code of behavior to maintain peace in the area. India, Japan, and possibly France, Australia, and Pakistan would also be invited to participate.

Phase III: sustaining peace:

Partial or total withdrawal of observer groups within 30 days at the discretion of the head of the elected national governments in South Vietnam or, in the event elections are not held, by the provisional government at any time after three years from the date of ceasefire.

Annual meeting of the conference of guaranty to review progress toward peace in Asia and examine opportunities for neutralization of countries vulnerable to intervention.

Normal diplomatic and economic relations between the United States and all Asian countries, including North Vietnam and China.

THE PRESIDENT'S CRUSADE FOR DECENCY

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

Mr. RARICK. Mr. Speaker, the countless letters and protests of concerned parents petitioning their Government for help in protecting their children—and their homes—from invasion of unwholesome sex-oriented materials has been heard.

President Nixon has called for a three-pronged legislative program to assist the mothers and dads—our decent society—toward reasonable protection from grossly obscene matter distributed through the U.S. mail.

The administration's program is necessary and urgent. I commend the President for his acknowledgement of this serious threat against our youth and for his leadership in urging long overdue corrective action.

I support the President's program for decency and urge prompt enactment of legislation to offset these degrading influences which have been unleashed against society by recent Federal court rulings.

Mr. Speaker, the President has called for more than action by Congress. He has, in fact, called for a citizens' crusade for decency—taking the profit out of pornography, obscenity, and perversion, through inaction—that is, not buying it.

I hope all will heed his words:

The ultimate answer lies not with the government but with the people. What is required is a citizens' crusade against the obscene. When indecent books no longer find a market, when pornographic films can no longer draw an audience, when obscene plays open to empty houses, then the tide will turn. Government can maintain the dikes against obscenity, but only the people can turn back the tide.

The citizens' petition has been received and must be promptly acted upon. We can enact the called-for legislation, but let us go further. Let us also encourage our citizens at home to join in turning back the tide of obscenity by shunning it.

Success in this endeavor can only be achieved by the concerted action of the people at home.

DISTRICT OF COLUMBIA—PROGRESS REPORT

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

Mr. RARICK. Mr. Speaker, events over the past weekend here in our Nation's Capital are most appalling, considering the suggestions of some that the citizens will be competent to govern the District.

Conditions have so worsened that the employees at St. Elizabeths mental institution protest transfer to the District control.

Marines can not even exercise their civil rights to walk a date without being assaulted. Servicemen might expect an attack in Vietnam and be ready, but visiting their Nation's Capital, they carry no weapons.

Church services are subject to armed holdup in broad daylight and the deacons relieved of the offering—while the congregation is at worship.

Hobson, the insurrectionist member of the elected school board—a self-professed Marxist—has already announced his candidacy for Mayor or Congressman, if District of Columbia home rule is granted.

Is home rule proposed to give a right to vote—or, if granted, would it but give control of the Nation's Capital to a violent and irresponsible fraction of the Nation's population?

I include several clippings from the local papers, as follows:

[From the Washington (D.C.) Star, May 4, 1969]

HOLDUP MEN HIT AREA CHURCH, TAKE $30,000

Three men, two armed, stole an estimated $10,000 in cash and $20,000 in checks collected as offering yesterday during services at Sligo Seventh Day Adventist Church, Flower and Carroll Avenues, Takoma Park.

The robbery occurred about 11:30 a.m., police said, as two deacons were taking money collected during the 11 a.m. service to the treasurer's office in the rear of the church.

The deacons were confronted in the hall by three men, who police described as being in their early twenties and "well-dressed in mod-type clothes." One of the men had a beard, police said, and two of the men were armed with .45-caliber pistols.

The deacons were forced to go to the treasurer's office, police said, where six other deacons were counting the money collected at both the 9 a.m. and 11 a.m. services.

The deacons were bound with masking tape, and the robbers escaped. No one was injured. One of the deacons freed himself and called police about 11:45 a.m.

Police said that the congregation was unaware that the robbery was taking place, and that the service was concluded in the main auditorium.

[From the Washington (D.C.) Post, May 2, 1969]

ST. ELIZABETHS EMPLOYEES FIGHT TAKEOVER BY CITY

(By Stuart Auerbach)

St. Elizabeth's Hospital employes opened a campaign yesterday to stop the transfer of the 5000-patient mental hospital here from the Federal Government to the District.

At a series of five meetings Wednesday and yesterday, employes formed a "Committee of 1000" to lobby in Congress, the District Building and the Department of Health, Education and Welfare against a change.

Another group of employes, represented by Local 1 of the Government Workers Union, favors the transfer, president Lenzeil Ruffin said. He said the District government is easier to deal with on employe problems than is HEW.

The transfer from the National Institute of Mental Health was recommended by HEW and approved on a staff level by the Bureau of the Budget. Committees are currently studying the mechanics of the transfer, which an HEW source said was months away.

District Health Director Dr. Murray Grant wants the city to run St. Elizabeths since it supplies most of the patients and 85 per cent of the money.

"At first blush this seems quiet reasonable," said the Rev. Joseph O'Brien, a Catholic chaplain at St. Elizabeths for 10 years and an organizer on the Committee of 1000.

But, he added, "there is a great deal of dissatisfaction and disgruntlement with the present level of performance of the Health Department."

He said that the Federal Government spends $7.3 million a year at St. Elizabeths in subsidies, training and research that will be lost if the District takes over.

In addition, Father O'Brien said, one-third of the Hospital's 122 physicians will leave. Many of them are Public Health Service officers working at the Federal hospital instead of serving in the Army.

Doctors in the training program, he said, care for about half the admissions and staff the hospital at night.

Father O'Brien said NIMH should be allowed to fulfill the mission handed it 18 months ago by HEW Secretary John Gardner and reaffirmed in November by HEW Secretary Wilbur Cohen to bring the overcrowded, 114-year-old hospital up to par before handing it over to the District.

About 250 employes, apparently a cross-section of workers at St. Elizabeths, attended each of two meetings yesterday. Three other meetings were held Wednesday. Dr. Louis Jacobs, Hospital superintendent, said the meetings were "unofficial."

About 150 union members also met yesterday with Dr. Jacobs to complain about working conditions at the Hospital.

Ruffin, the union president, charged that the Committee of 1000 was sparked by higher-level employes who feared for their jobs if the city takes over.

[From the Washington (D.C.) Post, May 1, 1969]

NURSE SHOT IN BATTLING ASSAILANTS

A Washington nurse was shot in the back early yesterday as she and her escort struggled with two men who attempted to rob them in the Kalorama Triangle area, police reported.

The nurse, Jean Piekarski, 28, of the 2200 block of 20th Street nw., was treated for a flesh wound at Georgetown Hospital and released.

She told police that she and Sgt. Glenard Graybow, a marine stationed at Quantico, were accosted by two men at 20th Street and Wyoming Avenue nw. Miss Piekarski said her escort, a Karate expert, struck one of the assailants while she broke her umbrella over the other's head. She told police she was shot during the struggle by the man struck by Sgt. Graybow.

[From the Washington (D.C.) Post, May 2, 1969]

THREE MARINES STABBED BY GANG

Three marines were treated for stab wounds at Bethesda Naval Hospital yesterday after an early morning attack by a gang of men in the Southeast, police reported.

The marines, who are assigned to the

Marine Barracks here, told police they were attacked about 2:20 a.m. outside Clancy's Restaurant at 25th Street and Good Hope Road se. One man, George Abbott, 22, was found at 16th Street and Good Hope suffering from slash wounds on his back and facial cuts.

The other victims, Walter T. Solonoski, 21, and Roger Lynn Orr, 22, were found outside 2316 Ager pl. se. and at 25th Street and Alabama Avenue se., both with facial wounds.

[From the Washington (D.C.) Evening Star, May 3, 1969]

THREE SHOT ON STREET, SNIPER SUSPECTED

Shots, apparently from a sniper, wounded three District residents within a 40-minute period last night on 14th Street between U and V Streets NW, police reported.

Robert Thompson, 45, of the 1400 block of K Street NW, was wounded in the lower left ribcage and right leg; Robert Pennell, 25, of the 600 block of 15th Street NE, suffered a minor wound; Gloria Briscoe, 37, of the 600 block of 15th Street NE, a wound in the thigh.

Thompson and Gloria Briscoe were reported in satisfactory condition at Freedmen's Hospital, and Pennell was treated at the Washington Hospital Center and released. Police said no suspect had been arrested.

[From the Washington (D.C.) Post, May 5, 1969]

SOUTHEAST GIRL ABDUCTED AND RAPED

An 11-year-old girl was pulled into a car in Anacostia yesterday and driven to a wooded area off the Suitland Parkway where she was raped, police reported.

They said the girl was on her way to church and was in the 1300 block of Jasper Road se. when she was accosted shortly after 10 a.m.

Witnesses to the abduction gave police a description of the car, and two Park policemen found the girl crying in the woods near Branch avenue se. where they also found the car abandoned.

Canine units from Metropolitan, Park and Prince Georges County police forces converged on the area in a massive manhunt. A suspect was spotted by Park Police who chased him across the Oxon Run Golf Course, but he got away. The girl was treated at D.C. General Hospital.

[From the Washington (D.C.) Post, May 2, 1969]

CHARGES DROPPED IN KILLING

A 20-year-old suspect in the killing of a Northwest restaurateur was released yesterday when the prosecution was unable to produce a key witness at his preliminary hearing.

U.S. Commissioner Sam Wertleb dismissed murder and robbery charges against Joseph D. Pigg, of 6225 Clay st. ne.

Pigg had turned himself in when he learned that he was a suspect in the March 31 killing of George Stavrakas, 68, proprietor of the Randolph Grill, 3908 14th st. nw.

[From the Washington (D.C.) Evening Star, May 1, 1969]

ALL OPEN BURNING BANNED IN DISTRICT OF COLUMBIA

The District Government today put a stop to all open burning of leaves and trash through new air pollution regulations passed earlier * * *.

The law, which goes into effect today, prohibits the burning of waste material except in approved furnaces and incinerators and provides a fine of $300 or 90 days in jail or a combination of both for violators.

Heretofore, persons have been able to obtain permits from the health department to burn trash in the open.

[From the Washington (D.C.) Evening Star, May 4, 1969]

HOBSON SAYS HE WOULD RUN FOR MAYOR UNDER HOME RULE

School board member Julius Hobson today became the first person to announce that he would be a candidate for mayor—should home rule come to the District.

Hobson said in an interview that he will seek the post of mayor or a congressional seat if one is included in the home-rule package.

Hobson was the first guest on a new local interview program, "Washington Press Conference," scheduled for 1 p.m. today on television station WTOP–9.

The militant board member also said that the American people are approaching a revolutionary attitude in their desire to control their own communities. He said community control would happen when people were ready to take command.

[From the Washington (D.C.) Evening Star, May 1, 1969]

DISTRICT WEIGHING DR. KING HOLIDAY

District City Council Chairman Gilbert Hahn Jr. said this week the lawmakers will consider asking Congress to designate Jan. 15, the birthday of the late Dr. Martin Luther King Jr., as a holiday in the District.

Joining Channing Phillips, Democratic national committeeman, at a press conference, Hahn said he will recommend public hearings on such a proposal next month. Phillips said the District Democrats favor making Jan. 15 a national holiday and support such efforts in Congress. However, failing that, the day should be a holiday at least in the District, he added.

"It is particularly important that a city which is over 70 percent black remember perhaps our greatest leader," Phillips said.

