HOUSE OF REPRESENTATIVES—*Monday, May 18, 1970*

The House met at 12 o'clock noon.

Rev. J. Kenneth Soderquist, Gethsemane Evangelical Lutheran Church, Port Allegany, Pa., offered the following prayer:

O merciful Father in Heaven, of whom is all earthly rule and authority, graciously regard Thy servants, the President of the United States, the members of the judiciary, the Members of the legislative bodies, especially the Members of the House of Representatives, that they may have wisdom and insight to govern in such a way as to bring blessing upon blessing to all our people. We pray that we as a people may walk in Thy peace all the days of our lives. Bestow Thy heavenly peace and concord upon all the nations of the earth, that they may serve Thee. Grant unto us Thy word and spirit that dwelling in our hearts we may have wisdom, for we pray in Thy name. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, May 14, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 780. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon, and for other purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 759. An act to declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, Calif.;

S. 786. An act to grant all minerals, including coal, oil, and gas, on certain lands on the Fort Belknap Indian Reservation, Mont., to certain Indians, and for other purposes;

S. 886. An act to convey certain land of the United States to the Inter-Tribal Council, Inc., Miami, Okla.;

S. 940. An act to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam for a period of 8 years;

S. 3102. An act to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the act;

S. 3337. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Yakima Tribes in Indian Claims Commission dockets Nos. 47–A, 162, and consolidated 47 and 164, and for other purposes;

S. 3564. An act to amend the Federal Youth Corrections Act (18 U.S.C. 5005 et seq.) to permit examiners to conduct interviews with youth offenders; and

S.J. Res. 196. Joint resolution increasing the authorization for college housing debt service grants for fiscal year 1971.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Thursday, May 14, 1970, he did on May 15, 1970, sign the following enrolled bill of the House:

H.R. 14465. An act to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

REV. J. KENNETH SODERQUIST

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

Mr. JOHNSON of Pennsylvania. Mr. Speaker, it is a great honor and a great pleasure for me to have been honored today by having the Reverend J. Kenneth Soderquist, pastor of the Gethsemane Lutheran Church, of Port Allegany, Pa., as a guest Chaplain of the day.

The town of Port Allegany, Pa., is in McKean County, in my district, and is a very fine, progressive, and friendly community. The Gethsemane Lutheran Church is one of the oldest Lutheran churches in this area, having been established in 1882, and it now has a congregation membership of 184.

Reverend Soderquist was born in Buffalo, N.Y., but was raised in Jamestown, where he met his lovely wife; namely, Dawne, whom he married in 1951. They are the proud parents of a delightful young daughter named Cheryl, who is 10 years of age, and is in the fifth grade of the Port Allegany Area School.

Reverend Soderquist attended Augustana College and Seminary, Rock Island, Ill., and the Gethsemane Lutheran Church in Port Allegany is the third church of which he has been the pastor.

He is a member of the Port Allegany School Board and is a past president of the Rotary Club of Port Allegany. He has been honored by having been elected the dean of the Warren McKean district, western Pennsylvania, West Virginia synod of the Lutheran Church of America.

We in our area are proud of Reverend Soderquist and the work that he is doing in this chosen field, and it was a great pleasure for me to honor him at the Nation's Capital today.

CLIFFORD R. HOPE, REPRESENTATIVE FROM KANSAS FOR 30 YEARS, PASSES ON MAY 16, 1970

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

Mr. SHRIVER. Mr. Speaker, it is with a heavy heart and a sense of great personal loss that I inform the House and my colleagues of the passing of my friend and distinguished Kansan, Clifford R. Hope, who served with distinction in the U.S. House of Representatives for 30 years.

Cliff Hope died on Saturday, May 16, and funeral services will be held in his hometown of Garden City, Kans., Tuesday at 2 p.m.

My colleague, Mr. SEBELIUS, who now represents the congressional district formerly served by Congressman Hope, has remained in Kansas to attend the final rites.

Cliff Hope came to Congress in 1927, and he represented one of the largest wheat growing areas in the country. His interest and knowledge of agriculture was reflected in the major farm legislation which he was instrumental in drafting.

He was ranking Republican on the Agriculture Committee for most of his legislative career and twice served as committee chairman.

He was responsible for the original Soil Conservation Act of 1935 and the Farm Credit Act of 1953 which are keystones to conservation and farm progress in our Nation. Cliff Hope was in the forefront of the effort to set high-price support for farmers and to maintain the Nation's soil conservation programs.

His expertise in agriculture was recognized by President Eisenhower who called upon him to serve as chief campaign adviser on farm policy. He also had been chairman of the farm division of the Republican National Committee during the 1936 campaign of another able Kansan, Alf Landon.

At the end of the 84th Congress, 30 years after he was first elected to the House, he decided to retire. But his support of agriculture and Kansas wheat farmers was unending. He became president of Great Plains Wheat, Inc., of Garden City, Kans., and was instrumental in promoting wheat exports.

He wrote a column for the Harris Publications in Kansas which was widely read and highly regarded.

Cliff Hope was born in Iowa on June 9, 1893. He attended public schools and Nebraska Wesleyan University, Lincoln, Nebr., and was graduated from Washburn Law School in Topeka, Kans., in 1917, and was admitted to the bar the same year.

During World War I he served as a second lieutenant with the 35th and 85th Divisions in the United States and France. He commenced the practice of law in Garden City in 1919.

His political career began in 1921 when he was elected to the Kansas House of Representatives and later was to serve as speaker pro tempore and speaker.

Mr. Speaker, it is always difficult to say goodby to a good friend. We have lost such a friend in Cliff Hope. The farmers of this Nation have lost a good friend and supporter. We in Kansas have lost a distinguished son. The Nation has lost a great public servant who made a lasting contribution as a representative of the people.

Mrs. Shriver and I join in expressing our heartfelt sympathy to Mr. Hope's family, his son Clifford, Jr., who also has had a distinguished career of serv-

ice in the Kansas Legislature, and his daughter, Mrs. Frank West.

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

Mr. SHRIVER. I yield to the gentleman.

Mr. ALBERT. Mr. Speaker, I was shocked to learn of the death of Cliff Hope with whom I served on the Committee on Agriculture for many years.

Cliff's long and distinguished record of service in the House of Representatives was the equivalent of that of any Member who has served in this great body during my lifetime. He was not only the leading authority in the field of agriculture in the House of Representatives, and I think in the country, but his legislative record was broad based. He was a big man. He was a great man. He was honest. He was sincere. He was modest. He was kind. He was one of the finest and noblest men I have ever known.

Mr. Speaker, I join my friend, the gentleman from Kansas and his colleagues in expressing my own sorrow and Mrs. Albert's sorrow over the death of a friend and a great American.

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

Mr. SHRIVER. I yield to the gentleman.

Mr. ASPINALL. Mr. Speaker, I wish to join with my distinguished friend, the gentleman from Kansas, and the majority leader, Mr. ALBERT, in paying tribute to the late Clifford Hope, a distinguished former Member of this body.

When I first came to the Congress, Cliff Hope spoke for the Republican side of the House Committee on Agriculture and the present majority leader spoke for the majority side of the Committee on Agriculture. As far as I was concerned, their positions on matters of legislation almost without fail or caution got my support, especially so when they were together which I might say was most of the time.

Also, I served with Clifford Hope on the Missouri River Basin Survey Commission, and I found him to be as constructive, and as effective, and as talented in that work as he was here in the Congress of the United States.

Mr. Speaker, we have lost a great friend. I know of no one who, in my opinion, was more esteemed and more effective and accepted by the Members with whom he served. Clifford Hope was possessed of a gentle and winning personality. In company with my colleagues, I wish to express my condolences and sympathy to his family. The Nation is a better land because Clifford Hope walked and worked a while with us.

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

Mr. SHRIVER. I yield to the gentleman.

Mr. MIZE. Mr. Speaker, the Nation has suffered a tragic loss, for a great Kansas statesman has passed from this life. The Honorable Clifford R. Hope, a Representative in Congress from Kansas for 30 years, died in Garden City on Saturday, May 16, 1970.

Mr. Hope was born in Birmingham, Van Buren County, Iowa, on June 9, 1893. He graduated from the Washburn Law School of Topeka in 1917 and was admitted to the Kansas bar that same year.

Mr. Hope served as a second lieutenant with the 35th and 85th Divisions in the United States and France during the First World War. Upon return from the war, Mr. Hope commenced the practice of law in Garden City and subsequently served in the Kansas House of Representatives from 1921 to 1927. He served as speaker pro tempore in 1923 and as speaker of the house in 1927.

Elected to the 70th Congress as a Republican, Mr. Hope served in this House for 30 years before retiring in 1957. During his tenure here, Congressman Hope established himself as one of the most distinguished farm legislators the Nation has ever produced. Millions of farmers and other citizens from rural America are in his debt, for Mr. Hope was largely responsible for the landmark Soil Conservation Act of 1935, the Farm Credit Act of 1953, and many other important measures.

Mr. Hope served twice as chairman of the House Agriculture Committee. His philosophy of farm legislation guides us to this day and I think it is fair to say that Americans owe their abundance of food and fibre and their position as the world's premier agricultural export Nation to Clifford Hope as much as any man that has ever lived.

The force of his intellect, the sincerity of his position, the substance of his convictions have led to a prosperous agriculture, an agriculture with vitality and resilience and capacity to adapt to changing technological conditions.

For all our current problems, for all the apparent differences of opinion on agricultural policy, we know that Clifford R. Hope built the plane of reference from which we proceed today. He established, as much as any other man, the proposition that American agriculture must be made secure from the vicissitudes of a widely fluctuating market price, that to neglect farmers was to invite economic ruin not only for agriculture but for the entire Nation.

In his later years, Mr. Hope maintained an active interest in the development of farm policy and in other great national issues before the Congress. He was often a guest editorialist in leading Kansas newspapers and his views were very welcome to those of us currently representing Kansas in this body.

Mrs. Mize and I convey our deepest sympathy to Congressman Hope's family at this time of loss.

Mr. Speaker, today's Washington Post carried an excellent article on the distinguished career of Clifford R. Hope. I insert the Post article in the RECORD at this point, as follows:

[From the Washington Post, May, 18, 1970]

EX-LAWMAKER C. R. HOPE DIES

Former Rep. Clifford R. Hope (R-Kan.), who drafted major farm legislation during 30 years in the House and who was reportedly President Eisenhower's first choice for Secretary of Agriculture, died Saturday in Garden City, Kan. He was 76.

Born in Iowa and raised on a farm, Mr. Hope had represented one of the largest wheat growing areas in the country. He had lived in Garden City since his retirement in 1957 and had been hospitalized since suffering a stroke in February.

One of President Eisenhower's chief campaign advisers on farm policy, he was responsible for the original Soil Conservation Act of 1935 and the Farm Credit Act of 1953.

A close friend of Kansas Gov. Alf M. Landon, Republican presidential condidate in 1936, Mr. Hope had also been chairman of the farm division of the Republican National Committee in 1936.

He was the ranking Republican on the Agriculture Committee for most of his legislative career and twice served as Committee chairman. He was often described as a loyal Republican but a firm believer in bipartisan farm programs, and he fought to set high price support for farmers and to maintain the nation's soil conservation programs.

Mr. Hope was cool to many of the Eisenhower administration's proposed farm policies and on more than one occasion opposed the decisions of Agriculture Secretary Ezra Taft Benson.

At one point during the farm price support war in Congress, Mr. Hope appeared with Harold R. Lovre (D-S.D.) before the House Rules Committee and accused the Republican administration of using "high pressure" and "misleading tactics" in its all-out efforts to kill high supports.

Mr. Hope later joined Democratic Rep. Harold D. Cooley of North Carolina in taking the case for mandatory high supports to the nation.

The House Agriculture Committee, of which they were the ranking Republican and Democratic members, demanded and got equal time to answer them. Vice President Richard M. Nixon and Agriculture Secretary Benson. The Vice President and Benson had previously presented the administration's views on national television.

Although he frequently joined Democrats on farm issues, Mr. Hope was a strong defender of the Republican 80th Congress against the attacks by President Truman.

Mr. Hope said during the 1948 campaign that some Democratic leaders were making "inaccurate and misleading" charges against the farm record of the 80th Congress.

He defended the record of the 80th Congress on farm legislation as being good and said, "I want to make it perfectly clear, however . . . that in the main it is the result of the work of both Republicans and Democrats and both parties are entitled to credit."

As a member of the Republican "truth squad" in 1952 that followed President Truman around the nation, Mr. Hope again came to the defense of the 80th Congress.

Shortly after Mr. Truman had told an audience that corn bringing $1.60 a bushel under his administration's price-support program would bring only $1.18 under the Republican sliding-scale plan, Mr. Hope fired back.

The Kansan said that the nation was operating under the same farm program, with some amendments that was passed by the Republican 80th Congress. If it had not been for the 80th Congress, Mr. Hope said, the support level would have dropped "sharply."

Mr. Hope also replied to Mr. Truman's charge that the nation would lose its allies and face Russia "alone" if the Republicans won the election.

The country's most successful foreign policy, Mr. Hope said, was enacted by the 80th Congress and included aid to Greece and Turkey, the Marshall Plan and the Vandenberg resolution, which he said was the basis for the North Atlantic Treaty Organization.

When Mr. Hope said he would retire at the completion of his term in 1957, the Washington Post editorialized of him on Des. 2, 1955:

"The announcement by Rep. Clifford R. Hope of Kansas that he will retire at the end of his present term will be received with regret by Republicans and Democrats alike.