UNIVERSITY OF WASHINGTON PRESIDENT STANDS UP TO ANARCHISTS

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

Mr. PELLY. Mr. Speaker, in the face of campus disorders across America, and indeed the world, it is highly rewarding to find a university whose leadershhip is standing up to the threat of disruption. The school of which I speak is the Universtiy of Washington and its president is Dr. Charles E. Odegaard.

Dr. Odegaard has addressed a statement of position to all those who are concerned by student threats to the peaceful operation of the university: students, faculty, staff, and the Seattle community at large. In his conclusion, Dr. Odegaard forcefully and forthrightly makes his position known. He said:

As long as I am President of this University the threat of force or use of force will not dictate solutions to problems we all face and are all attempting to solve.

I bring this commendable statement to the attention of my colleagues, and particularly to the attention of the gentlewoman from Oregon (Mrs. GREEN) who this week will be looking into the problems on our Nation's campuses. I include the statement of Dr. Charles E. Odegaard at this point of the RECORD:

STATEMENT BY DR. ODEGAARD

As President of the University I am charged by the Board of Regents of the University of Washington with responsibility for the operation of the University, its internal administration, its discipline, and the care of its grounds and property.

The faculty and students of this University look to this office to steer the University on a peaceable course so that they may go about unmolested on this campus in the business of the pursuit of learning and the conduct of teaching. Innumerable letters, communications, and calls coming to me in recent weeks and days testify to the fact that the University community still looks to the President for leadership and initiative in protecting the peace of the campus.

In the face of actual forceful acts of serious disruption and violence which keep any member of the University community from carrying on his normal business, what tools are available to the President to carry out his responsibilities and the high expectations others hold of him for the keeping of the peace? They are reliance on university discipline and seeking the assistance of law enforcement officials.

University discipline is a special system of rules, judgment of individual cases, and sanctions which grow out of, and are grounded in, the teaching character of the University. The University student discipline system, far from being an exercise of arbitrary authority from on high, is a highly decentralized system involving administrators, faculty, and students based on authority delegated by the Board of Regents. Its fair play concept is in harmony with concepts of due process as defined by the courts. The present student discipline code shows the small role played by the President directly. His role has to do with a final review to assure that the offender has had a fundamentally fair hearing of those cases in which the extreme penalties against a student, expulsion or suspension, are recommended.

The University discipline system has worked; it has worked only because it has had the broad support of the University community; students faculty, administrators, and Regents alike. Indeed this system has worked well enough that people have come to expect university communities to be peaceful places where individuals go about in an unmolested fashion, respecting the rights of one another with essentially no or only a few peace-keeping personnel on campus. Hence it has become the custom to think that even in a congested community of perhaps 45,000 occupants a day like the University of Washington a police presence on campus is unnecessary except for the minimal resources of the University Security Division devoted largely to traffic and parking regulation. Only in rare instances of serious criminal actions by individuals have non-University law enforcement officers appeared on the campus. This is why it is now shocking to a university community to think of police on the campus or to see them arresting students.

The community at large too feels suprise at the thought of police on campus because it expects universities to have standards of peaceable and lawful conduct without the necessity of the police.

The nationwide rash of student violence on campuses has, however, obviously shaken confidence in the traditional system of internal university peacekeeping, but still most people, I think, look to the university to keep the peace on the campus. Nevertheless some no longer have confidence in university discipline, and proposals to establish more external jurisdictions over campuses are numerous this year in many legislatures.

Hence, university discipline as a guarantee of standards of conduct acceptable to society is undergoing a critical test of survival. It is not the President's power which is at stake; it is the University's whole system of internal regulation and discipline of students which is at stake.

In the face of immediate threats to the peace of this University I wish all to know

that I will use to the full extent the means of university discipline against students who break University regulations by engaging in serious disruption or violence on the campus. The ultimate effectiveness of this approach will turn on the level of moral support within the community for the disciplining of offenders fairly heard and found guilty. It is my sincere hope that recourse to university discipline will prove sufficient. In view of the gross interference with the rights of others and of the personal and material harm which have occurred on many campuses, I cannot, and I will not, promise not to call for outside help including police assistance if similar acts occur here.

I hope that the general public will understand the need to leave us with the largest possible scope for university discipline. They must recognize that this is a slow process, since it is the responsibility of the entire University family, not a fast acting presidential prerogative. The tradition of high university standards maintained by the sanctions of university discipline is at issue. It will take a degree of patience on the part of those outside the University for this tradition to survive the present crisis.

I call to the attention of the University community the fact that, apart from University discipline, there is another type of peace-keeping jurisdiction which can affect the life of the university community. The University of Washington is not an independent community outside the reach of the law and public law enforcement authorities. The University campus is within the City of Seattle in the County of King in the State of Washington. Law enforcement officers of the city, county, and state have the authority to enter the campus at any time, without informing University authorities or asking their consent, to watch for infractions of law and to make arrests at their own initiative. At any time that they feel the peace may be broken or a crime committed, they may appear on the campus. That they have not regularly done so in the past is simply a tribute to their recognition of the effectiveness and tradition of University regulation and discipline.

The University of Washington does not belong alone to those of us who are on the campus. It belongs to the people of the State of Washington. There is no better example of a people's university than this university, initiated by the people and supported by them for more than a century. If the University community has enjoyed a remarkable degree of autonomy for self-regulation, it is because it has enjoyed the confidence of the people in its capacity as a free institution to regulate itself to a high standard of conduct and service. A very significant element in earning that confidence has been the support of the University community for its own internal system of university discipline of students.

I appeal again to all University students, therefore, to give moral support to our system of University discipline and to make it clear that those who engage in major offenses will not have the sympathy and support of the student body.

I appeal to those who have threatened to use force against the University as well as to those who have threatened to meet that force with force of their own to reject such tactics and to return to open and free discussion of any and all issues in comformance with the peaceable university tradition and its tolerance of differing views.

As long as I am President of this University the threat of force, or use of force, will not dictate solutions to problems we all face and are all attempting to solve.

FREEDOM'S CHALLENGE—ESSAY BY MISS BARBARA JASINSKI

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

Mr. MESKILL. Mr. Speaker, on one of my recent trips home to the Sixth District I had the great honor of attending the Veterans of Foreign Wars awards banquet as the recipient of the Distinguished Citizenship Medal. At the banquet, I was privileged to hear the winning essay of the Voice of Democracy contest sponsored by the Pvt. Walter J. Smith Post No. 511, read by the author, Miss Barbara J. Jasinski.

I was highly impressed by the thoughts expressed in this essay and would like to share them with the Members of this distinguished legislative body, as follows:

FREEDOM'S CHALLENGE

(By Miss Barbara Jasinski)

The most precious possession we have in this world is freedom. Yet freedom is a gift—it is not given, but through men's united efforts it is won.

If we searched for an exact definition, the chances are that the answers we received would be nearly as many and as varied as the people who tried to define freedom for us. Even if someone could succeed in setting down a formula covering the vast range of its capabilities, there would always be someone else to point out the exceptions which disproved these rules. And yet, the French Revolution of 1789 was separated from the East Berlin uprising of 1953 only in time—because men fought for the same ideals. The new republics of South America in the nineteenth century and those of Asia in the twentieth had an important thing in common. This common bond was not one of race or color, even of time or place, but it was a bond of freedom and of justice.

An early twentieth century philosopher once said that freedom is but a state of mind. You can kill men and destroy everything they have, but you cannot take away their dreams or lower their ideals. The individual is important because he is a human being, and each man, regardless of his race or rank, is entitled to the same respect and the same consideration that are due all other men.

Look, for example, at one of the individual rights most of us enjoy today, freedom of expression. We pass a newsstand and buy one of a score of newspapers or magazines. Some are highly critical of the government, others praise it. We turn the knob of our radio on or off, no one tells us what we must hear. Men write books, speak out on controversial subjects, or gather on street corners to discuss the events of the day. All this is so simple that we take it for granted. Yet man did not achieve this freedom in a day, or even in a century.

Freedom is not easily forgotten once it has been experienced, and its price is often quite high. But as people throughout the world prove each day, it is a risk well worth fighting and dying for. Freedom is not license, it is growth. To ruin, to hurt, to remove dignity where dignity is essential, these are not the acts of a free man. They are negative and destructive, and therefore we can rule out the possibility that they are products of freedom. True freedom creates, never stagnates, and never directs itself toward tearing down without a plan for rebuilding. Freedom is a challenge to all men, one which people are more than willing to accept.

The late President Kennedy, who had a great love for his people and country, once made a very effective and thought provoking statement about freedom. Surely he spoke as a representative of every American citizen when he said:

"In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility, I welcome it. Nor do I believe that any of us would exchange places with any other people or any other generation. The energy, the faith, and the devotion which we bring to this endeavor will light our country and all who serve it, and the glow from that fire can truly light the world!"

DWIGHT DAVID EISENHOWER

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

Mr. MESKILL. Mr. Speaker, Dwight David Eisenhower, the 34th President of the United States, was a truly great American in every sense of the word. He was an individual who exemplified everything that we strive for. General Eisenhower's passing is mourned by all Americans.

The Hartford Courant carried a fine tribute to this great American which I would like to bring to the attention of my distinguished colleagues. It tells about another side of one of our outstanding leaders:

GRIST FROM THE SPORTS MILL

(By Mike Caruso)

A great man was laid to rest last week in Kansas under the floor of a chapel where a cornfield once stood. He led his nation through war and peace. He requested that he be buried in a simple steel $80 G.I. casket. Simplicity was his style and mark of greatness.

During World War II he was known as "the boss" to many of us in uniform. No wonder that we experienced pride, admiration and melancholia when we watched the young servicemen of this era execute their duties during the four-day ceremony with such precision and dedication.

As is the case more times than not, the military and athletics seem to go hand in hand. The latter was another facet of Dwight D. Eisenhower. One reason that he wanted to go to West Point was the hope that he could continue an athletic career. "It would be difficult to overemphasize the importance I attach to participation in sports," General Ike once stressed.

The farmer's son from Abilene felt while he was in grade school that his first idea of glory was to become a member of the high school baseball team. His boyhood dream was to toe the mound and whiff three batsmen on just nine pitches with the bases jammed in the bottom of the ninth.

Ike performed nobly as a tackle and end on the Abilene High School football team in addition to playing baseball. When he reached the Hudson Highlands in 1911, Ike became a 150 pound plebe halfback who sometimes played on the varsity squad. He was also a center fielder with the baseball club. He was alert afield but had problems at the plate. Ike was told he would have to overcome his method of chopping at pitches and learn to hit away. He was also a boxer of repute.

In 1912, the determined cadet from the long gray line improved his speed by running distances and strengthened his muscles through devotion to a gymnastics program. His weight increased to 174 pounds and he showed well in a practice football game against a rugged squad of soldiers.

While Ike was trotting off the field in ill-fitted gear, Coach Ernest Graves stopped him. The Army mentor instructed the team manager to outfit Ike properly—which was a way of indicating Ike would make the varsity. Ike later recalled the incident saying it was not only a thrill but a highlight of his football career on the plain overlooking the Hudson.

Ike's spirit made up for lack of size. He set his sights high. Army downed three of its first four opponents but succumbed to a 27–6 defeat against the legendary Jim Thorpe and his Carlisle Indians.

Disaster struck. Two weeks before the annual battle with Navy, Army met and defeated Tufts 15–6. But Ike suffered a twisted leg that brought an end to his athletic career. The injury was taken lightly at the time but during a riding drill a few days later the cartileges and tendons were torn.

Ike mused that there must have been a multitude of Jumbos on the field the day he was incapacitated, because in later years at least three dozen men who claimed they were Tufts players apologized to him for inflicting the injury.