"Mr. Hope has been a valuable member of Congress for almost three decades, and he has earned the respect of members on both sides of the aisle.

"From the beginning of his service in the House he has been a member of the Agriculture Committee and twice its chairman.

"As the senior Republican on the Committee, he has played a significant role in agriculture legislation and has often been consulted by Republican and Democratic presidents.

"Like so many men who have risen to high positions in the House, he has never been a partisan first; he has always worked closely with men in both parties.

"At a time when the efforts to devise a satisfactory agricultural policy are of such paramount importance, his influence will be sadly missed . . ."

Mr. Hope is survived by a son, Clifford Jr. of Garden City, with whom he practiced law after leaving Congress, and a daughter, Mrs. Frank West, of the New York City area.

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

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

Mr. RHODES. Mr. Speaker, with a deep sense of personal loss, I join my colleagues in recognizing the fact that we have lost a very good and esteemed friend in the passing of a great former Member of this body, Clifford R. Hope of Kansas.

I have known Cliff Hope ever since 1934. He was a friend of my father, and later when I came to serve in the House of Representatives, he was a very good friend of mine.

Everything that the majority leader has said about the standing of Mr. Hope in the science of agriculture is certainly true. There was no person in public life or in private life whose expertise in agriculture was more respected than that of Clifford R. Hope.

But even more importantly than that, Clifford Hope demonstrated in the best way it was possible to demonstrate it that he had a deep capacity for friendship. He was a man who always kept his word, was always kind, considerate, honorable, and just to his friends and to his associates.

Mr. Speaker, we shall miss Clifford Hope and I join with my colleagues in extending to his family the deepest sympathy of Mrs. Rhodes and myself.

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

Mr. SHRIVER. I yield to the gentleman from Indiana.

Mr. BRAY. I also wish to express my deep regret at the passing of Cliff Hope. I had known of Cliff Hope a long time before I came to Congress through a member of my family in Kansas. I got acquainted with him early after I became a Member of Congress, and he gave me much good advice. I became well acquainted with his work in the small watershed legislation, of which he was the author. I would say he was one of the finest, and one of the most capable gentlemen and legislators that I have ever known.

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

Mr. SHRIVER. I yield to the gentleman from Georgia.

Mr. LANDRUM. I, too, wish to express my deep regret at the passing of Clifford Hope. Early in the first year of my service in the Congress, in 1953, I came to know Mr. Hope. I watched his activities as chairman of the Committee on Agriculture and found that Cliff Hope, though occupying a position as a Republican Member of Congress, was perhaps one of the truly nonpartisan Members of Congress. He believed in America and believed in seeing all parts of it prosper.

During my first term here he organized a trip throughout the agricultural section of the southern part of the United States. Traveling in Georgia, and particularly in south Georgia, he made such an impression on the citizens in that area with his keen grasp of their problems and his fine understanding of what this business of politics in America is all about that afterward many said if Clifford Hope were to come to Georgia, he could be elected to almost any office he wanted to run for.

He was always friendly, as my warm friend JOHN RHODES has just said. He had a very deep capacity for friendship. He was one of the finest men I have had the pleasure of knowing since the time I came to Congress.

I extend to his family my deep sympathy at his passing.

Mr. POAGE. Mr. Speaker, Cliff Hope was one of the greatest of the agricultural great. Not a great many present Members of this House had the privilege of serving with the Honorable Clifford R. Hope—longtime Congressman from Garden City, Kans. I did enjoy that privilege.

I looked upon Cliff Hope as one of my finest and closest friends, and I was priviliged to continue to call him my friend until his untimely passing. Cliff Hope was a great man by any measure. He was honest, sincere, and intelligent. He worked with a great deal of success to make America a greater and a better land.

He and I were not of the same political party, but I ofttimes explained to the people of my own State that had he lived south of the Red River, I am sure we would have had the same party affiliation. While he believed as I do that political parties provide possibly the best means of preserving our type of government, and while he was entirely loyal to the Republican Party, he never lost sight of the fact that his basic obligation was to all Americans.

On two separate occasions he served as chairman of the Agriculture Committee. He was fair, dignified, and cooperative with all his fellow Members. No Member was more generally respected and loved. As a member and as chairman of that committee, Cliff Hope served our country and served it well. When he felt that his family obligations required his presence at home, he voluntarily retired from the political arena, but he never lost his interest in agriculture, in our Government, or in our people.

Those of us who knew him best feel a keen sense of loss at his passing. But we also feel a sense of pride that we were privileged to call this great, good man our friend.

GENERAL LEAVE TO EXTEND

Mr. SHRIVER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the loss of this great American.

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

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON TERRITORIES, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Territories of the Committee on Interior and Insular Affairs be permitted to sit during general debate today.

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

There was no objection.

WYATT ADVOCATES AMERICAN UNITY

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

Mr. WYATT. Mr. Speaker, it is impossible to observe what has happened in the United States during the last 2 weeks without being awed, frightened, and discouraged with the shrill voices on all sides, and the acts of lawlessness in various degrees throughout the country.

Our crying and urgent need is to unite, to work together in harmony, to find solutions we all seek to our most pressing problems.

So I say, regardless of our agreement or disagreement with the basic wisdom of the administration's decision involving Cambodia, the decision has been made. Both the President and the Secretary of Defense have given firm assurances that American troops will be out of Cambodia by June 30. No congressional action is possible to shorten this period.

Under these circumstances, I would call on all Americans, regardless of political party or previous convictions, to now unite behind President Nixon. We can share his hope and aspirations that the Cambodian venture will achieve its announced purpose of shortening the war, and hastening the day all of our troops can safely be returned from Southeast Asia.

Responsible dissent is an integral part of our democracy. But advocates of disunity should now see that the quickest way to end this war, and to permit us to turn our full attention to our pressing domestic needs, is to demonstrate our support for President Nixon. This is the

only clear way to effectively resolve the crisis of today.

CHANGE IN LEGISLATIVE PROGRAM

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

Mr. RHODES. Mr. Speaker, I have taken this time to inquire of the distinguished majority leader if there is any change to be made in the program for today.

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

Mr. RHODES. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the distinguished acting minority leader and upon his request and the request of the gentleman from Illinois (Mr. ANDERSON), we have removed from the program for today the bill S. 2315, to restore the golden eagle program to the Land and Water Conservation Fund Act.

This request came as a result of a request to the leadership and to the chairman of the committee from the gentleman from Pennsylvania (Mr. SAYLOR) the ranking minority member.

After discussing the matter with the distinguished chairman of the committee and the Republican leadership, we have decided to drop the matter from the program today.

Mr. RHODES. Mr. Speaker, I thank the majority leader for his consideration.

The request of the gentleman from Pennsylvania was made because of the necessity that he have some dental work completed which had been started over the weekend. He is absolutely unable to be here today. I appreciate the consideration of the majority leader in this matter, as, I am sure, does the gentleman from Pennsylvania.

NOW TRAGEDY AT JACKSON STATE COLLEGE

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

Mr. RYAN. Mr. Speaker, the slayings of two black students at Jackson State College in Jackson, Miss., last week, and of six black Americans shot in the back in Augusta, Ga., was unconscionable and intolerable. Their deaths are further evidence of the climate of violence which this administration has helped loose upon the land.

Instead of following its rhetoric about "bringing us together," the administration has further polarized our society to the point that the four young men and women at Kent State share together with their brothers in Augusta and Jackson a tragic and needless death.

The administration's gutting of the school desegregation movement has similiarly exacerbated racial tensions, which certainly were paramount in Jackson and Augusta. Instead of moral leadership, there has been political maneuvering. Instead of a clear commitment to enforcement of the civil rights laws, this administration has undermined an aggressive program by the Civil Rights Division of the Department of Health, Education, and Welfare and has opposed extension of the Voting Rights Act in its present effective form.

There is a climate of despair in this country. Progress has become an illusion; our problems have become factors in political equations, to be ameliorated only if there are votes to be had.

And the slain young men and women at Augusta, Jackson State, and Kent State are martyrs to this desperation. For their deaths show in stark tragedy the tortuous state of this Nation, where dissent is met with repression and violence and hope is stifled by bloodshed.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

GOLD AND SILVER ARTICLES—CONSUMER PROTECTION

The Clerk called the bill (H.R. 8673) to protect consumers by providing a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver, and for other purposes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

AUTHORIZING SECRETARY OF INTERIOR TO APPROVE AN AGREEMENT ENTERED INTO BY THE SOBOBA BAND OF MISSION INDIANS

The Clerk called the bill (H.R. 3328) to authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

U.S. PARTICIPATION IN THE 1972 UNITED NATIONS CONFERENCE ON HUMAN ENVIRONMENT

The Clerk called House Resolution 562, expressing the sense of the House of Representatives that the United States should actively participate in the 1972 United Nations Conference on Human Environment.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask someone in connection with this bill what it is going to lead to by way of cost to the taxpayers.

Mr. FASCELL. Mr. Speaker, this will lead to the normal conference costs of sending a mission or delegation to Stockholm. As far as the product of the conference is concerned, we do not have any way of knowing it in advance. Costs relating to that product would be subject to whatever authorizing process the Congress would require—but not as far as the conference itself.

Mr. GROSS. Is it open ended as far as the number taking this junket to Stockholm, Sweden? Is it open ended as to the numbers and open ended as to the amount of money to be spent for that purpose?

Mr. FASCELL. There is no limitation as far as the resolution is concerned with respect to U.S. participation. That is an executive decision.

Mr. GROSS. I thought the House only last week passed a bill which would cost $45 million to allegedly promote tourists to come to this country as an element in reducing the deficit in our balance of payments. How does this square with sending a nice, big, fat delegation over to Stockholm, Sweden, for this purpose?

Mr. FASCELL. As the gentleman from Iowa knows, we try to get as many of the international conferences held in the United States as we possibly can. We are trying to do our best to get them held here in this country, to help on our balance of payments. The one on the environment, set for June 1972, was agreed upon some time ago.

Mr. GROSS. Why does this go to Stockholm, Sweden? They have the facilities in New York at the United Nations. They have plenty of facilities there to hold a convention or a conference on the environment or almost anything one can think of. They have the room and the facilities. We do not have to put up money to go to Stockholm, Sweden, to finance transportation and the keep of a big delegation. It would be much more economical, and the money would stay in this country if held in New York. Why go to Stockholm?

Mr. FASCELL. The gentleman of course is correct. The conference could have been held at the U.N. Headquarters in New York or in Geneva, but it so happens the United Nations accepted the invitation from the Swedish Government to hold it in Stockholm. The Swedish Government, as the host government, will bear the basic costs of the conference. The delegations from the various countries will bear their own.

Mr. GROSS. We probably would not miss a thing if we did not go to this Stockholm meeting, would we?

Mr. FASCELL. I do not agree with the gentleman on that. It is obvious that environmental questions today are not bounded by county or state or even national borders. It would do us very little good to clean up the environment in the United States if everybody else would continue polluting the oceans as fast as we attempt to clean them. I believe it is extremely important to bring international recognition to the very, very difficult problem of preventing further deterioration of the environment which is

obviously going to require international cooperation of the very highest order.

Mr. GROSS. According to the dictionary, the environment is not confined to pollution. Environment can mean a lot of things. Environment is a nice, big circus tent, in my opinion, that can cover all kinds of sins and errors of omission and commission.

I do not believe we would miss a thing if we did not go to Stockholm for this thing. We are spending millions and millions of dollars in this country on the subject of environment.

I just do not understand why there is not at least some limitation as to how many are going to this thing and what it is going to cost, particularly in the light of the bill which was passed only last week, to spend $45 million to bring foreign visitors to this country.

Mr. FASCELL. The gentleman raises a point as to limitations on appropriations for the purposes of international conferences. That is not the subject matter of this legislation. That would be something which would have to be considered in the basic legislation. We do as a nation participate in a great number of international conferences. It does cost quite a bit of money. We are a big nation. We have a lot of problems. We are a part of the world.

Frankly, I do not know if we would do ourselves any good by staying out of international conferences. I believe that where we can make contributions reasonably, we should. We have to leave it to the executive branch, to the President, to use his best judgment with respect to sending a proper delegation.

I agree with the gentleman from Iowa, so far as the subject matter and the scope of the conference is concerned; it is broad. The question of the environment, ecology, the impact of industrialization on mankind and of mankind on the environment is as broad as mankind itself.

Mr. GROSS. Going beyond the immediate conference in Stockholm, does the gentleman have any idea as to what this is going to cost in the future? I believe he will admit that some kind of an international setup is going to grow out of this meeting in Stockholm, and then we will be assessed for dues to the club, plus contributions—that is the way things go in the United Nations—until it rolls up into a costly bill of goods.

I wonder if we could not delay this until we could get some kind of a handle on the number that are going and the expenditure necessary for the purpose of sending them over there and back, together with a look beyond the conference into what this is getting us into.

Mr. FASCELL. I do not think we ought to do that with respect to this resolution which simply indicates the interest of the Congress in U.S. participation in this conference. We are going to participate in it anyhow. An action of this body would not stop that participation, since, as a member nation of the United Nations, we are already participating and paying our share of the cost of that organization and its preparations for the conference.

As far as an international regime which may or may not grow out of this conference is concerned, I have no knowledge of that. I doubt that any international regime is necessary or that there will be additional expenses. But if there are such expenses, they will be either subject to approval by way of a treaty, ratified by the Senate, or our normal appropriations process. If the product of the conference should call for expenses over and above our present participation in the United Nations, such expenses would be subject to normal authorization and appropriation processes. The report on the resolution before us specifically states that this measure should not be construed as authorizing any expenditures either for the conference or for programs and projects that may emanate from it. So there is an ample safeguard here.

We can pass this resolution indicating the knowledge and consent of the Congress with respect to the importance of the problem and say that the United States welcomes an opportunity to participate in this conference.

We are trying very, very hard to address ourselves to the problem of a deteriorating environment. Many nations of the world are not only not as cognizant of this problem as we are but are really not willing as yet to participate in solving it from the standpoint of their own internal programs. Therefore, it would seem to me that this proposed conference is in our own best interests.

Mr. GROSS. I am one Member of the House of Representatives who is of the opinion that we have already done far too much by way of wet nursing foreign countries. It is about time we stop. If they are not interested in so-called environment in their countries, then I could look forward, if this is what we are embarked upon, I could envision a pretty good appropriation for this outfit before we get through with it. This is not necessary. The meeting will not be held until 1972. Is that correct?

Mr. FASCELL. That is correct. There will be no appropriation made for this purpose unless we agree to it. What we seek to do here is to call this conference to the attention of the world community. We are spending a lot of money in our country on redeeming and safeguarding our environment and I just do not know how much more we will have to spend. Obviously what we spend is affected by what other countries do. We are seeking here to get their cooperation and get them to spend some of their money on problems which affect us, because it is obvious, with all of the money we would spend, we cannot by ourselves, for example, clean up the Great Lakes, which border on Canada. We cannot stop pollution of the Atlantic or the Pacific Oceans by ourselves. We cannot stop the pollution of the air by ourselves. We have to get the cooperation of these other countries to do that.

Mr. GROSS. What is the gentleman saying? That the Swedes will help us to clean up the Great Lakes?

Mr. FASCELL. No, sir.

Mr. GROSS. Mr. Speaker, I think this discussion has gone far enough.

I ask unanimous consent that this bill may be passed over without prejudice.

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

There was no objection.

REPEALING SECTION 7 OF THE ACT OF AUGUST 9, 1946 (60 STAT. 968)

The Clerk called the bill (H.R. 380) to repeal section 7 of the act of August 9, 1946 (60 Stat. 968).

There being no objection, the Clerk read the bill as follows:

H.R. 380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of August 9, 1946 (60 Stat. 968), which limits inheritance or devise of restricted or trust property of deceased members of the Yakima Tribes to enrolled members of those tribes of one-fourth or more degree of Indian blood, is hereby repealed, but such repeal shall have no effect on the estates of Yakima Indians who died prior to this date.

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 380 is to repeal section 7 of a 1946 statute that restricts the right to inherit trust property of deceased members of the Yakima Tribes. Section 7 limits the inheritance of trust land on the Yakima Reservation to enrolled members of the Yakima Tribes who have one-fourth degree or more of Yakima blood, with one exception.

This section, which is applicable only to the Yakima Reservation, is an exception to the general law, which provides that the inheritance of trust lands on Indian reservations is governed by the law of the State in which the reservation is located. When the pending bill is enacted, this general law will apply again to the Yakima Reservation, as it did before 1946. Yakima is the only reservation for which restrictive legislation of this kind has been enacted.

Section 7 works unfairly. Many Yakima Indians have intermarried with neighboring tribal Indians. Some of the families live on the Yakima Reservation and some of them live on the neighboring reservations. These are Indian families, but the husband and wife belong to different tribes. Their children frequently can be enrolled in either tribe. A single family may enroll part of its children in one tribe and part of its children in the other tribe. When a parent dies owning an interest in a Yakima Reservation allotment, the children enrolled at Yakima may inherit, but their brothers and sisters who are enrolled in neighboring tribes may not inherit. They are "disinherited" by the enrollment requirement of the 1946 statute. The same rule applies to other direct and collateral relatives—grandparents, grandchildren, uncles, cousins, and so forth—who happen not to be enrolled at Yakima.

In the 794 estates probated between 1946 and June 30, 1966, 287 enrolled Yakima Indians were prohibited from inheriting because they did not have the required quantum of Yakima blood; and 494 unenrolled heirs, including husbands, wives, and children, were excluded because they were not enrolled members of the tribe.

The impact of the present law is forcefully illustrated by the following ex-

ample: A Yakima woman died leaving two sons enrolled on the Warm Springs Reservation. Her sons could inherit only her Warm Springs property valued at $420; her sons could not inherit the Yakima property valued at $3,270, and it went to four cousins of the fifth degree. There are many similar examples.

Although other Indians may not inherit Yakima property, Yakima Indians may inherit property on other reservations. This has caused great dissatisfaction, and other tribes in the Northwest are threatening to seek retaliatory legislation which will prevent Yakimas from inheriting land on the reservations of these other tribes. Our committee believes that the Yakima law is bad, and that the problem should not be compounded by enacting more laws of the same kind for other tribes.

The inheritance of allotted land on an Indian reservation is not an internal matter to be determined by the tribe. Title to allotted lands is private property created pursuant to Federal law, and since the General Allotment Act of 1887 the Federal law has required the right to inherit such private property to be determined by the law of the State where the property is located. This is Federal law and not internal tribal law. The Yakima Tribe has no right to adopt a different rule as a matter of internal tribal law.

It should be noted that the 1946 law does not prevent the owner of a trust allotment on the Yakima Reservation from selling it or giving it away during his lifetime to anyone he chooses. Although he may sell it or give it away, he may not devise it by will to a person of his choice. There is no logical basis for this distinction. If an Indian is free to sell or give his land to a non-Yakima he should be equally free to transfer it to a non-Yakima by will.

The Yakima Tribal Council has attempted to justify section 7 on the ground that the tribal lands were originally allotted to members of the tribe, and that only members should be eligible to inherit the allotted lands in order to keep the ownership of the reservation in Yakima hands. If the allotted lands cannot be recovered by the tribe itself, the argument goes, they should at least be kept in the ownership of tribal members. It would, of course, be possible for the Congress to restore allotted lands to the tribe by a statute that prohibits the inheritance of any allotment on the Yakima Reservation and provides for its escheat to the tribe on death of the owner. This would be a drastic approach which Congress has never seriously considered. Section 7 has proved to be almost as drastic in actual practice by disinheriting close family members and passing title to distant relatives.

The committee sympathizes with the desire of the Yakimas to keep the ownership of their reservation in Yakima hands to the maximum extent possible. It is unfair and discriminatory, however, to seek that result by disinheriting by statute persons who otherwise would be heirs-in-law. The tribe should purchase the interests of non-Yakima, rather than ask the United States to prohibit the inheritance. In other words, although the end sought by the Yakima Tribal Council is proper, section 7 of the 1946 act is not a proper means to accomplish that end.

The enactment of this bill to repeal section 7 of the 1946 act will not affect the other provisions of the act which relate to the rules for enrollment as members of the tribe.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INCLUDING MADISON COUNTY IN THE NORTHERN JUDICIAL DISTRICT OF FLORIDA

The Clerk called the bill (H.R. 5981) to amend title 28, United States Code, to provide that Madison County, Fla., shall be included in the northern judicial district of Florida.

There being no objection, the Clerk read the bill as follows:

H.R. 5981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 89 of title 28, United States Code, is amended—

(1) by inserting after "Liberty" in the first paragraph of subsection (a) the following: "Madison,"; and

(2) by striking out "Madison," in the first paragraph of subsection (b).

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

BIOLOGICAL PRODUCTS LICENSING

The Clerk called the bill (H.R. 15961) to amend section 351 of the Public Health Service Act so as to clarify the intent to include vaccines, blood, blood components, and allergenic products among the biological products which must meet the licensing requirements of this section.

There being no objection, the Clerk read the bill as follows:

H.R. 15961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 351 of the Public Health Service Act is amended by inserting after "antitoxin," each time such word occurs, the following: "vaccine, blood, blood component or derivative, allergenic product,".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEASE AND TRANSFER OF TOBACCO ALLOTMENTS

The Clerk called the bill (H.R. 14306) to amend the tobacco marketing provisions of the Agricultural Adjustment Act of 1938, as amended.

There being no objection, the Clerk read the bill as follows:

H.R. 14306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 316 (a) of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

"(a) Notwithstanding any other provision of law, the Secretary, if he determines that it will not impair the effective operation of the tobacco marketing quota or price support program, may permit the owner and operator of any farm for which a tobacco acreage allotment (other than a Burley, dark air-cured, fire-cured, Virginia sun-cured and cigar-binder, type 54 or 55 tobacco acreage allotment) is established under this Act to lease all or any part of such allotment or quota to any other owner or operator of a farm in the same county for use in such county on a farm having a current tobacco allotment or quota of the same kind."

SEC. 2. Section 316(b) of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

"(b) Any lease may be made for such term of years not to exceed five as the parties thereto agree, and on such other terms and conditions, except as otherwise provided in this section, as the parties thereto agree."

SEC. 3. Section 316(e) is amended by striking the period and inserting in lieu thereof the following: ": *Provided,* That in the case of cigar-filler tobacco types 42, 43, or 44, not more than 10 acres of allotment may be leased and transferred to any farm."

SEC. 4. Section 316(g) of the Agricultural Adjustment Act of 1938, as amended, is hereby repealed.

SEC. 5. Section 317(f) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out in the parentheses in the fifth sentence the language "Burley tobacco, or other".

SEC. 6. Section 703 of the Food and Agriculture Act of 1965 (79 Stat. 1210) is amended by striking out in the last sentence thereof the language "except in the case of burley tobacco, and other kinds of tobacco not subject to section 316,".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

CONFERENCE REPORT ON DISTRICT JUDGESHIP BILL TO BE BROUGHT UP TOMORROW

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

Mr. ALBERT. Mr. Speaker, I have requested this time for the purpose of making an announcement.

Mr. Speaker, the distinguished chairman o fthe Committee on the Judiciary advises that he will call up the conference report on the District judgeship bill tomorrow.

THE LATE HONORABLE MRS. LOUISE GOFF REECE

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

Mr. QUILLEN. Mr. Speaker, I am deeply grieved and saddened to announce the passing of a former Member of the House and a very dear and close friend, Mrs. Louise Goff Reece. Mrs. Reece died last Friday in a Johnson City hospital and she was buried Sunday in Johnson City, Tenn.

The variety of Mrs. Reece's capabilities were always a source of amazement

to me. As a Member of Congress, Mrs. Reece had a great depth of understanding of the problems facing our country. As the wife of a former Congressman, the late B. Carroll Reece, she always extended a friendly greeting and a helping hand.

Her character and her qualities were such that she attracted a broad area of affection and appreciation. By her passing she leaves another great heritage for those of us who survive her, a wonderful example of character, which we should all emulate.

Many of you will remember Mrs. Reece as a former colleague who served in this distinguished chamber for slightly less than two years after her husband, the Honorable B. Carroll Reece, also a longtime distinguished member of this body, died.

Her close friends back home remember her as their devoted servant. She was a great American, a great lady, and a great leader who stood strongly by the principles of sound and honest government.

I also knew her as a warm individual, an able, devoted, and kindly woman. I knew her as a gentle, but strong woman. And I knew her to be frank, but fair and forthright, and compassionate.

Mrs. Reece had many admirers and I was one of them. Very quiet, patient, and even-tempered in disposition, Mrs. Reece was rarely stirred to anger. She handled problems in stride, was diplomatic, and had a charming personality.

A woman of deep convictions, Mrs. Reece was wrapped up in her political life although she officially represented the people of the First Congressional District for a period to fill the unexpired term of her husband.

However, Mrs. Reece served the people of the First District and Tennessee long before she ever served in the House of Representatives.

With her death, I have suffered a deep personal loss. Mrs. Reece's contributions to America and the people who live in this wonderful country will long live in the minds of those who entrusted her.

To me, Mrs. Reece was an idealist and realist, combining the best features of both attributes in a balance too seldom found in leaders of this or any other time. Her love and devotion for her fellowman are shining examples for others to follow.

What Mrs. Reece leaves behind is a massive contribution to mankind. The esteem, prestige, and influence she gained will long be remembered.

Editorials concerning Mrs. Reece's death appeared in the Johnson City Press-Chronicle and the Knoxville Journal which I feel accurately reflect the esteem in which she was held by the people of the First Congressional District. I include these very fine editorials in my remarks:

MRS. LOUISE GOFF REECE

Mrs. Louise Goff Reece, who died Thursday night in Johnson City, was both an able companion to her famous husband and a business and political leader in her own right.

Her husband, B. Carroll Reece, served the First Congressional District in Congress for 35 years. For many years he was one of the top Republican leaders in the nation. In addition to serving on such important bodies as the House Rules and Armed Services committees.

After Mr. Reece's death in 1961, Mrs. Reece was elected to fill out his unexpired term in Congress. And throughout her own political career she followed closely the ideals and policies of her late husband. She declined reelection in 1962 but continued to be an important and respected figure in First District and national politics.

She was also respected as a businesswoman. She had wide interests in Tennessee and West Virginia. And she and her husband were fitting symbols of traditional First District Republicanism.

Mrs. Reece leaves a rich legacy of unwavering devotion to her party, her state and her nation.

A GREAT WOMAN

The Carroll Reece era in politics was two-dimensional from the start.

There was the Congressman, dominant in the First District, influencing mightily the course of events in the State of Tennessee, and standing high in national leadership.

And there was the wife, born and bred to politics, knowledgeable in the intricacies of public affairs, co-formulator of decisions and strategies.