Navy beat Army that year while Ike was encased in a cast from hip to foot. The finish of his football career had a demoralizing effect on Ike. Baseball and boxing were dropped also because of his lack of lateral movement. During vacation he umpired baseball games in a semi-pro league in Kansas. Many years after, Ike referred to the knee injury as one which "kept me from small town baseball and big league football."

In 1913, the U.S. Military Academy had a new football coach—former three-time all-American quarterback Charles Daly. The academy tried diligently to get Ike back in harness but the knee never responded. Daly did induce Ike to coach the Cullum Hall squad, better known as the Jayvees.

Later that autumn, Army won 22–9 over the rival Midshipmen from Annapolis. Ike reveled in the fact that he collected $65 from fellow Cadets to put up against a naval officer's wager the Middies would win. The Navy man never showed up after he let Ike hold the money.

Ike's Cullum Hall squad was the breeding ground for an undefeated Army team that won the national title in 1914 with a 9–0 record. Ike was acclaimed by "Howitzer," the West Point yearbook, gaining more plaudits than the varsity, which beat Navy and accomplished an unblemished record.

In 1915 while stationed at Fort Sam Houston in Texas, Ike coached Peacock Military Academy's football team. He originally turned the position down but reconsidered when the post general persuaded him to take on the extra duty so that his coaching would encourage youngsters in military training and give them a favorable impression of the Army.

The following year, Ike took the head coaching job at St. Louis College, which hadn't won a game in five years. Ike replaced a staff of priests and achieved a winning season. The happy Fathers invited Ike and his young wife, Mamie, to a victory dinner. The gesture started a friendship that lasted to Ike's death. Ike returned to the Roman Catholic institution in San Antonio, now known as St. Mary's in 1962 for a reunion with the faculty.

Ike coached football while stationed at Camp Meade in Maryland for four years in the early 20s. He quit when the club ended a dismal season by losing to a Marine eleven. In the late 20s, he rejected a military-coaching assignment for a battalion command at Fort Benning, Georgia. As one might have guessed, another friendly persuasion brought Ike back to coaching as an aide at the Georgia base. Service football talent was limited in those days.

During World War II, Ike was on a continual lookout for natural leaders. In his popular informal biography, "At Ease," Ike recounted his respect for athletics—especially football.

"Athletes take a certain amount of kidding, especially from those who think it is always brawn versus brains. But I noted with real satisfaction how well ex-footballers seemed to have leadership qualifications and it wasn't sentiment that made it seem so—not with names that turned out to be Bradley, Keyes, Patton, Simpson, Van Fleet, Harmon, Hobbs, Jouett, Patch and Prichard. Among many others, they measured up. I think this was more than coincidence. I believe that football, perhaps more than any other sport, tends to instill in men the feeling that victory comes through hard—almost slavish—work, team play, self-confidence and an enthusiasm that amounts to dedication."

There was another general's expression that has perhaps meant more to any cadet at West Point in the academy's 167 year history. And he was manager of the Army football team that sank Navy in 1902. So penned Douglas MacArthur, "Upon the fields of friendly strife, are sown the seeds that, upon other fields, on other days, will bear the fruits of victory."

THE FATE OF REFORM IN POLAND

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

Mr. MESKILL. Mr. Speaker, I rise today to pay tribute to the freedom-loving people of Poland.

The document approved in the Polish Diet on May 3, 1791, is a landmark in the development of constitutional law. At the time of its enactment it was hailed at home and abroad as the beginning of a new era for liberty in Poland. Edmund Burke, the renowned British statesman, remarked:

> All humanity must rejoice and glory when it considers the change in Poland.

Burke was particularly impressed with the many principles which the Polish and British Constitutions shared in common. The French scholar, Baron d'Escare, noted that the Poles had avoided the bloodshed associated with the French Constitution:

> In France, to gain liberty, they began with anarchy; in Poland, the nation was given liberty and independence, the respect for the law, for person and property was assured, and all this without violence, without murder solely through the virtue of the courage of the nation, which, realizing her misfortune and error, knew how to heal her wounds.

President George Washington complimented the progressive Polish King as "the principle promoter of the business." All Poland marked May 3 with celebrations, each village striving to outdo Warsaw in tribute to the legislative reform.

Czarina Catherine the Great alone regarded with horror these reforms on Imperial Russia's western border. For centuries Russian czars had enjoyed a sphere of influence in Eastern Europe. The perpetuation of a weak and partitioned Poland was a cornerstone of Russian foreign policy. Then, as now, Russian rulers would not tolerate a Poland strong enough to exercise the Polish penchant for nationalism and democracy. Catherine denounced the Polish reformers as "the Jacobins of Warsaw" and their constitution as producing "disorders analogous to those of France." Russian armies invaded Poland April 8, 1792, to destroy the new constitution. Within 3 months the valiant Polish patriots were overcome by the superior forces of the Russians. The armies of Prince Jozef Poniatowski and Thaddeus Kosciuszko were crushed. The invaders partitioned much of Poland between Russia and Austria, and made a vassal state of the remainder. The constitution was abolished forthwith as "a dangerous novelty."

Nearly two centuries later, the hopes of Polish nationalists have again been disappointed, this time by internal corruption. When Wladyslaw Gomulka came to power in Poland after the Poznan insurrection of October 1956, Poles expected an end to the excessive Sovietizing measures of his Stalinist predecessor. Gomulka could have become Poland's Tito. He could have been a Polish De Gaulle. But power-preserving measures soon took precedence over the idealism of the "October" period. Gomulka carried out one purge after another to consolidate his rule. This constant purge has drained the caliber of men in political office. The most recent anti-Zionist campaign has removed the last progressive from the Central Committee and party apparat. The remaining core is about as untalented a pack of Philistines as can be found anywhere in Eastern Europe. Gomulka's power rests on these men, the majority of whom have a vested interest in political stagnation and are personally loyal to Gomulka.

In foreign policy, Gomulka, the avowed nationalist, is stanchly alined with Moscow. For a decade he has acted as the Kremlin's proconsul in Warsaw. He encouraged and has endorsed the Soviet invasion of Czechoslovakia, which occured a few months after Gomulka quelled the riots of thousands of Poles who boldly demanded the same reforms enacted in Prague. For years Gomulka has been the cornerstone of Moscow's anti-Bonn campaign. Now he defends Soviet imperialism to preserve his power.

Two centuries ago the Poles were denied their pioneering constitution by Russian invaders. Today they are denied "socialism with a human face" by a national dictator in collusion with Russian imperialists. Let us hope that one day the Poles will attain their freedom.

RESOLUTIONS ADOPTED BY REPUBLICAN GOVERNORS' ASSOCIATION

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

Mr. GERALD R. FORD. Mr. Speaker, it was my privilege to attend the Republican Governors' Association conference in Lexington, Ky., last weekend, and I believe Members of this body will be interested in some of the results of that meeting. The 26 Governors present—four of the 30 Republican Governors were absent—adopted resolutions in several areas of interest to the Congress. They were strongly in favor of President Nixon's plans to consolidate many of our proliferating Federal aid programs, and urged the speedy House and Senate approval of his recent request for authority to accomplish this by the reorganization plan process. Also, this association which speaks for the elected chief executives of the States in which more than 60 percent of all Americans live, voiced

unanimous support of the President's plan to reorganize the poverty war and urged the administration to consider abolishing regional offices of the OEO and channeling all poverty programs through State governments. They adopted another resolution calling for the immediate repeal of the present HEW regulation which allows welfare recipients to determine their own eligibility for welfare by declaration. I append the texts of these resolutions and excerpts from my remarks to the Republican Governors:

RESOLUTIONS ADOPTED BY THE REPUBLICAN GOVERNORS' ASSOCIATION, LEXINGTON, KY., MAY 2, 1969

I

The Republican Governors' Association strongly supports President Nixon's proposed Grant Consolidation Act and urges Congress to move with speedy action.

II

The Republican Governors' Association unanimously urges the President in his efforts to reorganize and make more effective the National War on Poverty to consider the channeling of all anti-poverty programs through the Executive Agency designated by the Governor of each state; and, consider abolishing the regional offices of the Office of Economic Opportunity.

III

The Republican Governors' Association unanimously urges the Secretary of Health, Education and Welfare to immediately repeal the regulation that requires that welfare applicant will determine his own eligibility for welfare by his own declaration, without any investigation and begin steps to further study ways to develop the best mechanism to insure the dignity of individuals while at the same time preventing abuses of the welfare system.

REMARKS OF HON. GERALD R. FORD, OF MICHIGAN, TO THE REPUBLICAN GOVERNORS ASSOCIATION, LEXINGTON, KY., MAY 2, 1969

I'm very grateful to have been invited to come to the native State of our first Republican President in this beautiful season of the year. I remember the story of young Abe Lincoln walking 12 miles just to borrow a book, and reading it by the flickering light of his log cabin fireplace.

It's so much easier nowadays for an ambitious young man to get an education. All he has to do is steal a rifle from the ROTC, seize the campus library and read by the light of burning draft cards.

Seriously, I always enjoy these opportunities to meet with the Republican Governors on our common problems.

You've heard a lot lately about 100 Days and how Congress hasn't done much and President Nixon is moving at too deliberate a speed, but in the context of the Derby everybody knows the fast starters don't always finish in the money. In legislation there is no special virtue either in speed or volume; we need only look back to the lopsided 89th Congress of 1965 and 1966 to prove that. I believe the Nixon Administration will be in a strong position in the stretch, where it matters, and right now it's hardly entered the first turn.

But if you want my judgment on the most significant domestic development of the first 100 days it happened last week in the House of Representatives. It was an emphatic 235 to 184 vote victory for the Nixon Administration on the extension of the Elementary and Secondary Education Act, commonly known as the Federal school aid bill.

On this crucial showdown we were joined by 60 Democrats and won by a comfortable margin which almost reversed the numerical division of 244 to 190 in the current House.

Gone were all the old arguments about Federal intrusion and church-state schools. Even the amount of money was not at issue. Put in blunt political terms, the bill as reported by the House Education and Labor Committee would have extended the present program, virtually unchanged, for five years—putting it well beyond the reach of President Nixon in his first term of office.

Maybe it is an exaggeration to say that if this bold gambit had succeeded, every other part of the Great Society program would have been put in deep freeze, ready to be revived and expanded in the hoped-for Democratic Restoration of 1972. But we had a number of indications that such a strategy was developing in certain quarters, who would be most happy to strip President Nixon of all but his Constitutional functions in foreign and defense matters and stop cold the needed domestic reforms and new direction the new Administration is studying and shaping up.

So the lines were drawn. We Republicans stood almost solidly for a two year extension, enough to permit both the educators and the Administration to plan ahead, and also to take us to the point where the updated findings of the 1970 Census could be applied to future school aid formulas.

In addition, we joined with responsible Democrats who saw the flaws in the present system and proposed interim improvements such as eliminating local citizen's advisory committees (what can be more representative of local citizens than elected school boards?) and by consolidating four different Federal aid programs into a single block grant to the States. Such a substitute for the Perkins bill was offered by an Oregon Democrat, Mrs. Green, and prevailed by a bipartisan majority of 51 votes.

Now some of our Washington critics see this as a revival of "the old Southern Coalition." I'd call it the continuation of the Common Sense coalition which has often written this country's laws. I predict it will continue to prevail over similar (though perhaps subtler) attempts to sabotage the Nixon program in this 91st Congress.

We have demonstrated convincingly in the House what can be accomplished when we are working for the good of the country, with strong leadership from the White House, against those who are still stubbornly working for the continuation of a political philosophy which the voters rejected in November, 1968.