The two made an unbeatable team. They did nearly everything they set out to do. They gave the First District and Tennessee national focus. They were professionals, in the good sense of the word. They built a political empire that endures, even though its leaders are gone.

When the Congressman died in 1961, it was natural, and inevitable, that Mrs. Reece should succeed him in office—and this she did, winning overwhelmingly against token opposition.

And in Washington she saw to it that there was continuity of performance. "My votes," she said, "will be like those of my husband." They were—and so, likewise, was the service rendered. Her husband was known for his meticulous attention to every letter, every request, every appeal from the people back home. Mrs. Reece became known for these things, too.

Ill health forced her retirement from Congress, but she continued her interest in public affairs, maintained her official ties with the national Republican organization, and looked after the family's extensive banking and business interests.

She was, by any reckoning, an outstanding woman—astute in politics, enterprising in business, gracious in social endeavor, and loyal in friendship.

In later years she rejoiced in helping establish the C. Carroll Reece Memorial Museum at East Tennessee State University. She wanted the Museum to stand as a permanent memorial to her husband. It will do that—and it will stand also as a permanent reminder of the wife who stood so stalwartly and faithfully at his side.

My wife and I join in offering our condolences to her daughter and son-in-law, Col. and Mrs. George Marthens, their children, and other members of the family, in this time of sorrow.

GENERAL LEAVE

Mr. QUILLEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the late Honorable Louise Goff Reece.

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

There was no objection.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 122]

Abernethy	Fish	O'Neal, Ga.
Anderson, Tenn.	Flood	Ottinger
	Flowers	Patten
Andrews, N. Dak.	Flynt	Pepper
	Ford, Gerald R.	Philbin
Arends	Fraser	Podell
Ashbrook	Frelinghuysen	Pollock
Ashley	Fulton, Tenn.	Powell
Ayres	Gaydos	Purcell
Baring	Gettys	Reid, N.Y.
Barrett	Giaimo	Reuss
Beall, Md.	Gilbert	Rivers
Bell, Calif.	Goldwater	Rooney, N.Y.
Biaggi	Green, Oreg.	Rooney, Pa.
Bingham	Green, Pa.	Roudebush
Bow	Gubser	Ruppe
Brademas	Halpern	Ruth
Brown, Calif.	Hansen, Idaho	St Germain
Brown, Ohio	Harrington	Sandman
Buchanan	Harsha	Saylor
Burke, Fla.	Hays	Scheuer
Bush	Jones, Tenn.	Schneebeli
Byrne, Pa.	Keith	Sebelius
Carey	Kirwan	Shipley
Casey	Koch	Smith, Iowa
Chisholm	Langen	Smith, N.Y.
Clark	Long, La.	Stanton
Clay	Lowenstein	Stokes
Cohelan	Lukens	Stratton
Conyers	McCarthy	Stubblefield
Corbett	McClory	Sullivan
Corman	McCloskey	Taft
Crane	McFall	Talcott
Culver	McMillan	Tunney
Daddario	Mann	Ullman
Dawson	Meskill	Watkins
Dent	Mikva	Watson
Dickinson	Minshall	Whalen
Diggs	Monagan	Whalley
Dorn	Montgomery	Widnall
Dulski	Moorhead	Wilson, Bob
Eckhardt	Morgan	Wold
Edwards, Ala.	Morse	Wright
Eilberg	Mosher	Yatron
Evans, Colo.	Murphy, N.Y.	Young
Fallon	Nix	
Farbstein	O'Hara	

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 292 Members have answered to their names, a quorum.

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

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

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

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

There was no objection.

HEARINGS BEFORE SUBCOMMITTEE NO. 4 OF THE HOUSE COMMITTEE ON THE JUDICIARY

Mr. ROGERS of Colorado. Mr. Speaker, I would like to announce that Subcommittee No. 4 of the Committee on the Judiciary has scheduled public hearings to be held on Thursday, June 4, 1970, at 10 a.m. in room 2237, Rayburn

House Office Building, on the following proposals:

H.R. 17080, to amend section 35 of the Bankruptcy Act (11 U.S.C. 63) and sections 631 and 634 of title 28, United States Code, to permit full-time referees in bankruptcy to serve as part-time U.S. magistrates, and for other purposes.

H.R. 17081, to amend title 18, United States Code, to provide for the protection of U.S. probation officers.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, House of Representatives, room 2137, Rayburn House Office Building.

REPRESENTATIVE TO PARIS PEACE NEGOTIATIONS

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

Mr. HANLEY. Mr. Speaker, last week, I recommended to President Nixon that he name a new representative to the peace negotiations in Paris. I suggested to the President that a new representative would be an essential ingredient in our attempts to get the talks off dead center. I also suggested that the appointment be someone of world-wide stature, someone who, though not a career diplomat, was nonetheless familiar with the ways of international diplomacy, someone who was respected and admired by all Americans, young and old. My recommendation was the Reverend Theodore Hesburgh, president of Notre Dame University.

Father Hesburgh, as we all know, is Chairman of the U.S. Civil Rights Commission, and a permanent representative on the International Atomic Energy Agency. He is a scholar of wide note and has been the recipient of honorary degrees from over two dozen colleges and universities.

Subsequent to my recommendation to the President, I had a long talk on the phone with Father Hesburgh. He was surprised by my suggestion, but, although he did not wish to be presumptuous, he said that if it were the President's desire, he would gladly serve.

I have communicated this information to all my colleagues and to the press and public and the reaction to date has been most favorable. I would again urge my colleagues, if you agree with my contention that new imagination and new ideas are needed at the peace table, to communicate your views to the President.

THE CUSTOMS COURT ACT OF 1970

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2624) to improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes, as amended.

The Clerk read as follows:

S. 2624

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

TITLE I—JUDICIAL ACTIONS IN CUSTOMS CASES

SHORT TITLE

SEC. 101. This title may be cited as "The Customs Courts Act of 1970".

APPEALS FROM CUSTOMS COURT DECISIONS—JURISDICTION

SEC. 102. Section 1541 of title 28 of the United States Code is amended to read as follows:

"§ 1541. Appeals for Customs Court decisions

"(a) The Court of Customs and Patent Appeals has jurisdiction of appeals from all final judgments or orders of the United States Customs Court.

"(b) When the chief judge of the Customs Court issues an order under the provisions of secion 256(b) of this title; or when any judge in the Customs Court, in issuing any other interlocutory order, includes in the order a statement that a controlling question of law is involved as to which there is substantial ground for difference of opinion and that an immediate appeal from its order may materially advance the ultimate termination of the litigation, the Court of Customs and Patent Appeals may, in its discretion, permit an appeal to be taken from such order, if application is made to it within ten days after the entry of the order: *Provided, however,* That neither the application for nor the granting of an appeal hereunder stays proceedings in the Customs Court unless a stay is ordered by a judge of the Customs Court or by the Court of Customs and Patent Appeals or a judge of that court."

APPEALS FROM CUSTOMS COURT DECISIONS—PROCEDURE

SEC. 103. Section 2601 of title 28 of the United States Code is amended to read as follows:

"§ 2601. Appeals from Customs Court decisions

"(a) A party may appeal to the Court of Customs and Patent Appeals from a final judgment or order of the Customs Court within sixty days after entry of the judgment or order.

"(b) An appeal is made by filing in the office of the clerk of the Court of Customs and Patent Appeals a notice of appeal which shall include a concise statement of the errors complained of. A copy of the notice shall be served on the adverse parties. When the United States is an adverse party service shall be made on the Attorney General and the Secretary of the Treasury or their designees. Thereupon, the Court of Customs and Patent Appeals shall order the Customs Court to transmit the record and evidence taken, together with either the findings of fact and conclusions of law or the opinion, as the case may be.

"(c) The Court of Customs and Patent Appeals may affirm, modify, vacate, set aside, or reverse any judgment or order of the Customs Court lawfully brought before it for review, and may remand the cause and direct the entry of an appropriate judgment or order, or required such further proceedings as may be just under the circumstances. The judgment or order of the Court of Customs and Patent Appeals shall be final and conclusive unless modified, vacated, set aside, reversed, or remanded by the Supreme Court under section 2106 of this title."

PRECEDENCE OF AMERICAN MANUFACTURER, PRODUCER, OR WHOLESALER CASES

SEC. 104. Section 2602 of title 28 of the United States Code is amended to read as follows:

"§ 2602. Precedence of American manufacturer, producer, or wholesaler cases

"(a) Every proceeding in the Court of Customs and Patent Appeals arising under section 516 of the Tariff Act of 1930, as amended, shall be given precedence over other cases on the docket of such court, except as provided for in paragraph (b) of this section, and shall be assigned for hearing at the earliest practicable date and expedited in every way.

"(b) Appeals from findings by the Secretary of Commerce provided for in headnote 6 to schedule 8, part 4, of the Tariff Schedules of the United States (19 U.S.C. 1202) shall receive a preference over all other matters."

DUTIES OF CHIEF JUDGE; PRECEDENCE OF JUDGES

SEC. 105. Section 253 of title 28 of the United States Code is amended to read as follows:

"§ 253. Duties of chief judge; precedence of judges

"(a) The chief judge of the Customs Court, with the approval of the court, shall supervise the fiscal affairs and clerical force of the court.

"(b) The chief judge shall promulgate dockets.

"(c) The chief judge, under rules of the court, may designate any judge or judges of the court to try any case and, when the circumstances so warrant, reassign the case to another judge or judges.

"(d) Whenever the chief judge is unable to perform the duties of his office or the office is vacant, his powers and duties shall devolve upon the judge next in precedence who is able to act, until such disability is removed or another chief judge is appointed and duly qualified.

"(e) The chief judge shall have precedence and shall preside at any session which he attends. Other judges shall have precedence and shall preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age."

SINGLE-JUDGE TRIALS

SEC. 106. Section 254 of title 28 of the United States Code is amended to read as follows:

"§ 254. Single-judge trials

"Except as otherwise provided in section 255 of this title, the judicial power of the Customs Court with respect to any action, suit or proceeding shall be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges."

PUBLICATION OF DECISIONS

SEC. 107. Section 255 of title 28 of the United States Code is redesignated as section 257 and is amended to read as follows:

"§ 257. Publication of decisions

"All decisions of the Customs Court shall be preserved and open to inspection. The court shall forward copies of each decision to the Secretary of the Treasury or his designee and to the appropriate customs officer for the district in which the case arose. The Secretary shall publish weekly such decisions as he or the court may designate and abstracts of all other decisions."

THREE-JUDGE TRIALS

SEC. 108. There shall be a new section 255 of title 28 of the United States Code as follows:

"§ 255. Three-judge trials

"(a) Upon application of any party to a civil action, or upon his own initiative, the chief judge of the Customs Court shall designate any three judges of the court to hear and determine any civil action which the chief judge finds: (1) raises an issue of the constitutionality of an Act of Congress, a proclamation of the President or an Executive order; or (2) has broad or significant implications in the administration or interpretation of the customs laws.

"(b) A majority of the three judges designated may hear and determine the *civil* action and all questions pending therein."

TRIALS AT PORTS OTHER THAN NEW YORK

SEC. 109. There shall be a new section 256 of title 28 of the United States Code as follows:

"§ 256. Trials at ports other than New York

"(a) The chief judge may designate any judge or judges of the court to proceed, together with necessary assistants, to any port or to any place within the jurisdiction of the United States to preside at a trial or hearing at the port or place.

"(b) Upon application of a party or upon his own initiative, and upon a showing that the interests of economy, efficiency, and justice will be served, the chief judge may issue an order authorizing a judge of the court to preside in an evidentiary hearing in a foreign country whose laws *do not prohibit* such a hearing: *Provided, however,* That an interlocutory appeal may be taken from such an order pursuant to the provisions of section 1541(b) of this title, subject to the discretion of the Court of Customs and Patent Appeals as set forth in that section."

JURISDICTION OF THE CUSTOMS COURT

SEC. 110. Section 1582 of title 28 of the United States Code is amended to read as follows:

"§ 1582. Jurisdiction of the Customs Court

"(a) The Customs Court shall have exclusive jurisdiction of civil actions instituted by any person whose protest pursuant to the Tariff Act of 1930, as amended, has been denied, in whole or in part, by the appropriate customs officer, where the administrative decision, including the legality of all orders and findings entering into the same, involves: (1) the appraised value of merchandise; (2) the classification and rate and amount of duties chargeable; (3) all charges or exactions of whatever character within the jurisdiction of the Secretary of the Treasury; (4) the exclusion of merchandise from entry or delivery under any provisions of the customs law; (5) the liquidation or reliquidation of an entry, or a modification thereof; (6) the refusal to pay a claim for drawback; or (7) the refusal to reliquidate an entry under section 520(c) of the Tariff Act of 1930, as amended.

"(b) The Customs Court shall have exclusive jurisdiction of civil actions brought by American manufacturers, producers, or wholesalers pursuant to section 516 of the Tariff Act of 1930, as amended.

"(c) The Customs Court shall not have jurisdiction of an action unless (1) either a protest has been filed, as prescribed by section 514 of the Tariff Act of 1930, as amended, and denied in accordance with the provisions of section 515 of the Tariff Act of 1930, as amended, or if the action relates to a decision under section 516 of the Tariff Act of 1930, as amended, all remedies prescribed therein have been exhausted, and (2) except in the case of an action relating to a decision under section 516 of the Tariff Act of 1930, as amended, all liquidated duties, charges or exactions have been paid at the time the action is filed.

"(d) Only one civil action may be brought in the Customs Court to contest the denial of a single protest. However, any number of entries of merchandise involving common issues may be included in a single civil action. Actions may be consolidated by order of the court or by request of the parties, with approval of the court, if there are common issues."

REPEAL OF SECTION 1583—REVIEW OF DECISIONS ON PROTESTS

SEC. 111. Section 1583 of title 28 of the United States Code is repealed.

TIME FOR COMMENCEMENT OF ACTION

SEC. 112. Section 2631 of title 28 of the United States Code is amended to read as follows:

"§ 2631. Time for commencement of action

"(a) An action over which the court has jurisdiction under section 1582(a) of this title is barred unless commenced within one hundred and eighty days after:

"(1) the date of mailing of notice of denial, in whole or in part, of a protest pursuant to the provisions of section 515(a) of the Tariff Act of 1930, as amended; or

"(2) the date of denial of a protest by operation of law pursuant to the provisions of section 515(b) of the Tariff Act of 1930, as amended.

"(b) An action over which the court has jurisdiction under section 1582(b) of this title is barred unless commenced within thirty days after the date of mailing of a notice sent pursuant to section 516(c) of the Tariff Act of 1930, as amended."

CUSTOMS COURT PROCEDURE AND FEES

SEC. 113. Section 2632 of title 28 of the United States Code is amended to read as follows:

"§ 2632. Customs Court procedure and fees

"(a) A party may contest denial of a protest under section 515 of the Tariff Act of 1930, as amended, or the decision of the Secretary of the Treasury made under section 516 of the Tariff Act of 1930, as amended by bringing a civil action in the Customs Court. A civil action shall be commenced by filing a summons in the form, manner, and style and with the content prescribed in rules adopted by the court.

"(b) There shall be a filing fee payable upon commencing an action. The amount of the fee shall be fixed by the Customs Court but shall be not less than $5 nor more than the filing fee for commencing a civil action in a United States district court. The Customs Court may fix all other fees to be charged by the clerk of the court.

"(c) The Customs Court shall provide by rule for pleadings and other papers, for their amendment, service, and filing, for consolidations, severances, and suspensions of cases, and for other procedural matters.

"(d) The Customs Court, by rule, may consider any new ground in support of a civil action if the new ground (1) applies to the same merchandise that was the subject of the protest; and (2) is related to the same administrative decision or decisions listed in section 514 of the Tariff Act of 1930, as amended, that were contested in the protest.

"(e) All pleadings and other papers filed in the Customs Court shall be served on all the adverse parties in accordance with the rules of the court. When the United States is an adverse party, service of the summons shall be made on the Attorney General and the Secretary of the Treasury or their designees.

"(f) Upon service of the summons on the Secretary of the Treasury or his designee, the appropriate customs officer shall forthwith transmit the following items, if they exist, to the United States Customs Court as part of the official record of the civil action: (1) consumption or other entry; (2) commercial invoice; (3) special Customs invoice; (4) copy of protest; (5) copy of denial of protest in whole or in part; (6) importer's exhibits; (7) official samples; (8) any official laboratory reports; and (9) the summary sheet. If any of the aforesaid items do not exist in the particular case, an affirmative statement to that effect shall be transmitted as part of the official record."

PRECEDENCE OF AMERICAN MANUFACTURER, PRODUCER, OR WHOLESALER CASES

SEC. 114. Section 2633 of title 28 of the United States Code is amended to read as follows:

"§ 2633. Precedence of American manufacturer, producer, or wholesaler cases

"Every proceeding in the Customs Court arising under section 516 of the Tariff Act of 1930, as amended, shall be given precedence over the other cases on the docket of the court, and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way."

NOTICE

SEC. 115. Section 2634 of title 28 of the United States Code is amended to read as follows:

"§ 2634. Notice

"Reasonable notice of the time and place of trial before a judge of the Customs Court shall be given to all parties to any proceeding under rules prescribed by the court."

BURDEN OF PROOF; EVIDENCE OF VALUE

SEC. 116. Section 2635 of title 28 of the United States Code is amended to read as follows:

"§ 2635. Burden of proof; evidence of value

"In any matter in the Customs Court:

"(a) The decision of the Secretary of the Treasury, or his delegate, is presumed to be correct. The burden to prove otherwise shall rest upon the party challenging a decision.

"(b) Where the value of merchandise is in issue:

"(1) Reports or depositions of consuls, customs officers, and other officers of the United States and depositions and affidavits of other persons whose attendance cannot reasonably be had, may be admitted in evidence when served upon the opposing party in accordance with the rules of the court.

"(2) Price lists and catalogs may be admitted in evidence when duly authenticated, relevant, and material.

"(c) The value of merchandise shall be determined from the evidence in the record and that adduced at the trial whether or not the merchandise or samples thereof are available for examination."

ANALYSIS OF IMPORTED MERCHANDISE

SEC. 117. Section 2636 of title 28 of the United States Code is amended to read as follows:

"§ 2636. Analysis of imported merchandise

"A judge of the Customs Court may order an analysis of imported merchandise and reports thereon by laboratories or agencies of the United States."

WITNESSES; INSPECTION OF DOCUMENTS

SEC. 118. Section 2637 of title 28 of the United States Code is amended to read as follows:

"§ 2637. Witnesses; inspection of documents

"(a) In any proceeding in the Customs Court, under rules prescribed by the court, the parties and their attorneys shall have an opportunity to introduce evidence, to hear and cross-examine the witnesses of the other party, and to inspect all samples and all paper admitted or offered as evidence, except as provided in section (b) of this section.

"(b) In an action instituted by an American manufacturer, producer, or wholesaler, the plaintiff may not inspect any documents or papers of a consignee or importer disclosing any information which the Customs Court deems unnecessary or improper to be disclosed."

DECISIONS; FINDINGS OF FACT AND CONCLUSIONS OF LAW; EFFECT OF OPINIONS

SEC. 119. Section 2638 of title 28 of the United States Code is amended to read as follows:

"§ 2638. Decisions; findings of fact and conclusions of law; effect of opinions

"(a) A decision of the judge in a contested case shall be supported by either (1) a statement of findings of fact and conclusions of law, or (2) an opinion stating the reasons and facts upon which the decision is based.

"(b) The decision of the judge is final and conclusive, unless a retrial or rehearing is granted pursuant to section 2639 of this title or an appeal is made to the Court of Customs and Patent Appeals within the time and in the manner provided in section 2601 of this title."

RETRIAL OR REHEARING

SEC. 120. Section 2639 of title 28 of the United States Code is amended as follows:

"§ 2639. Retrial or rehearing

"The judge who has rendered a judgment or order may, upon motion of a party or upon his own motion, grant a retrial or a rehearing, as the case may be. A party's motion must be

made or the judge's action on his own motion must be taken, not later than thirty days after entry of the judgment or order."

REPEAL OF SECTIONS 2640, 2641, 2642—REHEARING OR RETRIAL; FRIVOLOUS PROTEST OF APPEAL; AMENDMENT OF PROTESTS, APPEALS, AND PLEADINGS

SEC. 121. Sections 2640, 2641, and 2642 of title 28 of the United States Code are repealed.

EFFECTIVE DATE

SEC. 122. (a) This title shall become effective on October 1, 1970, and shall thereafter apply to all actions and proceedings in the Customs Court and the Court of Customs and Patent Appeals except those involving merchandise entered before the effective date for which trial has commenced by such effective date.

(b) An appeal for reappraisement timely filed with the Bureau of Customs before the effective date, but as to which trial has not commenced by such date, shall be deemed to have had a summons timely and properly filed under this title. When the judgment or order of the United States Customs Court has become final in this appeal, the papers shall be returned to the appropriate customs officer to decide any remaining matters relating to the entry in accordance with section 500 of the Tariff Act of 1930, as amended. A protest or summons filed after final decision on an appeal for reappraisement shall not include issues which were raised or could have been raised on the appeal for reappraisement.

(c) A protest timely filed with the Bureau of Customs before the effective date of enactment of this Act, which is disallowed before that date, and as to which trial has not commenced by such date, shall be deemed to have had a summons timely and properly filed under this title.

(d) All other provisions of this Act shall apply to appeals and disallowed protests deemed to have had summonses timely and properly filed under this section.

MISCELLANEOUS AMENDMENTS

SEC. 123. (a) The analysis of chapter 11 of title 28 of the United States Code, immediately preceding section 251 of such title, is amended by striking the caption of section 254 and substituting therefor the caption, "Single-judge trial.", by striking the caption of section 255 and substituting therefor the caption "Three-judge trials." and by adding the following captions at the end of the analysis of that chapter:

"256. Trials at ports other than New York.
"257. Publication of decisions."

(b) The analysis of chapter 93 of title 28 of the United States Code, immediately preceding section 1541 of such title is amended by striking the caption of section 1541 and substituting the caption "Appeals from Customs Court decisions."

(c) The analysis of chapter 95 of title 28 of the United States Code, immediately preceding section 1581 of such title, is amended to read as follows:

"Sec.
"1581. Powers generally.
"1582. Jurisdiction of the Customs Court."

(d) The analysis of chapter 167 of title 28 of the United States Code, immediately preceding section 2601, is amended to read as follows:

"Sec.
"2601. Appeals from Customs Court decisions.
"2602. Precedence of American manufacturer, producer, or wholesaler cases."

(e) The analysis of chapter 169 of title 28 of the United States Code, immediately preceding section 2631 of such title is amended to read as follows:

"Sec.
"2631. Time for commencement of action.
"2632. Customs Court procedures and fees.
"2633. Precedence of American manufacturer, producer, or wholesaler cases.
"2634. Notice.
"2635. Burden of proof; evidence of value.
"2636. Analysis of imported merchandise.
"2637. Witnesses; inspection of documents.
"2638. Decisions; findings of fact and conclusions of law; effect of opinions.
"2639. Retrial or rehearing."

TITLE II—ADMINISTRATIVE PROCEEDINGS IN CUSTOMS MATTERS

SHORT TITLE

SEC. 201. Titles II and III of this Act may be cited as "The Customs Administrative Act of 1970".

AMENDMENT OF SECTIONS

SEC. 202. Unless otherwise provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or provision of the Tariff Act, the reference shall be considered to be made to a section or provision of the Tariff Act of 1930, as amended (19 U.S.C. 1202 et seq.).

EFFECTIVE DATE

SEC. 203. Titles II and III of this Act shall take effect with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 1970, and such other articles entered or withdrawn from warehouse for consumption prior to such date, the appraisement of which has not become final before October 1, 1970, and for which an appeal for reappraisement has not been timely filed with the Bureau of Customs before October 1, 1970, or with respect to which a protest has not been disallowed in whole or in part before October 1, 1970.

APPRAISEMENT, CLASSIFICATION, AND LIQUIDATION PROCEDURES; COLLECTIONS AND REFUNDS; LIMITATIONS

SEC. 204. (a) Section 500 of the Tariff Act (19 U.S.C. 1500) is hereby amended to read as follows:

"SEC. 500. APPRAISEMENT, CLASSIFICATION, AND LIQUIDATION PROCEDURES.—

"The appropriate customs officer shall, under rules and regulations prescribed by the Secretary—

"(a) appraise merchandise in the unit of quantity in which the merchandise is usually bought and sold by ascertaining or estimating the value thereof by all reasonable ways and means in his power, any statement of cost or costs of production in any invoice, affidavit, declaration, or other document to the contrary notwithstanding;

"(b) ascertain the classification and rate of duty applicable to such merchandise;

"(c) fix the amount of duty to be paid on such merchandise and determine any increased or additional duties due or any excess of duties deposited;

"(d) liquidate the entry of such merchandise; and

"(e) give notice of such liquidation to the importer, his consignee, or agent in such form and manner as the Secretary shall prescribe in such regulations."

(b) Section 488 of the Tariff Act (19 U.S.C. 1488) is repealed.

(c) Section 505 of the Tariff Act (19 U.S.C. 1505) is amended to read as follows:

"SEC. 505. PAYMENT OF DUTIES.—

"(a) DEPOSIT OF ESTIMATED DUTIES.—Unless merchandise is entered for warehouse or transportation, or under bond, the consignee shall deposit with the appropriate customs officer at the time of making entry the amount of duties estimated by such customs officer to be payable thereon.

"(b) COLLECTION OR REFUND.—The appropriate customs officer shall collect any increased or additional duties due or refund any excess of duties deposited as determined on a liquidation or reliquidation.

REPEAL OF SEPARATE APPRAISEMENT PROCEDURE; VOLUNTARY RELIQUIDATIONS

SEC. 205. Section 501 of the Tariff Act (19 U.S.C. 1501) is amended to read as follows:

SEC. 501. VOLUNTARY RELIQUIDATIONS.—

"A liquidation made in accordance with section 500 or any reliquidation thereof made in accordance with this section may be reliquidated in any respect by the appropriate customs officer on his own initiative, notwithstanding the filing of a protest, within ninety days from the date on which notice of the original liquidation is given to the importer, his consignee or agent. Notice of such reliquidation shall be given in the manner prescribed with respect to original liquidations under section 500(e)."