President Nixon has now asked Congress for authority to go ahead with further consolidation of Federal programs by the reorganization plan method. This would permit the President to act unless Congress objects. I urge all Republican Governors, and indeed all 50 Governors, to press for prompt action, already long-overdue, to make sense out of hundreds of categorical aid programs. It will lead to greater efficiency and flexibility in such areas as job training, housing, health, urban renewal and other programs now being administered by your former members, Vice President Agnew, Secretary Romney and Secretary Volpe, and in HEW by the former Lieutenant Governor of California, Secretary Finch.

Now for a brief look at the future. Next year will be a critical one for Republicans in the Congress and for the Nixon Administration. Only one other President has entered the White House faced with an opposition Congress, and that was long ago. Further, the form sheet shows that a President's party usually loses House seats in his first midterm election—the only exception being FDR's gain in 1934.

Looking at what we call marginal Congressional districts, those won by 5% or less last time, analysis shows that since World War II the party in power at the White House has lost on the average slightly more than half its marginal seats at midterm, ranging from 72% lost by the Democrats in 1946 to only 12% lost by President Kennedy due to the Cuban Missile Crisis of 1962.

By this gloomy reckoning, we *could* lose 14 of our marginal Republicans in 1970. To gain control of the House, we would need a net gain of 28. So it's an odds-on fight, but I'm still running for Speaker. And we do have some advantages this time around.

We'll have the Executive Branch of the Federal government working for us instead of agianst us, well knowing how much a friendly Congress can mean in 1972. We'll have thirty or more of the 50 Governors, in the most populous States, on our team—as we will be on theirs. And finally, hopefully, we will have demonstrated to the American people before next year's campaign that they are getting better government at every level from the Republican party than that to which they have been so long accustomed from the Democrats.

But our greatest advantage, it seems to me, is that in this crisis of our national union there is a crying need for new leadership, leadership that is neither weary nor wedded to the disproven dogmas of yesterday, leadership that is firm and strong, calm and courageous. Such leadership wears no permanent party label. But I believe President Nixon in the White House, you gentlemen in your state capitals, and we in the Congress, have once again the golden opportunity given to Abraham Lincoln in another time of trouble, of demonstrating that ours is indeed the party of the people and the hope of the future.

CONGRESSMAN ANNUNZIO APPLAUDS POLISH AMERICAN CONGRESS' FIGHT AGAINST DEFAMATION

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

Mr. ANNUNZIO. Mr. Speaker, on Friday, May 2, 1969, the Polish American Congress officially began its fight to halt defamation of Poles with the issuance of a proclamation and with full-page advertisements in the four Chicago daily newspapers: Chicago Today, Chicago Daily News, Chicago Sun-Times, and Chicago Tribune.

As the Representative of the Seventh Illinois Congressional District, I rise today to express my wholehearted support for this campaign against defamation of the Polish people through the press, through radio, through the movies, through television, and through other mass media.

As an American of Italian descent, I am well acquainted with the innuendos, the guilt-by-association techniques, the sick jokes, and the countless other vicious, contemptible, and cruel methods employed by mass media to depict members of ethnic groups as cowards, imbeciles, liars, gangsters, and slobs.

These gross injustices have been perpetrated against American ethnic groups without regard for the outstanding contributions these groups have made to the growth and development of our great country. These are the groups which have helped to forge the backbone of America, and without their blood, sweat, and tears, our country would not be the bulwark of democracy and the leader among nations that she is today.

I congratulate Aloysius Mazewski, president of the Polish American Congress and the National Polish Alliance;

Marion N. Baruch and Mitchell P. Kobelinski, cochairmen of the Civic and Political Action Committee of the Polish American Congress; and the courageous, public-minded members of the committee and the congress for the resolute stand they have taken against those who would malign and defame the Polish heritage and thereby distort the good name and the favorable public image of the Polish people.

The proclamation was published on May 2 which is the day after Law Day and the day before the anniversary of the Polish Constitution of May 3, 1791, and was chosen, because of its special significance, as the kickoff date for the antidefamation campaign.

Mr. Speaker, this campaign against defamation deserves the enthusiastic support of all ethnic groups, and indeed, all Americans, for its success will rededicate us to the spirit of brotherhood in which our Founding Fathers met to establish our great democracy.

I am pleased, therefore, to insert at this point in the RECORD the full text of "A Proclamation by Americans of Polish Heritage":

A PROCLAMATION BY AMERICANS OF POLISH HERITAGE

In the shadow of "Law Day", honoring a concept which we cherish, and on the eve of the Third of May, a day steeped in historical significance to our forefathers:

We, Americans of Polish heritage, break a silence of generations, elect to speak and shall be heard, in the interest of promoting greater understanding between ethnic groups in a nation of many origins, colors, and creeds. By this declaration we seek to disseminate knowledge and understanding, hoping thereby to eliminate ignorance and its consequences—prejudice, bigotry and defamation—particularly as they affect ethnic groups in our country.

We charge that those who command the press and airwaves and influence the opinions of the masses, have failed to present an honest portrayal of the heritage of Americans of various origins; that they have in fact engaged in conduct diametrically opposed to the American principles of justice and equality. The mass media—literary publications, press, radio, television and motion pictures—have, all too often, allowed demeaning misrepresentation and defamation to spread like a cancer, this being especially true in their use of vicious ethnic humor, which has worked to the detriment of every American whose heritage places him in the defamed group.

We invite an examination of our history, filled with examples of dedication to liberty, justice and the rule of law: The Charter of 1374; religious freedom as early as the 14th century which made Poland the haven of Europe's Jews; the continent's earliest parliament; a Constitution adopted on May 3, 1791; liberal leaders such as Kosciuszko and Pulaski who were also our American Revolutionary War heroes; the heroic resistance to the nazi invasion and magnanimous assistance to the Jews of Poland during a long and cruel occupation, at great personal peril. These and other like influences have instilled in the American of Polish heritage an appreciation of freedom under the law, together with the knowledge that scorn for the law is scorn for the freedom of others.

We, Americans of Polish heritage, do hereby solemnly declare and proclaim that we will hereafter, on every possible occasion, expose, deplore, and denounce those powerful rules of the pen and airwaves who violate our right to truth and accuracy. We refer to those who, by the use of vicious ethnic humor and malicious misrepresentation of our cultural heritage, deform and vilify our public image or the heritage and image of any other ethnic group.

We re-dedicate ourselves to freedom under the law and demand justice and fairness with respect to each man's public image. To deny this is to close the door of opportunity to every ambitious member of any ethnic group whose public image has been maligned and distorted, and it is thereby also to deny a basic civil right which our American Constitution so zealously protects.

CONGRESSMAN ANNUNZIO LAUDS PETER FOSCO, GENERAL PRESIDENT OF THE LABORERS' INTERNATIONAL UNION OF NORTH AMERICA

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

Mr. ANNUNZIO. Mr. Speaker, on Saturday, April 26, 1969, in the International Ballroom of the Conrad Hilton Hotel in Chicago, a testimonial dinner honoring Peter Fosco, the newly elected general president of the Laborers' International Union of North America, was sponsored by the affiliated local unions of the Construction and General Laborers' District Council of Chicago and Illinois.

Peter Fosco has been a friend of mine for over 30 years and he is known throughout my city, my State, and the Nation for his tremendous contributions and his dedication to the men who work with their hands and the sweat of their brows in the pits and tunnels of our country.

Peter Fosco has devoted over 50 years to the American labor movement. He became a member of the Laborers' Union in 1914 and 2 years later was elected to the post of secretary-treasurer of Chicago Local No. 2, which in 1920 elevated him to the office of president.

It was here that he began the activities which ultimately were to bring him nationwide recognition and respect.

In 1950 he was elected secretary-treasurer of the Laborers' International Union of North America, a post he held until a few months ago when he became the general president of the progressive and rapidly expanding 550,000 member organization.

As a leader of labor, President Fosco has consistently directed his efforts toward raising the living standard of workers, increasing their wages, and bettering their working conditions. He has organized and obtained job and retirement security for hundreds of thousands and his success in enlarging opportunities for the education of the workingmen and their families has brought them a new and significant sense of dignity and self-respect.

As a labor executive he also has experienced unique success in expanding the organizing scope of the international union and in the establishment of pension funds, highway and pipeline agreements, and training and educational programs throughout the United States and Canada.

As a member of the executive council and administrative committee, he has been one of the driving forces of the AFL–CIO Building and Construction Trades Department, whose 17 affiliates represent more than 3,500,000 of America's outstanding craftsmen.

Peter Fosco's political career has been notable for his accomplishments, not only on the national level, but also in the local community. He has served as commissioner and ward committeeman of Chicago's most populous wards.

In appreciation of his work in organizing the Chicago Youth Foundation, Fosco Park, a public city park, was named in his honor.

Peter Fosco, as a leader and as an individual, was recognized at the testimonial dinner as a man whose life has been devoted to improving the life of his fellow man. The persons serving on the general committee which sponsored this dinner are: Dan Bagnuolo, Felix Breden, Fred Budack, James Connolly, Joseph DeRose, Dan Del Ricco, Hans Erickson, Anthony Esposito, Jr., Alfonse Fosco, Sal Gruttadauro, Harold Kussman, Edward Kalosinki, Val Lazzaretto, Charles LoVerde, Jr., Dan Miroballi, David Miroballi, John Mocek, Richard Murphy, Joseph Neroni, James O'Brien, John Paul, Jr., Al Pilotto, Vincent Solano, Mike Stetich, Rich Weingart, Clarence Whipple.

Anthony Esposito was honorary chairman of the committee, Thomas Crivellone was general chairman of the committee, and the cochairmen of the committee were James Caporale, Joseph Griffiths, and Joseph Spingola.

The honorary committee members included: Dominick Franze, business manager, Will and Grundy Counties; Joseph L. Allen, business manager, Du Page County; Leo McClernon, business manager, Kane and Kendall Counties; Joseph Griffiths, business manager, Du Page County; William Grozis, business manager, Kane County; and Monroe Smith, Jr., business manager, McHenry and Boone Counties.

The people on the dais came from all of the United States and included the following:

Rev. Joseph L. Donahue, C.S.V.;

Hon. Richard J. Daley, Mayor, City of Chicago;

Hon. Abraham L. Marovitz, judge of the Federal court;

Hon. FRANK ANNUNZIO, Member of Congress, House of Representatives, Seventh Congressional District;

Hon. DANIEL J. RONAN, Member of Congress, House of Representatives, Sixth Congressional District;

Hon. DANIEL D. ROSTENKOWSKI, Member of Congress, House of Representatives, Eighth Congressional District;

Hon. Michael J. Howlett, auditor of public accounts, State of Illinois;

Hon. P. J. Cullerton, county assessor;

Hon. Matthew J. Danaher, clerk of the circuit court;

Hon. WILLIAM T. MURPHY, Member of Congress, House of Representatives, Third Congressional District;

Hon. ROMAN C. PUCINSKI, Member of Congress, House of Representatives, 11th Congressional District;

Frank Bonadio, secretary-treasurer, building and construction trades department, Washington, D.C.;

Edward F. Carlough, general president, Sheet Metal Workers International Association, Washington, D.C.;

Robert J. Connerton, general counsel, Laborers' International Union of North America, Washington, D.C.;

William J. Cour, chairman, National Joint Board for the Settlement of Jurisdictional Disputes, Washington, D.C.;

Ledger Diamond, fifth vice president, Laborers' International Union of North America, Mobile, Ala.;

Maurice Fancher, fourth vice president, Laborers' International Union of North America, Washington, D.C.;

Herbert Flesher, second vice president, Laborers' International Union of North America, Vancouver, B.C., Canada;

Angelo Fosco, eighth vice president, Laborers' International Union of North America, Chicago, Ill.;

Wilbur Freitag, sixth vice president, Laborers' International Union of North America, Springfield, Ill.;