DUTIABLE VALUE

SEC. 206. Section 503 of the Tariff Act (19 U.S.C. 1503) is amended to read as follows:

"SEC. 503. DUTIABLE VALUE.—

"Except as provided in section 520(c) (relating to reliquidations on the basis of authorized corrections of errors) or section 562 (relating to withdrawal from manipulating warehouses) of this Act, the basis for the assessment of duties on imported merchandise subject to ad valorem rates of duty or rates based upon or regulated in any manner by the value of the merchandise, shall be the appraised value determined upon liquidation, in accordance with section 500 or any adjustment thereof made pursuant to section 501 of the Tariff Act: *Provided, however,* That if reliquidation is required pursuant to a final judgment or order of the United States Customs Court which includes a reappraisement of imported merchandise, the basis for such assessment shall be the final appraised value determined by such court."

PROTESTS

SEC. 207. Section 514 of the Tariff Act (19 U.S.C. 1514) is amended to read as follows:

"SEC. 514. FINALITY OF DECISIONS; PROTESTS.—

"(a) FINALITY OF DECISIONS.—Except as provided in section 501 (relating to voluntary reliquidations), section 516 (relating to petitions by American manufacturers, producers, and wholesalers), section 520 (relating to refunds and errors), and section 521 (relating to reliquidations on account of fraud) of this Act, decisions of the appropriate customs officer, including the legality of all orders and findings entering into the same, as to—

"(1) the appraised value of merchandise;

"(2) the classification and rate and amount of duties chargeable;

"(3) all charges or exactions of whatever character within the jurisdiction of the Secretary of the Treasury;

"(4) the exclusion of merchandise from entry or delivery under any provision of the customs laws;

"(5) the liquidation or reliquidation of an entry, or any modification thereof;

"(6) the refusal to pay a claim for drawback; and

"(7) the refusal to reliquidate an entry under section 520(c) of this Act,

shall be final and conclusive upon all persons (including the United States and any officer thereof) unless a protest is filed in accordance with this section, or unless a civil action contesting the denial of a protest, in whole or in part, is commenced in the United States Customs Court in accordance with section 2632 of title 28 of the United States Code within the time prescribed by section 2631 of that title. When

a judgment or order of the United States Customs Court has become final, the papers transmitted shall be returned, together with a copy of the judgment or order to the appropriate customs officer, who shall take action accordingly.

"(b) PROTESTS.—

"(1) IN GENERAL.—A protest of a decision under subsection (a) shall be filed in writing with the appropriate customs officer designated in regulations prescribed by the Secretary, setting forth distinctly and specifically each decision described in subsection (a) as to which protest is made; each category of merchandise affected by each such decision as to which protest is made; and the nature of each objection and reasons therefor. Only one protest may be filed for each entry of merchandise, except that where the entry covers merchandise of different categories, a separate protest may be filed for each category. In addition, separate protests filed by different authorized persons with respect to any one category of merchandise that is the subject of a protest are deemed to be part of a single protest. A protest may be amended, under regulations prescribed by the Secretary, to set forth objections as to a decision or decisions described in subsection (a) which were not the subject of the original protest, in the form and manner prescribed for a protest, any time prior to the expiration of the time in which such protest could have been filed under this section. New grounds in support of objections raised by a valid protest or amendment thereto may be presented for consideration in connection with the review of such protest pursuant to section 515 of this Act at any time prior to the disposition of the protest in accordance with that section. Except as otherwise provided in section 557(b) of this Act, protests may be filed by the importer, consignee, or any authorized agent of the person paying any charge or exaction, or filing any claim for drawback, or seeking entry or delivery, with respect to merchandise which is the subject of a decision in subsection (a).

"(2) TIME FOR FILING.—A protest of a decision, order, or finding described in subsection (a) shall be filed with such customs officer within ninety days after but not before—

"(A) notice of liquidation or reliquidation, or

"(B) in circumstances where subparagraph (A) is inapplicable, the date of the decision as to which protest is made.

"(c) LIMITATION ON PROTEST OF RELIQUIDATIONS.—The reliquidation of an entry shall not open such entry so that a protest may be filed against the decision of the customs officer upon any question not involved in such reliquidation."

REVIEW OF PROTESTS

SEC. 208. Section 515 of the Tariff Act (19 U.S.C. 1515) is amended to read as follows:

"SEC. 515. REVIEW OF PROTESTS.—

"(a) ADMINISTRATIVE REVIEW AND MODIFICATION OF DECISIONS.—Unless the request for an accelerated disposition of a protest is filed in accordance with subsection (b) of this section the appropriate customs officer, within two years from the date a protest was filed in accordance with section 514 of this Act, shall review the protest and shall allow or deny such protest in whole or in part. Thereafter, any duties, charge, or exaction found to have been assessed or collected in excess shall be remitted or refunded and any drawback found due shall be paid. Upon the request of the protesting party, filed within the time allowed for the filing of a protest under section 514 of this Act, a protest may be subject to further review by another appropriate customs officer, under the circumstances and in the form and manner that may be prescribed by the Secretary in regulations, but subject to the two-year limitation prescribed in the first sentence of this subsection. Notice of the denial of any protest shall be mailed in the form and manner prescribed by the Secretary.

"(b) REQUEST FOR ACCELERATED DISPOSITION OF PROTEST.—A request for accelerated disposition of a protest filed in accordance with section 514 of this Act may be mailed by certified or registered mail to the appropriate customs officer any time after ninety days following the filing of such protest. For purposes of section 1582 of title 28 of the United States Code, a protest which has not been allowed or denied in whole or in part within thirty days following the date of mailing by certified or registered mail of a request for accelerated disposition shall be deemed denied on the thirtieth day following mailing of such request."

PETITIONS BY AMERICAN MANUFACTURERS, PRODUCERS, OR WHOLESALERS

SEC. 209. Section 516 of the Tariff Act (19 U.S.C. 1516) is amened to read as follows:

"SEC. 516. PETITIONS BY AMERICAN MANUFACTURERS, PRODUCERS, OR WHOLESALERS—VALUE AND CLASSIFICATION.—

"(a) The Secretary shall, upon written request by an American manufacturer, producer, or wholesaler, furnish the classification, and the rate of duty, if any, imposed upon designated imported merchandise of a class or kind manufactured, produce, or sold at wholesale by him. If such manufacturer, producer, or wholesaler believes that the appraised value is too low, that the classification is not correct, or that the proper rate of duty is not being assessed, he may file a petition with the Secretary setting forth (1) a description of the merchandise, (2) the appraised value, the classification, or the rate or rates of duty that he believes proper, and (3) the reason for his belief.

"(b) If, after receipt and consideration of a petition filed by an American manufacturer, producer, or wholesaler, the Secretary decides that the appraised value of the merchandise is too low, or that the classification of the article or rate of duty assessed thereon is not correct, he shall determine the proper appraised value or classification or rate of duty, and notify the petitioner of his determination. All such merchandise entered for consumption or withdrawn from warehouse for consumption more than thirty days after the date such notice to the petitioner is published in the weekly Customs Bulletin shall be appraised or classified or assessed as to rate of duty in accordance with the Secretary's determination.

"(c) If the Secretary decides that the appraised value or classification of the articles or the rate of duty with respect to which a petition was filed pursuant to subsection (a) is correct, he shall so inform the petitioner. If dissatisfied with the decision of the Secretary, the petitioner may file with the Secretary, not later than thirty days after the date of the decision, notice that he desires to contest the appraised value or classification of, or rate or duty assessed upon, the merchandise. Upon receipt of notice from the petitioner, the Secretary shall cause publication to be made of his decision as to the proper appraised value or classification or rate of duty and of the petitioner's desire to contest, and shall thereafter furnish the petitioner with such information as to the entries and consignees of such merchandise, entered after the publication of the decision of the Secretary at such ports of entry designated by the petitioner in his notice of desire to contest, as will enable the petitioner to contest the appraised value or classification of, or rate of duty imposed upon, such merchandise in the liquidation of one such entry at such port. The Secretary shall direct the appropriate customs officer at such ports to notify the petitioner by mail immediately when the first of such entries is liquidated.

"(d) Notwithstanding the filing of an action pursuant to section 2632 of title 28 of the United States Code, merchandise of the character covered by the published decision of the Secretary (when entered for consumption or withdrawn from warehouse for consumption on or before the date of publication of a decision of the United States Customs Court or of the United States Court of Customs and Patent Appeals, not in harmony with the published decision of the Secretary) shall be appraised or classified, or both, and the entries liquidated, in accordance with the decision of the Secretary and, except as otherwise provided in this chapter, the final liquidations of these entries shall be conclusive upon all parties.

"(e) The consignee or his agent shall have the right to appear and to be heard as a party in interest before the United States Customs Court.

"(f) If the cause of action is sustained in whole or in part by a decision of the United States Customs Court or of the United States Court of Customs and Patent Appeals, merchandise of the character covered by the published decision of the Secretary, which is entered for consumption or withdrawn from warehouse for consumption after the date of publication of the court decision, shall be subject to appraisement, classification, and assessment of duty in accordance with the final judicial decision in the action, and the liquidation of entries covering the merchandise so entered or withdrawn shall be suspended until final disposition is made of the action, whereupon the entries shall be liquidated, or if necessary, reliquidated in accordance with the final decision.

"(g) Regulations shall be prescribed by the Secretary to implement the procedures required under this section."

REFUNDS AND ERRORS

SEC. 210. Section 520(c) of the Tariff Act (19 U.S.C. 1520(c)) is amended by—

(a) striking the words "the Secretary of the Treasury may authorize a collector to" and substituting the words "the appropriate customs officer may, in accordance with regulations prescribed by the Secretary,";

(b) striking the word "appraisement," wherever it appears in paragraph (1); and

(c) deleting "sixty" and substituting "ninety" and deleting "ten" and substituting "nine" in paragraph (1).

TITLE III—MISCELLANEOUS AMENDMENTS

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 301. The Tariff Act of 1930, as amended (19 U.S.C. ch. 4), is further amended as follows:

(a) Section 305 (19 U.S.C. 1305) is amended by—

(1) striking the word "collector" in the first paragraph and inserting in lieu thereof "appropriate customs officer"; and

(2) striking the term "the collector" where it first appears in the second paragraph and inserting in lieu thereof "the appropriate customs officer" and by striking the term "the collector" wherever it thereafter appears in the paragraph and inserting in lieu thereof "such customs officer".

(b) Sections 311, 315, 432, 434, 438, 441, 443–447, 449–450, 452–455, 457, 485, 490, 492, 496, 521, 555, 562, 584, 586, 609, 613, and 614 (19 U.S.C. 1311, 1315, 1432, 1434, 1438, 1441, 1443–1447, 1449–1450, 1452–1455, 1457, 1485, 1490, 1492, 1496, 1521, 1555, 1562, 1584, 1586, 1609, 1613, and 1614) are amended by striking the word "collector" wherever it appears in the sections and inserting in lieu thereof "appropriate customs officer".

(c) Section 401 (10 U.S.C. 1401) is amended by—

(1) striking subsections (h), (i), and (j);

(2) redesignating subsections (k), (l), (m), and (n) as subsections (h), (i), (j), and (k), respectively, and amending redesignated subsection (i) to read as follows:

"(i) OFFICER OF THE CUSTOMS: CUSTOMS OFFICER.—The terms 'officer of the customs'

and 'customs officer' mean any officer of the Bureau of Customs of the Treasury Department (also hereinafter referred to as the 'Customs Service') or any commissioned, warrant, or petty officer of the Coast Guard, or any agent or other person authorized by law or designated by the Secretary of the Treasury to perform any duties of an officer of the Customs Service."

(3) adding a new subsection (l) to read as follows:

"(l) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury or his delegate."

(d) Section 402a (18 U.S.C. 1402) is amended by—

(1) striking the word "appraiser" wherever it appears in the section and inserting in lieu thereof "appropriate customs officer"; and

(2) striking the word "APPRAISER'S" in the heading of subsection (b) and inserting in lieu thereof "CUSTOMS OFFICER'S".

(3) striking the words "subject to review in reappraisement proceedings under section 501" and inserting in lieu thereof "subject to protest in accordance with section 514".

(e) Sections 448, 493, and 608 (19 U.S.C. 1448, 1493, and 1608) are amended by striking the term "the collector" where it first appears in each section and inserting in lieu thereof "the appropriate customs officer" and by striking the term "the collector" wherever it thereafter appears in each section and inserting in lieu thereof "such customs officer".

(f) Section 451 (19 U.S.C. 1451) is amended by—

(1) striking the word "collector" where it appears the first time in the section and inserting in lieu thereof "appropriate customs officer";

(2) striking the word "collector" where it appears the second time in the section and inserting in lieu thereof "such customs officer"; and

(3) striking the word "collector" where it appears the third time in the section and inserting in lieu thereof "appropriate customs officer".

(g) Section 467 (19 U.S.C. 1467) is amended by striking the words "collector of customs" and inserting in lieu thereof "appropriate customs officer".

(h) Section 482 (19 U.S.C. 1482) is amended as follows—

(1) subsection (e) is amended by striking the term "collector of customs" and inserting in lieu thereof "appropriate customs officer"; and

(2) subsection (f) is amended by striking "collector of customs or the person acting as such, or by his deputy" and inserting in lieu thereof "appropriate customs officer".