Joseph Germano, director, district No. 31, United Steel Workers of America;

B. A. Gritta, president, metal trades department, Washington, D.C.;

C. J. Haggerty, president, building and construction trades department, Washington, D.C.;

Edward T. Hanley, president, joint executive board of Hotel, Motel, Catering Services, and vice president, Local 593;

Edward Hussel, general president, Sheet Metal Workers, Chicago, Ill.;

Joseph Keenan, international secretary, International Brotherhood of Electrical Workers, Washington, D.C.;

William A. Lee, president, Chicago Federation of Labor;

Edward J. Leonard, Plasterers Union, Washington, D.C.;

Michael Lorello, seventh vice president, Laborers' International Union of North America, New York, N.Y.;

J. H. Lyons, Iron Workers Union, St. Louis, Mo.;

Sal Maso, general president, Wood, Wire & Metal Lathers Union, Takoma Park, Md.;

Hon. James J. McDonough, Commissioner, department of streets and sanitation;

George A. Miller, executive vice president, Mason Contractors Association of Commerce;

Thomas Murray, president, Chicago and Cook County Building and Construction Trades Council;

Thomas Nayder, secretary-treasurer, Chicago and Cook County Building and Construction Trades Council;

Terrence O'Sullivan, general secretary-treasurer, Laborers' International Union of North America, San Francisco, Calif.;

William Peitler, Marble Polishers Union, Washington, D.C.;

Milton Pikarsky, commissioner of public works;

Robert Powell, third vice president, Laborers' International Union of North America, Washington, D.C.;

W. Vernie Reed, first vice president, Laborers' International Union of North America, Washington, D.C.;

John F. Ryan, secretary-treasurer, Chicago Council No. 25, International Brotherhood of Teamsters;

O. T. Satre, secretary-treasurer, Painters, Decorators & Paper Hangers of America, Washington, D.C.;

William Schnitzler, secretary-treasurer, AFL–CIO, Washington, D.C.;

Ray Schoessling, president, Chicago Council No. 25, International Brotherhood of Teamsters;

Martin Segal, president, Martin E. Segal Co., New York, N.Y.;

Daniel J. Shannon, vice president, Chicago Park District;

H. Mayne Stanton, executive secretary, Building Construction Employers' Association;

Hunter P. Wharton, general president, International Union of Operating Engineers, Washington, D.C.; and

J. T. Woods, Jr., chairman of labor committee, National Constructors Association, Washington, D.C.

Mr. Speaker, Howard Miller, one of Chicago's outstanding radio personalities who is working with radio station WCFL, Chicago's labor station, did a magnificent job as toastmaster at Peter Fosco's testimonial dinner.

Over twenty-five hundred people paid tribute to Peter Fosco, the Italian immigrant who came to this country and started his life here as laborer, and by his own hard work, lifted himself up by the bootstraps, so that today he represents over half a million people in the partnership of the American Federation of Labor and the Congress of Industrial Organizations.

He personifies the American dream. He represents the hard-working immigrants who come from all ethnic groups and who have worked diligently to make America the greatest democracy on the face of the earth.

Mr. Speaker, I congratulate Peter Fosco on his election as general president of the Laborers' International Union of North America, and I congratulate his devoted and charming wife, his two sons, their wives, his grandchildren and his great-grandchildren, for I know how proud his entire family is at this moment. I extend to Peter Fosco my best wishes for many, many years of good health in the continued service of the laborers of America.

A VERY SPECIAL RETIREMENT FUND

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

Mr. HECHLER of West Virginia. Mr. Speaker, sources in the Department of Labor have confirmed the existence of a very special retirement fund which has been set up to guarantee lifetime salaries of $40,000 to $50,000 to the president, vice president, and secretary-treasurer of the United Mine Workers of America, without contribution or deductions from their current salaries. This is a retirement fund for three offices alone.

Is it fair and just to expect the coal miners themselves to subsist on a retirement pension of $115 per month while the top three UMW officials have arranged for themselves to receive some 25 to 35 times that amount? Those who should be entitled to the $115 per month have to go through a lot of redtape to qualify, and many coal miners who have contributed their sweat and blood to the mining of coal have been arbitrarily cut off from their retirement pensions and had their medical cards taken away from them. I believe it would be only fair and just for those who have arranged to receive pensions of $40,000 to $50,000 per year to agree to accept the same $115 per month which is due to—but even that amount often denied to—those who actually mine the coal.

Under unanimous consent, I include the text of an editorial which was broadcast on May 1 and 2, 1969, over WTOP radio and television:

THE UMWA

The United Mine Workers leadership is not noted for its zeal in looking after its rank-and-file. But when it comes to looking after itself, the leadership really has the ginger.

For years, top officials have treated themselves like an elite group—several cuts above the men who do the dirty work in the mines and who pour part of their productivity into the UMW's bank. The union's brass not only draws enormous salaries but also enjoys a pension plan entirely separate from the one which serves the miners. It's also a much more generous plan, and it's worth noting that the endowment for it came right out of the union treasury.

Retirement benefits for the union's top three officers—the president, vice-president, and secretary-treasurer—are a very special case. These men can retire at full salary, which will assure a lifetime income of forty to fifty thousand dollars annually. The most a miner can look forward to is $1,380 annually.

Well, you might wonder, doesn't the heavier responsibility at that executive level justify such a grandiose retirement? The Internal Revenue Service emphatically says, "No!" In 1960, the IRS threatened to cancel the tax-exempt status of this special pension plan because the benefits at the upper levels were unusually discriminatory.

The union headquarters was much too enterprising to be stopped by a thing like that, and it executed a shrewd end-run around the IRS. On December 15, 1960, the sum of $850,000 went from the UMW treasury into a special "agency account" at the National Bank of Washington—which happens to be controlled by the union.

This special kitty serves as a very private, very elite pension fund for the union's top three leaders. It guarantees their retirement at full pay.

This maneuver satisfied the law, but it didn't erase the discrimination.

If the UMW leadership were as concerned with the welfare of the membership as it is with feathering its own nest, coal mining might not be the dangerous and hopeless occupation it is.

This was a WTOP editorial . . . Norman Davis speaking for WTOP.

UMW REPLIES TO CRITICISM OF FUND

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

Mr. HECHLER of West Virginia. Mr. Speaker, in the April 14, 1959, issue of the CONGRESSIONAL RECORD, starting at page H2545, I had inserted a series of articles on the United Mine Workers welfare and retirement fund, written by Michael Adams and appearing in the

Charleston, W. Va., Gazette. Subsequently, the fund issued a reply to these articles which was signed by Josephine Roche, trustee-director, salary $59,999.94; Thomas F. Ryan, Jr., comptroller, salary $50,000; and Welly K. Hopkins, counsel, salary $50,000.

I was interested to note according to the statement, the following:

The salary scales and retirement benefits for employees of the fund are entirely competitive with those provided for employees with similar skills and responsibilities in all fields of industry and commerce. Maximum retirement benefits provided for top officials of the fund are less than one-third of their annual salary.

I am glad to learn that the retirement benefits for the top officials of the fund are apparently less than the 100 percent of salary retirement benefits provided for the president, vice president, and secretary-treasurer of the United Mine Workers of America. If indeed the 145 employees of the fund who draw salaries of over $10,000 per year, and the 37 employees of the fund who draw salaries of over $20,000, are being paid at salaries which are "entirely competitive," then what about the retirement benefits of $115 per month which are due to be paid to the men who dig the coal out of the ground? Are these retirement benefits of $115 per month genuinely "competitive?" And what about the thousands of coal miners who have worked and slaved for years underground at the risk of their health and safety, only to find that through some arbitrary technicality they cannot even qualify for their $115-a-month retirement pension?

Under unanimous consent, I am including these "replies" to the criticisms of the fund. I would like to see some action taken to make sure that the coal miners themselves get the benefit they deserve for their long years of work in the dangerously unsafe and unhealthy conditions underground. This is far more important than a "public relations" effort to gloss over criticisms.

Mr. Speaker, I still feel that there should be a full-scale congressional investigation of the United Mine Workers welfare and retirement fund. The UMW reply follows as printed in the Charleston, W. Va., Gazette of April 22, 1969:

UMW Replies to Criticism of Fund

A spate of articles, editorials and speeches critical of the United Mine Workers of America Welfare and Retirement Fund has suddenly been aimed at the fund from many directions.

Particular areas of criticism appear to be (1) the trust fund fails to make full report on its operations; (2) the "poor" investment record of the fund; (3) "large" bank deposits drawing no interest; (4) trust fund salaries and retirement benefits for its employees are excessive; (5) the trust fund has excessive reserves; (6) benefit structure and changes in eligibility requirements over the years have neglected the old and disabled miner.

Whatever the motives behind the attacks, which appear highly organized as to purpose and tactics, fund officials are of the opinion that it is time to "look at the record" as one prominent American liked to say.

The criticism: The trust fund fails to make full report on its operations.

The record: Annual reports, issued since the establishment of the fund, as a matter of policy, without compulsion of law or regulatory agency, have provided full details of its operations. In each such report, income, benefit expenditures and administrative expenditures in their various categories, have been reported in full. Each report has included in its entirety the report of the independent certified public accountants. Thus, every dollar of income and outgo since the establishment of the trust fund on May 29, 1946, has been subject to independent audit. Wide dissemination has been given to each annual report. Among others, copies are mailed to coal operators, lawmakers, state and federal officials and hundreds of newspapers, periodicals, radio and television stations, and it is reprinted in its entirety in the United Mine Workers Journal, the official publication of the United Mine Workers of America.

In addition, each year the trust fund files with the United States Department of Labor a detailed and voluminous report on its activities, financial and otherwise, including disclosure of its investments as required by the act in the same manner as thousands of other welfare and pension plans throughout the country. This report also includes a listing of the salary of every employee of the trust fund as well as a copy of the retirement provisions for fund employes. This report is a public document and available for all to review in the Office of the Department of Labor.

The criticism: The "poor" investment record of the trust fund.

The record: Any appraisal of our investment results must necessarily take into account that we are a trust fund and have fiduciary responsibilities. The objectives of the investment program of the trustees must be understood. Such objectives include, safety of principal, production of reasonable income on a steady basis and a high degree of liquidity. Our common stock investments admirably meet all these objectives.

All securities in which we are invested appear on the legal list issued semi-annually by the register of wills in the District of Columbia. All are traded on the New York Stock Exchange.

The yield on our common stock investments is approximately 5.3 per cent. The income from these investments has grown each year since their acquisition and it is expected to continue to provide a steadily rising source of income.

The common stock portfolio of the fund consists entirely of shares of public utility companies. In the past few years the market value of these shares has been adversely affected by high interest rates and a number of other factors. While at the present time the appreciation in this portfolio is minimal, we are confident that it will in the future, as it has in the past, show substantial appreciation in market value.

The criticism: "Large" bank deposits drawing no interest.

The record: At most times during our existence, our bank balances were not nearly as high as we would like to have them in relation to our monthly expenditures.

In January of 1965 the trustees made substantial improvements in the benefit programs which had the effect of increasing our expenditures by over $45 million annually. As a consequence, as income permitted, our cash balance was allowed to build up somewhat. Our cash balance on June 30, 1968, was actually no greater in relation to our monthly and annual expenditures than it had been at times in the past when expenditures were at a lower level.

With the conclusion of negotiations for a new three year contract between the union and the operators in October, 1968, the potential need for cash reserves has lessened and these balances have been reduced considerably.

The criticism: Trust fund salaries and retirement benefits for its employees are excessive.