(i) Section 484 (19 U.S.C. 1484) is amended as follows—

(1) subsection (a) is amended by striking the word "collector" and inserting in lieu thereof "appropriate customs officer";

(2) paragraph (1) of subsection (c) is amended by striking the term "the collector" where it first appears in the paragraph and inserting in lieu thereof "the appropriate customs officer" and by striking the term "the collector" where it thereafter appears in the paragraph and inserting in lieu thereof "such customs officer";

(3) paragraph (2) of subsection (c) is amended by striking the term "The collector" and inserting in lieu thereof "The appropriate customs officer" and by striking the term "the collector" wherever it appears in the paragraph and inserting in lieu thereof "such customs officer";

(4) subsection (g) is amended by striking the term "collector or the appraiser" and inserting in lieu thereof "appropriate customs officer";

(5) the second and third sentences of subsection (j) are amended by striking the word "collector" and inserting in lieu thereof "customs officer"; and

(6) The fourth sentence of subsection (j) is amended by striking the term "a collector" and inserting in lieu thereof "a customs officer" and by striking the terms "the collector" and "such collector" and inserting in lieu thereof "such customs officer".

(j) Section 491 (19 U.S.C. 1491) is amended by striking the words "by the appraiser of merchandise and sold by the collector" and inserting in lieu thereof "and sold by the appropriate customs officer".

(k) Section 499 (19 U.S.C. 1499) is amended as follows—

(1) the first sentence is amended by striking the word "appraiser" and inserting in lieu thereof "appropriate customs officer";

(2) the second sentence is amended by striking the term "The collector" and inserting in lieu thereof "Such officer";

(3) the fifth sentence is amended to read: "Such officer may require such additional packages or quantities as he may deem necessary.";

(4) the sixth sentence is amended to read: "If any package contains any article not specified in the invoice and, in the opinion of the appropriate customs officer, such article was omitted from the invoice with fraudulent intent on the part of the seller, shipper, owner, or agent, the contents of the entire package in which such article is found shall be subject to seizure, but if no such fraudulent intent is apparent, then the value of said article shall be added to the entry and the duties thereon paid accordingly.";

(5) the seventh sentence is amended by striking the word "collector" and inserting in lieu thereof "appropriate customs officer"; and

(6) the last sentence is amended by striking the words "appraiser's return of value" and inserting in lieu thereof "appraisement" and by striking the words "value returned by the appraiser" and inserting in lieu thereof "appraisement".

(l) Section 502 (19 U.S.C. 1502) is amended by striking the words "appraiser, deputy appraiser, assistant appraiser, or examiner of merchandise" and inserting in lieu thereof "customs officer".

(m) Section 506 (19 U.S.C. 1506) is amended as follows:

(1) paragraph (1) is amended by striking the term "the collector" where it first appears in the paragraph and inserting in lieu thereof "the appropriate customs officer" and by striking the term "the collector" where it thereafter appears in the paragraph and inserting in lieu thereof "such customs officer"; and

(2) paragraph (2) is amended by striking the word "collector" and inserting in lieu thereof "appropriate customs officer".

(n) Section 509 (19 U.S.C. 1509) is amended by striking the term "Collectors and appraisers" and inserting in lieu thereof "Appropriate customs officers".

(o) Section 510 (19 U.S.C. 1510) is amended by—

(1) striking the words "or a division of such court," the first time they appear;

(2) striking "or an appraiser, or a collector" and inserting in lieu thereof "or an appropriate customs officer";

(3) striking "an appraiser" and inserting in lieu thereof "an appropriate customs officer, or";

(4) striking the words "or a division of such court," the second and third times they appear; and

(5) striking "or appraiser or collector" and inserting in lieu thereof "or appropriate customs officer".

(p) Section 511 (19 U.S.C. 1511) is amended by—

(1) striking the words "or an appraiser, or person acting as appraiser, or a collector" and inserting in lieu thereof "or an appropriate customs officer";

(2) striking the term "the collectors" and inserting in lieu thereof "customs officers"; and

(3) striking the term "the collector" and inserting in lieu thereof "the appropriate customs officer".

(q) Section 512 (19 U.S.C. 1512) is amended by—

(1) striking the word "collector" and inserting in lieu thereof "customs officer"; and

(2) striking the word "collectors" and inserting in lieu thereof "customs officers".

(r) Section 513 (19 U.S.C. 1513) is amended by striking the word "COLLECTOR'S" in the heading thereof and inserting in lieu thereof "CUSTOMS OFFICER'S" and by striking the words "collector or other" wherever they appear in the section.

(s) Section 523 (19 U.S.C. 1523) is amended by striking the word "collectors'" and inserting in lieu thereof "customs officers'".

(t) The fifth sentence of section 557(b) (19 U.S.C. 1557(b)) is amended by striking the words "an appeal for reappraisement under section 501" and inserting in lieu thereof "a protest contesting an appraisement decision in accordance with section 514".

(u) Section 560 (19 U.S.C. 1560) is amended by striking the words "collector or other".

(v) Section 563 (19 U.S.C. 1563) is amended by—

(1) striking the term "collectors of customs" and inserting in lieu thereof "appropriate customs officers"; and

(2) striking the word "collector" and inserting in lieu thereof "customs officer".

(w) Section 564 (19 U.S.C. 1564) is amended by striking the term "collector of customs" and inserting in lieu thereof "customs officer".

(x) Section 565 (19 U.S.C. 1565) is amended by—

(1) striking the term "collector of customs" and inserting in lieu thereof "appropriate customs officer"; and

(2) striking the word "collector" wherever it thereafter appears in the section and inserting in lieu thereof "customs officer".

(y) Section 595 (19 U.S.C. 1595) is amended by striking the words "collector of customs or other".

(z) Section 602 (19 U.S.C. 1602) is amended by—

(1) striking the word "COLLECTOR" in the heading and inserting in lieu thereof "CUSTOMS OFFICER"; and

(2) striking the word "collector" where it first appears in the section and inserting in lieu thereof "appropriate customs officer" and by striking the word "collector" wherever it thereafter appears in the section and inserting in lieu thereof "customs officer".

(aa) Section 603 (19 U.S.C. 1603) is amended by—

(1) striking the word "COLLECTOR'S" in the heading thereof and inserting in lieu thereof "CUSTOMS OFFICER'S"; and

(2) striking the words "collector or the principal local officer of the Customs Agency Service" and inserting in lieu thereof "appropriate customs officer".

(bb) Section 604 (19 U.S.C. 1604) is amended by striking the word "collectors" and inserting in lieu thereof "customs officers".

(cc) Section 605 (19 U.S.C. 1605) is amended by—

(1) striking the word "collector" and inserting in lieu thereof "appropriate customs officer"; and

(2) striking the word "collector's" and inserting in lieu thereof "customs officer's".

(dd) Section 606 (19 U.S.C. 1606) is amended by striking the words "collector shall require the appraiser to" and inserting in lieu thereof "appropriate customs officer shall".

(ee) Sections 607 and 610 (19 U.S.C. 1607 and 1610) are amended by—

(1) striking the words "returned by the appraiser"; and

(2) striking the word "collector" and inserting in lieu thereof "appropriate customs officer".

(ff) Section 612 (19 U.S.C. 1612) is amended as follows:

(1) the first sentence is amended by striking the term "the collector" where it first appears and inserting in lieu thereof "the appropriate customs officer"; by striking the words "by the appraiser"; by striking the term "the collector" where it thereafter appears and inserting in lieu thereof "such officer"; and by striking the words "within twenty-four hours after receipt by him of the appraiser's return";

(2) the second sentence is amended by striking the term "the collector" and inserting in lieu thereof "such officer"; and

(3) the third sentence is amended by striking the word "collector" and inserting in lieu thereof "customs officer".

(gg) Section 617 (19 U.S.C. 1617) is amended by striking the word "collector" and inserting in lieu hereof "customs officer" and by striking the words "or customs agent."

(hh) Section 618 (19 U.S.C. 1618) is amended by striking the words "customs agent, collector, judge of the United States Customs Court, or United States commissioner," and inserting in lieu thereof "customs officer".

(ii) Section 623 (19 U.S.C. 1623) is amended by striking the term "collectors of customs" and inserting in lieu thereof "customs officers".

(jj) Section 641 (19 U.S.C. 1641) is amended by striking the words "collector or chief" wherever they appear and substituting therefor "appropriate".

(kk) Section 648 (19 U.S.C. 1648) is amended by striking the term "Collectors of customs" and inserting in lieu thereof "Customs officers".

SEC. 302. The last paragraph of so much of section 1 of the Act of August 1, 1914, as relates to the Customs Service, as amended (38 Stat. 623; 19 U.S.C. 2), is amended to read as follows:

"The President is authorized from time to time, as the exigencies of the service may require, to rearrange, by consolidation or otherwise, the several customs-collection districts and to discontinue ports of entry by abolishing the same or establishing others in their stead. The President is authorized from time to time to change the location of the headquarters in any customs-collection district as the needs of the service may require."

SEC. 303. Section 2 of the Act of March 4, 1923, as amended (19 U.S.C. 6), is amended by—

(a) striking the first and second sentences and inserting in lieu thereof the following: "Any officer of the customs service designated by the Secretary of the Treasury for foreign service, shall, through the Department of State, be regularly and officially attached to the diplomatic missions of the United States in the countries in which they are to be stationed, and when such officers are assigned to countries in which there are no diplomatic missions of the United States, appropriate recognition and standing with full facilities for discharging their official duties shall be arranged by the Department of State."; and

(b) striking the words "and employees" in the last sentence of the section.

SEC. 304. Section 2619 of the Revised Statutes, as amended (19 U.S.C. 31), is amended to read as follows:

"A bond to the United States may be required of any customs officer for the true and faithful discharge of the duties of his office according to law."

SEC. 305. Section 2620 of the Revised Statutes, as amended (19 U.S.C. 32), is amended to read as follows:

"The amounts, conditions for filing, and procedures for the approval of bonds required of customs officers shall be set forth in regulations prescribed by the Secretary of the Treasury."

SEC. 306. Section 8 of the Act of August 24, 1912, as amended (19 U.S.C. 50), is amended by striking the term "Collectors of customs" and inserting in lieu thereof "Customs officers".

SEC. 307. Section 2654 of the Revised Statutes, as amended (19 U.S.C. 58), is amended by striking the word "Collectors" and inserting in lieu thereof "Customs officers".

SEC. 308. Section 251 of the Revised Statutes (19 U.S.C. 66) is amended by striking the word "collectors" and inserting in lieu thereof "customs officers".

SEC. 309. Section 3 of the Act of June 18, 1934, as amended (19 U.S.C. 81c) is amended by—

(a) striking the term "collector of customs" and inserting in lieu thereof "appropriate customs officer"; and

(b) striking the word "collector" and inserting in lieu thereof "appropriate customs officer".

SEC. 310. The Act of June 28, 1916 (19 U.S.C. 151), is amended by striking the term "collector of customs" and inserting in lieu thereof "appropriate customs officer".

SEC. 311. Section 202(a) of the Act of May 27, 1921 (19 U.S.C. 161(a)) is amended by striking the word "report".

SEC. 312. Section 208 of the Act of May 27, 1921 (19 U.S.C. 167), is amended by striking the term "collector" where it first appears in the section and inserting in lieu thereof "appropriate customs officer" and by striking the term "the collector" wherever it thereafter appears in the section and inserting in lieu thereof "such customs officer".

SEC. 313. Section 209 of the Act of May 27, 1921, as amended (19 U.S.C. 168) is amended by—

(a) striking the words "appraiser or person acting as appraiser" where they first appear in the section and inserting in lieu thereof "appropriate customs officer";

(b) striking the words "report to the collector" where they first appear in the section;

(c) striking the words "each appraiser or person acting as appraiser" and inserting in lieu thereof "such customs officer"; and

(d) striking the words "and report to the collector".

SEC. 314. Section 210 of the Act of May 27, 1921, as amended (19 U.S.C. 169), is amended by—

(a) striking the words "appraiser or person acting as appraiser" and inserting in lieu thereof "appropriate customs officer";

(b) striking the term "the collector" and inserting in lieu thereof "such customs officer"; and

(c) striking the words "appeal and" and "appeals and".

SEC. 315. Section 5 of the Act of February 13, 1911, as amended (19 U.S.C. 261), is amended by striking ", and any customs officer who may be designated for that purpose by the collector of customs,".

SEC. 316. Section 5 of the Act of February 13, 1911, as amended (19 U.S.C. 267), is amended by—

(a) striking the words "inspectors, storekeepers, weighers, and other"; and

(b) striking the term "collector of customs" wherever it appears in the section and inserting in lieu thereof "appropriate customs officer".

SEC. 317. Section 3111 of the Revised Statutes (19 U.S.C. 282) is amended by striking the words "other or" and by striking the words "the collector or other" and the words "a collector or other" and inserting in lieu thereof in each instance the word "an".

SEC. 318. Section 3126 of the Revised Statutes (19 U.S.C. 293) is amended by striking out "collectors" and inserting in lieu thereof "appropriate customs officers".

SEC. 319. Sections 2863 and 3087 of the Revised Statutes, as amended (19 U.S.C. 341 and 528), are amended by striking the word "collector" and inserting in lieu thereof "appropriate customs officer".

SEC. 320. The Act of June 16, 1937 (19 U.S.C. 1435b), is amended by—

(a) striking the words "collector of customs, or any deputy collector of customs designated by him" and inserting in lieu thereof "appropriate customs officer"; and

(b) striking the words "jointly by the Secretary of Commerce and".