The record: The salary scales and retirement benefits for employes of the fund are entirely competitive with those provided for employes with similar skills and responsibilities in all fields of industry and commerce. Maximum retirement benefits provided for top officials of the fund are less than one-third of their annual salary.

The criticism: The trust fund has excessive reserves.

The record: As at June 30, 1968, the unexpended balance of the trust fund was approximately $180 million. At this figure the balance represents only slightly in excess of one year's expenditures. Many other plans with a lesser number of pensioners, to say nothing about the extensive hospital and medical care program of the trust fund, have reserves many times this figure.

Proposals now pending in Congress would, if enacted, require the trust fund to accumulate reserves much larger than the present figure. While we do not feel that complete actuarial funding is necessary or even desirable, prudent administration dictates that a substantial reserve be maintained to insure continuity of present benefit programs in the event of a protracted recession or stoppage of work in the coal industry. It is recalled that in September, 1949, benefit payments from the trust fund had to be temporarily suspended completely and in February, 1961, the amount of the monthly pension payment was reduced because of the lack of sufficient reserves.

The criticism: The fund has neglected the old and disabled miner.

The record: Pensions and hospital and medical care benefits had always been the primary objectives of the miners in their long struggle for a benefit program. After the fund's establishment, however, pension payments were delayed by the court actions and the pitiful shortage of physicians and medical facilities slowed development of a medical care program. To begin paying benefits of any substantial nature, therefore, the trustees' only alternative was to set up temporary cash disability benefits until the basic programs could begin functioning. Within the short space of two years, more than $100 million was paid to disabled miners.

In 1954 the pension program was in full operation with $100 a month payments going to more than 55,000 miners—many of whom had earlier received these temporary disability benefits. Large numbers of the early pensioners continue on the rolls today and over the years have received hundreds of millions of dollars.

The fund's hospital and medical care program had also come of age in 1954 and was bringing to the heretofore deprived mining communities the most comprehensive hospital and medical care program in existence. By this time the severely disabled miners had been located by the fund and transported to the nation's most advanced centers for treatment and rehabilitation. Over the years thousands of other disabled miners have been assisted by specialists from the fund's area medical offices in obtaining physical and vocational rehabilitation. Fund personnel have also been instrumental in obtaining for the disabled miners assistance from federal, state and other public-supported agencies.

Oddly enough, the fund's pension program is condemned as being too restrictive in its eligibility regulations. This in spite of the fact that since 1948 well over $1 billion has been paid to more than 133,000 retired miners. As the record shows, pension provisions have always been geared as closely as possible to the nature of the industry with payments as high as fund finances would permit.

The criticism centers about a provision adopted 16 years ago that requires a miner to put in his 20 years within a 30-year period. Nothing is said about the liberality of the requirement that allows a miner to draw full

pension at age 55 even though he may have left the mines at 45. Nor is mention made of the generous method of calculating service that gives a year's credit for 6 months' work in any of the bituminous mines. And no comparison is made with other pension plans in effect 16 years ago which required continuous service with one company up to age 65 in order to qualify. The fact that the trustees have liberalized the service requirement eliminating the 30-year provision and permitting a miner to qualify for full pension at 55 with 20 years worked at any time ending after February, 1965, also receives scant notice. But these features add up to one of the most liberal programs in existence.

GENERAL STATEMENT

This fund was created by the trust indenture contained in the National Bituminous Coal Wage Agreement of 1950 negotiated by National Collective Bargaining between the bituminous coal operators and the International Union, United Mine Workers of America. It is an entirely separate and distinct legal entity, created and operating under the terms of federal law, i.e., Section 302(c) of the "Labor-Management Relations Act of 1947", better Act. Its management is tripartite, one trustee appointed by the coal operators, one by the international union and a third and neutral trustee appointed by the parties.

In the preparation, promulgation and administering of eligibility requirements the trustees have, within the limits imposed upon them by applicable law the resources available to them, undertaken to exercise prudent and businesslike judgments characterized by humaneness and with full consideration of all relevant factors. These judgments were based on knowledge of changing conditions prevailing from time to time in the coal industry as this new and novel trust fund grew and developed. . . .

THE ABM

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

Mr. HALL. Mr. Speaker, in a recent column by the noted reporter, James J. Kilpatrick, an excellent summary of the anti-ballistic-missile argument is presented. Much has been said by many about the ABM, a discussion that probably should not have held in the first place, due to the highly classified nature of the project.

Mr. Kilpatrick reiterates what many of us have already said—that is, the ABM will, first, save lives; second, can and will work; and third, we cannot do without it.

I suggest that the Members of Congress read this timely and succinct editorial which follows:

THE ANTI-BALLISTIC-MISSILE ARGUMENT

(By James J. Kilpatrick)

In the unfolding debate over proceeding with an anti-ballistic missile system, the arguments against President Nixon's proposal fall into four main groups.

Some of the objections are scientific: The things won't work when the button is pressed. Other objections are financial: In terms of cost-effectiveness, even the modified plan is too costly. Still other arguments arise from political considerations: An American ABM system will escalate the arms race and present a new threat to the Soviet Union. Finally, one hears a tactical-strategic case: By the time our ABM's could be made operational, even if they worked to perfection, changes in the technology of weaponry will have made the missiles obsolete.

On careful examination, each of these arguments falls apart. The scientific objections, for example, are essentially an echo of the old argument against a hydrogen bomb; but the bomb worked. The problems of mounting an ABM system are fearfully complex, to be sure, but so were the problems of developing a moon-shot. If there can be no iron-clad guarantee of successful design, in the absence of an actual test, the guarantees are reasonably solid.

The financial arguments are the least impressive. President Nixon's recommendation is for an $800 million investment, but more than half of this—roughly $450 million—is for research and development. Virtually all the opponents have conceded the necessity for continuing research. The flight, on budgetary grounds thus boils down to $350 million only. In terms of national security, this is peanuts.

Perhaps the loudest complaint is that by going ahead with an anti-ballistic missile system, the United States in some fashion will escalate the arms race with the Soviet Union. This is nonsense. In its "Washington Report" for April 21, the prestigious American Security Council provides stunning documentation—from Soviet sources themselves—of the Soviet Union's own anti-missile defenses. It is not necessary, in this regard, to make guesses of future strength. "The fact remains," says the council, "they have ABM forces in being and we do not."

The tactical-strategic arguments are highly speculative. So far as the Soviet Union is concerned, the President and his advisers have had to act upon the intelligence available now. By every indication, the Kremlin is proceeding steadily with deployment of its fantastic SS–9 missiles. These terrifying weapons, carrying 20 to 25-megaton warheads are much larger than our own inter-continental ballistic missiles. They represent the threat that must be countered now—and by "now," we are talking of 1973, when the first minimal phase of the proposed Safeguard system is complete.

In the end, or so it seems to me, none of the familiar, rational arguments can prevail. What the opponents really are saying, out of their hearts and not their heads, is simply that war is hell. The disenchantment with Vietnam, the horrors of atomic conflict, the awful imaginings of whole continents aflame—these essentially emotional reactions have clouded the reasoning mind. It is Hamlet's pale cast of thought. Some of the Senate's ablest men are suffering from the hang-up.

Of course war is hell. If we lived in a perfect world, all nations would beat their swords into plowshares. We would defuse our missiles, scrap our bombers, and dump every weapon in the depths of the seas. But Presidents—and Senators—have an obligation to deal with hell as it is, and not with heaven as it might be.

The President's recommendations for an anti-ballistic missile system are the very least that he could make, in good conscience, as commander-in-chief, charged with keeping our nation secure. The most telling criticism, in truth, is not that Mr. Nixon is proposing too much, but that he is proposing too little. In any event, the President has looked at realities; he has not closed his eyes. No one can ask more than this of a troubled Congress; but the country cannot settle for less than this, either.

MIAMI'S FEDERAL NARCOTICS FIGHTERS

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

Mr. FASCELL. Mr. Speaker, all of us are looking forward to receiving the President's forthcoming message on narcotics control. The need of expanded governmental activity in the field of dangerous drugs has long been apparent, and those of us who have tried to find workable solutions to this problem will welcome any new proposals.

In south Florida, the problem is not as critical as in some areas of the Nation, but is proportionate to the national increase in the use of mind-affecting substances. Especially among our younger people, the use of marihuana, LSD, and similar substances has become of major concern.

Last year, to combat this menace, I helped obtain a transfer of the Government's regional office on narcotics and dangerous drugs to Miami. Since then, I am happy to report, this field office has been very active in the fight to curb the use of these substances.

In the fiscal year through March, the Miami office closed 420 criminal investigations of violations of the Federal narcotics laws, made 155 arrests, closed 50 compliance investigations, made five seizures of illegal drugs, and obtained 86 criminal convictions for drug possession or use. Nationally, during this period, the figures for the same activities were: 2,419 criminal investigations closed; 3,284 arrests made, 498 compliance investigations closed, 22 compliance seizures, and 1,471 criminal convictions obtained.

In addition, the Miami field office has conducted a large-scale program to educate school students, law-enforcement officers, and the general public on the dangers of these substances. Its activities included eight seminars for 488 police and industrial security officers, 434 appearances before 56,853 persons, most of whom were students, and 35 radio and television appearances. Nationally, for the fiscal year to date, the figures were: 62 seminars for 5,167 officials, 3,171 appearances before 650,175 persons, and 130 broadcast appearances.

These figures show that the Miami field office of the Bureau of Narcotics and Dangerous Drugs has contributed a substantial share of the Government's effort to curb the use of these drugs. The Miami office's jurisdiction includes Florida, Georgia, and South Carolina, with the bulk of the activity centered in the largest cities, particularly Miami.

I am proud to have had a part in bringing this effort to bear on what is an increasingly serious threat to the health and happiness of our young people. Early in 1968, I personally contacted the Commissioners of the Food and Drug Administration's Bureau of Drug Abuse and Control, and the Bureau of Narcotics in the Treasury Department, calling to their attention the increasing sale of narcotic drugs to young people in the south Florida area. I urged their cooperation with local narcotics agents in south Florida to halt this traffic, and as a result of that request the Bureau of Drug Abuse and Control opened its new field office in Miami on April 1, 1968.

Very shortly after the opening of the Miami center, the President acted to

combine the Narcotics Bureau and the Bureau of Drug Abuse Control, placing the new agency under the Justice Department. This was done to provide greater Federal coordination of efforts to curb the growing drug problem.

As chairman of the House Government Operations Subcommittee on Legal and Monetary Affairs, which has oversight jurisdiction over the new Bureau of Narcotics and Dangerous Drugs, I have taken an active interest in another aspect of the drug problem—the involvement of organized crime, and the Federal effort to combat it. My subcommittee held extensive hearings on the overall problem of what the Government is doing about syndicated crime, and much of our interest centered on drug abuse.

Our report recommended improved Federal efforts in this field, including the cooperation of all involved Federal agencies in special investigative units to fight organized crime in major cities. One such strike force is now operating in Miami, seeking to rid the city of underworld elements, and the Bureau of Narcotics and Dangerous Drugs field office is involved in these efforts, in addition to its other activities.

In further action in the fight against drug abuse, I supported legislation passed by the last Congress to strengthen penalties for illegal sales of dangerous drugs to both minors and adults. We need to do all that we can to solve the drug problem, both from the standpoint of cutting off the supply at the source, and educating potential users of the danger involved. I will continue my efforts to see that this goal is achieved.

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. PATMAN, for 1 hour, on May 7, and 1 hour on May 8; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. WHITEHURST) and to revise and extend their remarks and include extraneous matter:)

Mr. STEIGER of Wisconsin, for 1 hour, today.

Mr. HALPERN, for 5 minutes, today.

Mr. MINSHALL, for 30 minutes, today.

EXTENSIONS OF REMARKS

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

Mr. SIKES and to include extraneous matter in five instances.

Mr. BELCHER and to include extraneous matter.

Mr. PELLY to extend his remarks prior to a vote on H.R. 8648 today.

Mr. COLMER and to include extraneous material.

Mr. ALBERT and to include extraneous material.

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

Mr. BURTON of Utah in 10 instances.

Mr. POLLOCK in three instances.

Mr. ASHBROOK.

Mr. PETTIS.

Mr. ANDERSON of Illinois.

Mr. DEVINE.

Mr. HUTCHINSON.

Mr. HALPERN.

Mr. SHRIVER.

Mr. JOHNSON of Pennsylvania.

Mr. HALL.

Mr. GROSS.

Mr. REID of New York in two instances.

Mr. DERWINSKI in two instances.

Mr. HANSEN of Idaho.

Mr. DENNEY in two instances.

Mr. CORBETT.

Mr. QUILLEN in two instances.

(The following Members (at the request of Mr. CHARLES H. WILSON) to extend their remarks and to include additional matter in that section of the RECORD entitled "Extensions of Remarks":)

Mr. BOLAND in two instances.

Mr. EILBERG in two instances.

Mrs. GREEN of Oregon in six instances.

Mr. ANDERSON of California in four instances.

Mr. JACOBS.

Mr. ADDABBO in two instances.

Mr. BROWN of California.

Mr. EVINS of Tennessee in four instances.

Mr. KARTH.

Mr. MINISH.

Mr. O'NEILL of Massachusetts in two instances.

Mr. RARICK in four instances.

Mr. HATHAWAY.

Mr. WOLFF in two instances.

Mr. DORN in two instances.

Mr. BRINKLEY.

Mr. HAGAN in three instances.

Mr. GIAIMO.

Mr. FLOOD.

Mrs. CHISHOLM.

Mr. OTTINGER.

Mr. KLUCZYNSKI.

ADJOURNMENT

Mr. CHARLES H. WILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 6, 1969, at 12 o'clock noon.

OATH OF OFFICE

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members and Delegates of the House of Representatives, the text of which is carried in section 1757 of title XIX of the Revised Statutes of the United States and being as follows:

"I A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 91st Congress, pursuant to Public Law 412 of the 80th Congress entitled "An act to amend section 30 of the Revised Statutes of the United States" (U.S.C., title 2, sec. 25), approved February 18, 1948; BARRY M. GOLDWATER, JR., 27th District, California.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

722. A communication from the President of the United States, transmitting proposed amendments to the requests for appropriations in the 1970 budget (H. Doc. No. 91–113); to the Committee on Appropriations and ordered to be printed.

723. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the act of August 28, 1950, enabling the Secretary of Agriculture to furnish, upon a reimbursable basis, certain inspection services involving overtime work; to the Committee on Agriculture.

724. A letter from the Secretary of the Army, transmitting a report of the number of officers on duty with Headquarters, Department of the Army, and detailed to the Army General Staff, as of March 31, 1969, pursuant to the provisions of 10 U.S.C. 3031(c); to the Committee on Armed Services.

725. A letter from the Director of Civil Defense, Department of the Army, transmitting a report of Federal contributions program equipment and facilities for the quarter ended March 31, 1969, pursuant to the provisions of subsection 201(1) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

726. A letter from the Secretary of the Treasury, transmitting the semiannual consolidated report of balances of foreign currencies acquired without payment of dollars, as of December 31, 1968, pursuant to the provisions of section 613(c) of the Foreign Assistance Act of 1961 (75 Stat. 443); to the Committee on Foreign Affairs.

727. A letter from the Secretary, Export-Import Bank of the United States, transmitting a report on the amount of Export-Import Bank insurance and guarantees issued in March 1969 in connection with U.S. exports to Yugoslavia, pursuant to the provisions of the Export-Import Bank Act of 1945, as amended, and the applicable Presidential determination thereunder; to the Committee on Foreign Affairs.

728. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation to amend title 5, United States Code, to authorize consolidation of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

729. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on the administration of the Allied Health Professions Personnel Training Act of 1966, together wtih recommendations on the needs in this field of manpower, pursuant to the provisions of section 301(d) of the Health Manpower Act of 1968; to the Committee on Interstate and Foreign Commerce.

730. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting the Annual Report of the Immigration and Naturalization Service for fiscal year 1968; to the Committee on the Judiciary.

731. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third- and sixth-preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

732. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States under the provisions of section 212(a)(28)(I)(ii) of the Immigation and Nationality Act; to the Committee on the Judiciary.

733. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to the provisions of section 212(d)(6) of the act; to the Committee on the Judiciary.

734. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

735. A letter from the Commandant, U.S. Coast Guard, Department of Transportation, transmitting statistics on boating accidents during 1968, pursuant to the provisions of section 10 of the Federal Boating Act of 1958; to the Committee on Merchant Marine and Fisheries.

736. A letter from the Postmaster General, transmitting a draft of proposed legislation to adjust the postal revenues and to afford protection to the public from offensive intrusion into their home through the postal service of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

737. A letter from the Federal Cochairman, Appalachian Regional Commission, transmitting a draft of proposed legislation to provide for the renewal and extension of certain sections of the Appalachian Regional Development Act of 1965; to the Committee on Public Works.

738. A letter from the director, legislative commission, the American Legion, transmitting a statement of financial condition of the American Legion as of December 31, 1968, pursuant to the provisions of its Federal charter; to the Committee on Veterans' Affairs.

739. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation to eliminate the limitation on the number of civilian officers and employees in the executive branch; to the Committee on Ways and Means.

740. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for July 1968–January 1969, pursuant to the provisions of section 10(d) of the Small Business Act; to the Committee on Banking and Currency.

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. PATMAN: Committee on Banking and Currency. H.R. 6269. A bill to provide for the striking of medals in commemoration of the 300th anniversary of the founding of the State of South Carolina; with amendment (Rept. No. 91–180). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. S. 1081. An act to provide for the striking of medals in honor of the dedication of the Winston Churchill Memorial and Library (Rept. No. 91–181). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. H.R. 7215. A bill to porvide for the striking of medals in commemoration of the 50th anniversary of the U.S. Diplomatic Courier Service. (Rept. No. 91–182). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. H.R. 8188. A bill to provide for the striking of medals in commemoration of the 100th anniversary of the founding of the city of Wichita, Kans. (Rept. No. 91–183). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. H.R. 8648. A bill to provide for the striking of medals in commemoration of the 100th anniversary of the founding of the American Fisheries Society (Rept. No. 91–184). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services. H.R. 8020. A bill to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the naval service on permanent duty aboard a ship overhauling away from home port whose dependents are residing at the home port; with amendment (Rept. No. 91–185). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services. H.R. 6790. A bill to authorize an increase in the number of Marine Corps Reserve officers who may serve in an active status in the combined grades of brigadier and major general (Rept. No. 91–186). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services. H.R. 8018. A bill to amend section 1072(2) of title 10, United States Code, to include a foster child within the definition of dependent; with amendment (Rept. No. 91–187). 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. DULSKI (for himself, Mr. NIX, Mr. CORBETT, Mr. CUNNINGHAM, and Mr. ROGERS of Florida):

H.R. 10867. A bill to amend title 39, United States Code, to exclude from the U.S. mails as a special category of nonmailable matter certain obscene material sold or offered for sale to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ADAMS:

H.R. 10868. A bill to provide for the election of a Delegate from the District of Columbia to the House of Representatives, and for other purposes; to the Committee on the District of Columbia.

By Mr. ANDERSON of California:

H.R. 10869. A bill to establish a Department of Maritime Affairs, and for other purposes; to the Committee on Government Operations.

By Mr. BIAGGI:

H.R. 10870. A bill to amend title 10 of the United States Code to prohibit the assignment of a member of an armed force to combat area duty if any of certain relatives of such member dies, is captured, is missing in action, or is totally disabled as a result of service in the Armed Forces in Vietnam; to the Committee on Armed Services.

By Mr. BROYHILL of Virginia:

H.R. 10871. A bill to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Va., its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House—the Robert E. Lee Memorial; to the Committee on House Administration.

H.R. 10872. 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. BROYHILL of Virginia (by request:

H.R. 10873. A bill to require that investigations of the Public Service Commission of the District of Columbia into the regulation of the operation of, or into the rates and charges for the services provided by, taxicabs in the District of Columbia be held at the Commission's expense, and for other purposes; to the Committee on the District of Columbia.

By Mr. COLMER (for himself, Mr. SIKES, Mr. HÉBERT, and Mr. DICKINSON):

H.R. 10874. A bill to provide for the establishment of the Gulf Islands National Seashore, in the States of Alabama, Florida, Louisiana, and Mississippi, for the recognition of certain historic values a Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CONTE:

H.R. 10875. A bill to amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty; to the Committee on Ways and Means.

By Mr. CORBETT (for himself, Mr. MESKILL, Mr. ROSS, Mr. JOHNSON of Pennsylvania, Mr. LUKENS, Mr. WEICKER, Mr. BLACKBURN, Mr. HOGAN, and Mr. SCOTT):

H.R. 10876. A bill to afford protection to the public from offensive intrusion into their homes through the postal service of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CUNNINGHAM (for himself, Mr. GERALD R. FORD, Mr. DON H. CLAUSEN, Mr. MATHIAS, Mrs. MAY, and Mr. POLLOCK):

H.R. 10877. A bill to adjust the postal revenues and to afford protection to the public from offensive intrusion into their homes through the postal service of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DADDARIO (for himself, Mr. BELL of California, Mr. DAVIS of Georgia, Mr. MOSHER, Mr. WAGGONNER, Mr. LUKENS, Mr. BROWN of California, Mr. CABELL, and Mr. PODELL):

H.R. 10878. 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. DENNEY:

H.R. 10879. A bill to provide for the payment of expenses incurred by members of the uniformed services in traveling home under emergency leave or prior to shipment outside the United States; to the Committee on Armed Services.

H.R. 10880. A bill to amend title II of the Social Security Act to increase the amount

of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.R. 10881. A bill to afford protection to the public from offensive intrusion into their homes through the postal service of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DICKINSON:

H.R. 10882. A bill to restrict the mailing of unsolicited credit cards; to the Committee on the Judiciary.

H.R. 10883. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

H.R. 10884. A bill to amend title 38 of the United States Code with respect to the standards under which compensation is awarded to persons disabled during vocational rehabilitation; to the Committee on Veterans' Affairs.

By Mr. DONOHUE:

H.R. 10885. A bill to amend the Internal Revenue Code of 1954 to provide that percentage depletion shall not be allowed in the case of mines, wells, and other natural deposits located in foreign territory; to the Committee on Ways and Means.

By Mr. EDWARDS of Alabama:

H.R. 10886. A bill to amend title 5, United States Code, to correct inequities resulting from the exclusion from entitlement to severance pay of employees who, at the time of separation from the service, decline to accept employment in equivalent positions in different commuting areas, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FOREMAN:

H.R. 10887. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GUBSER:

H.R. 10888. A bill to authorize the appropriation of additional funds necessary for acqusition of land at the Point Reyes National Seashore in California; to the Committee on Interior and Insular Affairs.

By Mr. HALPERN:

H.R. 10889. A bill to amend chapter 89 of title 5, United States Code, relating to enrollment charges for Federal employees' health benefits; to the Committee on Post Office and Civil Service.

By Mr. HASTINGS:

H.R. 10890. 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. HECHLER of West Virginia:

H.R. 10891. 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 mining 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. KING:

H.R. 10892. A bill to amend title 18, United States Code, to prohibit the disruption of the administration or operation of federally assisted educational institutions, and for other purposes; to the Committee on the Judiciary.