REPEALS

SEC. 321. The following laws are hereby repealed:

(a) section 2613 of the Revised Statutes, as amended (19 U.S.C. 5);

(b) the last paragraph of so much of section 1 of the Act of July 5, 1932, as relates to the Bureau of Customs (47 Stat. 584; 19 U.S.C. 5a);

(c) section 3 of the Act of March 4, 1923 (19 U.S.C. 7);

(d) section 2629 of the Revised Statutes, as amended (19 U.S.C. 8);

(e) section 2625 of the Revised Statutes, as amended (19 U.S.C. 9);

(f) section 2630 of the Revised Statutes, as amended (19 U.S.C. 10);

(g) section 2632 of the Revised Statutes, as amended (19 U.S.C. 11);

(h) the Act of February 6, 1907, as amended (19 U.S.C. 36);

(i) section 2633 of the Revised Statutes (19 U.S.C. 37);

(j) section 7 of the Act of March 4, 1923 (19 U.S.C. 51); and

(k) sections 1 and 2 of the Act of August 28, 1890 (19 U.S.C. 63).

The SPEAKER pro tempore. Is a second demanded?

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

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

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on the Judiciary, the gentleman from New York (Mr. CELLER), one of the authors of the legislation.

(Mr. CELLER asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. CELLER. Mr. Speaker, the efficient and effective functioning of the Federal courts has always been a matter of primary concern to the Judiciary Committee. Today we are asking the House to consider favorably S. 2624, a bill to modernize the procedures in the Customs Court and the related administrative processes in the Bureau of Customs so that this court can better manage its rapidly expanding workload.

In July 1969, I introduced H.R. 12691 to improve the judicial machinery in the customs courts by amending the statutory provisions relating to judicial action and administrative proceedings in customs matters. My colleague, the senior minority member of the committee, Mr. MCCULLOCH, introduced an identical bill. In addition, my distinguished colleague from Virginia (Mr. POFF), the ranking minority member of Subcommittee No. 3, introduced identical legislation.

Also in July 1969, Senators TYDINGS and HRUSKA introduced identical legislation in the Senate, S. 2624. A slightly

amended version of this bill was passed by the Senate in December 1969. It is this version, with some technical and corrective amendments, that we are recommending for passage by the House.

As is evident from the bipartisan sponsorship of this legislation in both the Senate and the House of Representatives, the proposal to modernize the Customs Court procedures is a bipartisan effort. Our concern, regardless of party, is to improve the administration of justice in the Customs Court.

The reforms in procedures contained in this are long overdue. The Customs Court was created in 1926 as the successor to the Board of General Appraisers, an administrative agency established in 1890 to relieve the Federal district and circuit courts of the heavy burden of customs litigation. However, the powers, procedures, and duties of the Customs Court remained the same as that previously possessed by the Board of General Appraisers. For the most part, this court has continued to function almost as an administrative tribunal despite the fact that in 1956 Congress enacted legislation making the Customs Court an article 3 court.

The Customs Court is a national court with exclusive jurisdiction over all customs cases. In the fiscal year 1969, more than 75,000 cases were filed with this court; however, because of its outmoded procedures, the court has been unable to keep up with its mounting caseload. By the end of fiscal year 1969, the court had a backlog of more than 430,000 cases. After 80 years, it is time for Congress to act. We must eliminate the out-of-date procedures which now govern the operations of the Customs Court and replace them with modern judicial procedures that will permit the court to perform its important functions effectively and efficiently.

I wish to make it clear for the record that this bill in no way affects rates of duties nor the substantive provisions of laws relating to the basis of duty assessment. It will have no commercial or financial impact on our international trade.

I urge that the Members of this House join in the bipartisan efforts of the majority and minority parties to enact this legislation.

Mr. WIGGINS. Mr. Speaker, I yield 2 minutes to the ranking minority member of the committee, the gentleman from Ohio (Mr. McCULLOCH).

Mr. McCULLOCH. Mr. Speaker, I join with the able chairman of the House Judiciary Committee, in urging passage of S. 2624. This legislation is needed if the U.S. Customs Court is to continue to perform the important functions that it has been given by the Congress under recent legislation, which made it a constitutional court.

The Customs Court has exclusive nationwide jurisdiction over all customs cases. As the volume of imports into the United States has grown, it has been matched by a corresponding growth in the work of the court. Thus in fiscal year 1964, the Customs Service collected over $1.8 billion in duties; in fiscal year 1969, customs duties amounted to over $3.25 billion. The caseload of customs cases increased accordingly. In fiscal 1963, the Customs Court received about 35,000 new cases; in fiscal year 1969, this figure had increased to over 75,000 cases.

The inability of the court, saddled as it is with outmoded procedures dictated by laws passed as far back as 1890, is reflected in the statistics of pending cases. Thus at the end of fiscal 1963, 186,000 cases were pending in the Customs Court; at the end of fiscal 1969, there were over 431,000 cases pending.

This situation cannot be permitted to continue unchecked. Failure to act will eventually result in a flood of paper that will overwhelm the Customs Court. The legislation I introduced in July 1969, H.R. 12921, to remedy the defects which presently burden this article III court does not substantially differ from the legislation presently under consideration in the House in S. 2624.

Fortunately the court, the Government, the importers, and the Customs Bar, have been aware of this dire situation and have joined in considering measures to solve this problem. The legislation before the House reflects the combined experience and wisdom of these various groups. Although there is no unanimity on all of the details of the bill, there is a general consensus among all groups concerned that the basic principles and procedures embodied in the legislation will enable the court to cope with its mounting backlog of old cases and the rising tide of new cases.

I wish to stress, as did my distinguished colleague, the gentleman from New York, that this legislation, as it has been considered by both the Senate and the House Judiciary Committee, is in no sense partisan legislation. Both parties are concerned solely with the efficient and effective performance of our judicial system. The Customs Court is an important element in that system. We are all agreed that this legislation is both necessary and desirable. I urge a favorable vote for the legislation.

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

Mr. Speaker, the purpose of this legislation, as has been stated, is to modernize the procedures in the Customs Court and the related administrative processes in the Bureau of Customs so that the court and the Bureau will be better able to cope with their tremendous work loads.

S. 2624 was introduced at the request of the administration. It is the product of several years of work on the part of the Customs Court, the Departments of Treasury and Justice, and the Federal Judicial Center, in consultation with representatives of importers, customs brokers and the customs bar. Its passage through the Senate without a dissenting voice marks it as the product of intensive bipartisan study.

Identical House bills were introduced by the chairman of the Committee on the Judiciary, the gentleman from New York (Mr. CELLER), by the ranking minority member on the committee, the gentleman from Ohio (Mr. McCULLOCH), and by the gentleman from Virginia (Mr. POFF), indicating the wide support enjoyed by the measure on the House side as well.

In addition to these departmental and congressional endorsements, this legislation enjoys the support of the Departments of State and Commerce, the Judicial Conference of the United States, and the Chamber of Commerce of the United States.

It should also be noted that witnesses before the subcommittee representing the American Importers Association, and the Association of the Customs Bar, although they requested certain amendments to S. 2624, by and large made it clear that they preferred the bill as passed by the Senate to no reform at all.

Furthermore, the Departments of Treasury and Justice advised the committee that these Departments support the legislation as amended by the Senate.

The Senate made two principal changes. They made mandatory the provisions of the bill calling for a filing fee, payable at the commencement of a civil action in the Customs Court, the minimum of which would be $5. The other body also limited the scope of the authority of the chief judge who might order that evidentiary hearings could be held abroad.

The heart of the problem that gave rise to this legislation is that a number of general statutory provisions affecting both the court and the Bureau in terms of their procedures have become outdated and tend to distort the relationship between the administrative agency and the court tend to make the court merely an extension of the administration's arm rather than the judicial tribunal which it is intended to be.

Despite its increased productivity, the Customs Court in recent years has suffered an unconscionable increase in its backlog.

It is our opinion that obsolete but mandatory procedures are largely responsible for the inability of the court to keep abreast of its intake.

It is very important to stress that the subject legislation studiously avoids any substantive changes in the customs law, as indicated by the gentleman from New York (Mr. CELLER), but does relate exclusively to improvements in procedures—both with respect to the administrative stage and with respect to judicial review—for the determination of duty liability.

The bill has three titles, title I to be cited as "The Customs Courts Act of 1970"; and titles II and III, to be cited as "The Customs Administrative Act of 1970."

Mr. Speaker, the present backlog of 431,000 cases at the end of the fiscal year 1969 can be attributed to a number of factors. They include the increase of imports into the United States, a new set of tariff schedules, and a more aggressive attitude on the part of American importers and manufacturers in challenging customs decisions.

However, the outmoded procedures contribute more to the backlog growth than anything else.

In clear and simple terms, the procedures that the existing statute require to be used to dispose of customs matters

in the Bureau and in the court are, as I said, out of date and inefficient.

The major defects in the present law include the following:

First. It is necessary to have two separate proceedings to determine appraisement and classification issues involving the same article of merchandise.

Second. There is no provison for administrative review of appraisement actions by the Bureau of Customs.

Third. The period of time for importers to file appeals or protests is so unrealistically short that they are virtually compelled to file them as a protective measure.

Fourth. Protests denied by the Bureau are automatically referred to the Customs Court.

Fifth. The Customs Court lacks statutory authority to charge a filing fee for commencing an action in the court.

Sixth. Three judges must try a protest case.

Seventh. Single-judge decisions in appraisement cases can be appealed to a three-judge division of the Customs Court before final appeal to the Court of Customs and Patent Appeals.

Eighth. Written decisions must be prepared in all cases decided by the Customs Court.

Ninth. Classification cases tried in ports outside of New York are heard by single judges but can only be decided by a three-judge division.

These outmoded provisions of the law prevent the Bureau and the court from managing their affairs effectively. These agencies require better management tools to discharge their responsibilities under the law.

S. 2624 would remedy these deficiencies in the following respects:

First. The Bureau of Customs will liquidate an entry in a single proceeding which will decide all issues, including appraisement and classification.

Second. The period of time in which an importer can appeal for further administrative review of a bureau decision will be extended to 90 days.

Third. The Bureau will have additional power to reliquidate an entry on its own initiative and thereby correct administrative errors.

Fourth. The Bureau will have a maximum period of 2 years in which to consider a protest and dispose of it on its merits, with written notice of denial of protest required to be mailed to the importer.

Fifth. An importer will be able to obtain accelerated disposition of his protest by the Bureau by filing a request for such acceleration.

Sixth. The period of time in which to request judicial review of an administrative decision in the Bureau will be extended to 180 days.

Seventh. An importer, in order to obtain judicial review, will be required to file a summons in the Customs Court.

Eighth. The court will be required to establish a filing fee of at least $5 and not in excess of the filing fee for commencing a civil action in the U.S. district court, presently $15.

Ninth. There will be a single judicial proceeding in which all issues, including both appraisement and classification, will be considered.

Tenth. A single-judge will try the usual kinds of cases.

Eleventh. The chief judge will be authorized to designate three-judge trials of cases involving constitutional questions or other important matters.

Twelfth. The judges will have the option either to prepare opinions or statements of finding of fact and conclusions of law.

Thirteenth. Cases will be tried outside of New York by a single judge.

Fourteenth. The intermediate three-judge appellate proceeding in appraisement cases in the Customs Court will be eliminated and replaced by direct appeals to the Court of Customs and Patent Appeals.

Mr. Speaker, it is my firm belief that when the Bureau and the court are equipped with these up-to-date management tools, they will be able to meet their increasing responsibilities and growing workload. Representatives—at least the vast majority of representatives—of the importing industry, the bar and the court share this belief. They have worked closely with the Departments of Justice and Treasury in preparing this bill and, despite differences of view on some details, they have supported and endorsed the basic principles embodied in S. 2624. I urge its adoption.

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

Mr. KASTENMEIER. Yes; I yield to my friend, the gentleman from Idaho.

Mr. McCLURE. I want only to express one concern I have, and that is one question with respect to this bill. Section 119, paragraph (a) which appears on page 15 of the bill, refers to the findings of fact and conclusions of law or written opinion. It is again referred to on page 21 of the report, and I think the gentleman referred to it in two or three places in his statement, the latter one of which was under point No. 12 of proposed solutions.

I believe it has been our experience that oral opinions of judges sometimes are not supported by a sufficient statement of facts upon which that decision is based, and this has led to problems in other court proceedings. I believe the gentleman stated in point No. 12 that it could be supported either by a written opinion or by written facts and conclusions, but the report states that it can be supported or ordered simply orally from the bench without in either instance being in writing except as reported by the court reporter. If the latter is true, it would seem to me that this might lead to the kind of judicial uncertainty that has plagued other courts at other times in our history.

Mr. KASTENMEIER. The gentleman's point is well taken. We assume that when the judge does decide orally rather than write his opinion, that he makes it in the form of a statement for the court and that it will be reduced to typewriting for the record by the reporter. I furthermore state that these cases are appealable.

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

Mr. KASTENMEIER. I yield to the gentleman from Idaho.

Mr. McCLURE. I would assume it would be the intention of the committee that this decision from the bench, unsupported by written conclusions or findings of fact, would be one that would be used rather guardedly by the court and would not be used in complicated cases where the statements would be essential to a determination of the court's decision.

Mr. KASTENMEIER. I believe the gentleman has made a correct statement at that point, and I would agree. I think the compelling fact, however, that there are so many pending cases—431,000 approximately—would militate against the older practice of requiring in every case a written opinion.

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

Mr. KASTENMEIER. I yield to the gentleman from Idaho.

Mr. McCLURE. I commend the gentleman for his statement and I support the action that is being taken by the committee. I think it is a very constructive step forward, but I did want to express my concern that if the judges applied this procedure rather loosely, we would eventually get ourselves back into a situation in which more time would be consumed than we are now attempting to save.

Mr. KASTENMEIER. I appreciate the gentleman's statement. It is not the intention of the committee to recommend, as far as the construction of this particular section is concerned, any loose