By Mr. McKNEALLY:

H.R. 10893. A bill to amend title 38, United States Code, to permit for 1 year the granting of national service life insurance to certain veterans heretofore eligible for such insurance; to the Committee on Veterans' Affairs.

By Mr. MESKILL:

H.R. 10894. 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. NICHOLS:

H.R. 10895. A bill to require the suspension of Federal financial assistance to colleges and universities which are experiencing campus disorders and fail to take appropriate corrective measures forthwith, and to require the suspension of Federal financial assistance to teachers participating in such disorders; to the Committee on Education and Labor.

By Mr. PICKLE:

H.R. 10896. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. POLLOCK:

H.R. 10897. A bill to amend section 305 of title 37 of the United States Code to provide that any member of a uniformed service, regardless of his State of residence, shall be eligible for the special pay provided for under such section while stationed outside the 48 contiguous States; to the Committee on Armed Services.

H.R. 10898. A bill to establish programs to reduce the seasonality of the labor force by encouraging residential and local governmental construction during the winter months; to the Committee on Banking and Currency.

H.R. 10899. A bill to amend title 5, United States Code, to provide additional cost-of-living adjustments in civil service retirement annuities of certain retired employees in Alaska as long as such retired employees continue to reside in Alaska, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RARICK:

H.R. 10900. A bill to prohibit the expenditure of Federal funds by the Secretary of Health, Education, and Welfare to promote the fluoridation of public water supplies; to the Committee on Interstate and Foreign Commerce.

H.R. 10901. A bill to amend title 38 of the United States Code so as to provide that hospital and medical care shall be provided under such title to any veteran of any war; to the Committee on Veterans' Affairs.

By Mr. REUSS:

H.R. 10902. A bill to provide that the temporary judgeship for the eastern district of Wisconsin created by the act of March 18, 1966 (80 Stat. 78), shall henceforth be permanent; to the Committee on the Judiciary.

By Mr. SPRINGER (for himself, Mr. FINDLEY, Mr. DERWINSKI, Mr. ANDERSON of Illinois, Mr. MICHEL, Mrs. REID of Illinois, Mr. ERLENBORN, Mr. MCCLORY, Mr. RAILSBACK, Mr. COLLIER, Mr. O'NEAL of Georgia, Mr. SKUBITZ, Mr. BLACKBURN, Mr. UTT, Mr. HALEY, Mr. MESKILL, Mr. WYATT, Mr. BELCHER, and Mr. ARENDS):

H.R. 10903. A bill to amend title 28, United States Code, to limit the appellate jurisdiction of the Supreme Court in certain cases relating to the apportionment of population among districts from which Members of Congress are elected; to the Committee on the Judiciary.

By Mr. STAFFORD:

H.R. 10904. A bill to amend the Federal Aviation Act of 1958 to provide for certain requirements with respect to the installation and maintenance of devices for locating downed civil aircraft; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Arizona:

H.R. 10905. A bill to maximize the use of private capital in financing the activities of the Washington Metropolitan Area Transit Authority; to the Committee on the District of Columbia.

By Mr. STEIGER of Wisconsin:

H.R. 10906. A bill to amend title II of the Social Security Act to provide for increases based on rises in the cost of living; to the Committee on Ways and Means.

H.R. 10907. A bill to amend the Internal Revenue Code of 1954 to restore to individuals who have attained the age of 65 the right to deduct all expenses for their medical care, and for other purposes; to the Committee on Ways and Means.

By Mr. STEIGER of Wisconsin (for himself, Mr. QUIE, Mr. WIDNALL, Mr. ERLENBORN, Mr. DELLENBACK, Mr. ESHLEMAN, and Mr. HANSEN of Idaho):

H.R. 10908. A bill to develop and strengthen a systematic National, State, and local manpower policy and provide for a comprehensive delivery of manpower services; to the Committee on Education and Labor.

By Mr. SYMINGTON:

H.R. 10909. A bill to amend section 5042 (a) (2) of the Internal Revenue Code of 1954 to permit individuals who are not heads of families to produce wine for personal consumption; to the Committee on Ways and Means.

By Mr. TAYLOR:

H.R. 10910. A bill to prohibit the dissemination through interstate commerce or the mails of materials harmful to persons under the age of 18 years, and to restrict the exhibition of movies or other presentations harmful to such persons; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas:

H.R. 10911. A bill to require the suspension of Federal financial assistance to colleges and universities which are experiencing campus disorders and fail to take appropriate corrective measures within a reasonable time, and to require the termination of Federal financial assistance to teachers, instructors, and lecturers guilty of violation of any law in connection with such disorders; to the Committee on Education and Labor.

By Mr. TEAGUE of Texas (by request):

H.R. 10912. A bill to amend title 38, United States Code, to liberalize the conditions under which the Administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans; to the Committee on Veterans' Affairs.

H.R. 10913. A bill to amend chapter 13 of title 38 of the United States Code to provide that widows of veterans who die while suffering from a total and permanent service-connected disability shall be entitled to dependence and indemnity compensation under that chapter, and to provide an alternative widow's rate of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

H.R. 10914. A bill to amend title 38, United States Code, to provide increases in the rates of additional compensation for dependents payable to certain disabled veterans; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of New Jersey:

H.R. 10915. A bill to amend title 10 of the United States Code to prohibit the assignment of a member of an armed force to combat area duty if any of certain relatives of such members dies, is captured, is missing in action, or is totally disabled as a result of service in the Armed Forces in Vietnam; to the Committee on Armed Services.

By Mr. TIERNAN:

H.R. 10916. A bill to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WATTS:

H.R. 10917. A bill to amend certain provisions of the Internal Revenue Code of 1954 to authorize refund of tax on distilled spirits, wines, rectified products, and beer

lost or rendered unmarketable due to fire, flood, casualty, or other disaster, or breakage, destruction, or other damage (excluding theft) resulting from vandalism or malicious mischief while held for sale; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.R. 10918. A bill to authorize the Secretary of the Navy to convey to the city of Portsmouth, State of Virginia, certain lands situated within the Crawford urban renewal project (Va–53) in the city of Portsmouth, in exchange for certain lands situated within the proposed South Side neighborhood development project; to the Committee on Armed Services.

H.R. 10919. 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.

H.R. 10920. A bill to amend title 5, United States Code, to provide that the aggregate amount of reduction in retired or retirement pay incurred by a retired officer of the uniformed services by reason of Government civilian employment shall be paid to him as part of his retired or retirement pay after termination of such employment, to liberalize the monetary factor in the reduction formula applicable to that pay during such employment, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WOLFF (for himself, Mr. DON H. CLAUSEN, Mr. DEL CLAWSON, Mr. GETTYS, Mr. GONZALEZ, Mr. MCCLORY, Mr. MCEWEN, Mr. MESKILL, Mr. RANDALL, Mr. ROYBAL, Mr. SIKES, Mr. SNYDER, Mr. WAGGONNER, Mr. WYMAN, and Mr. WRIGHT):

H.R. 10921. A bill to amend the Internal Revenue Code of 1954 to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 10922. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to provide that the rates of compensation of the officers and members of the Federal fire departments of Washington National Airport and Dulles International Airport shall be fixed in accordance with such act, and for other purposes; to the Committee on the District of Columbia.

By Mr. EILBERG:

H.R. 10923. A bill to amend the Consumer Credit Protection Act to provide a right of rescission with respect to sales not made at the seller's place of business; to the Committee on Interstate and Foreign Commerce.

By Mr. GUBSER:

H. Con. Res. 239. Concurrent resolution, support of gerontology centers; to the Committee on Education and Labor.

By Mr. HALPERN:

H. Con. Res. 240. Concurrent resolution, support of gerontology centers; to the Committee on Education and Labor.

By Mr. GUDE (for himself, Mr. ADAMS, Mr. BELL of California, Mr. EDWARDS of California, Mr. ESCH, Mr. FRELINGHUYSEN, Mr. HELSTOSKI, Mr. JACOBS, Mr. MCCLORY, and Mr. MCCLOSKEY):

H. Res. 392. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on Urban and District of Columbia Affairs; to the Committee on Rules.

MEMORIALS

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

145. By the SPEAKER: Memorial of the House of Representatives of the State of Hawaii, relative to construction and land acquisition for an antiballistic-missile site on the island of Oahu; to the Committee on Armed Services.

146. Also, memorial of the Legislature of the State of Nevada, relative to authorizing the coinage of silver dollars; to the Committee on Banking and Currency.

147. Also, memorial of the Legislature of the State of Minnesota, relative to amending the Older Americans Act; to the Committee on Education and Labor.

148. Also, memorial of the Legislature of the State of Oklahoma, relative to the Hodgens Job Corps Center, Oklahoma; to the Committee on Education and Labor.

149. Also, memorial of the Legislature of the State of Nevada, relative to declaring that the Federal Government holds specific California land in trust for the Washoe Indian Tribe; to the Committee on Interior and Insular Affairs.

150. Also, memorial of the Legislature of the State of Washington, relative to water rights; to the Committee on Interior and Insular Affairs.

151. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to legislation to control aircraft noise; to the Committee on Interstate and Foreign Commerce.

152. Also, memorial of the Legislature of the State of Tennessee; relative to the rights of citizens to possess and bear arms; to the Committee on the Judiciary.

153. Also, memorial of the Legislature of the State of Kansas, relative to designating Interstate Highway No. 70 as "Dwight D. Eisenhower Interstate Highway"; to the Committee on Public Works.

154. Also, memorial of the Legislature of the State of Kansas, relative to taxation of State and local government bonds; to the Committee on Ways and Means.

155. Also, memorial of the Legislature of the State of Minnesota, relative to abolishing residency requirements for federally supported programs for assistance to the blind; 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. BROYHILL of Virginia (by request):

H.R. 10924. A bill to authorize the Secretary of the Interior to convey certain real property to J.E. Bashor and Marie J. Bashor; to the Committee on Interior and Insular Affairs.

By Mr. KASTENMEIER:

H.R. 10925. A bill for the relief of Percy Ispan Avram; to the Committee on the Judiciary.

By Mr. MESKILL:

H.R. 10926. A bill for the relief of Robert and Alice Martin; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 10927. A bill to provide private 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. TEAGUE of Texas (by request):

H.R. 10928. A bill for the relief of United Spanish War Veterans; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

100. By the SPEAKER: Petition of the President of the National Academy of Sciences, relative to the administration of selective service regulations; to the Committee on Armed Services.

101. Also, petition of Laszlo Kalmar, München, Germany, relative to removal of his name from a list of undesired persons in the United States; to the Committee on the Judiciary.

102. Also, petition of Henry Stoner, Madison, Wis., relative to determining the location at which the State of New Hampshire ratified the Constitution of the United States; to the Committee on the Judiciary.

SENATE—*Monday, May 5, 1969*

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

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

They that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run and not be weary; they shall walk and not faint.—Isaiah 40 : 31.

O Lord, teach us this day and every day the stillness, not of indolence or inertia, but the stillness of awareness and renewal. When nerves grow taut and spirits tense, help us to preserve a sanctuary in the soul where Thy throne is secure, and Thy voice is heard above all lesser voices. Make us who serve Thee here and all the people of this land to be a nation under God in service to all mankind.

In the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 1, 1969, be dispensed with.

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

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of May 1, 1969, the Secretary of the Senate, on May 2, 1969, received messages in writing from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received on May 2, 1969, see the end of the proceedings of today, May 5, 1969.)

EXECUTIVE REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of May 1, 1969, the following favorable executive reports of nominations were submitted, on May 2, 1969:

By Mr. EASTLAND, from the Committee on the Judiciary: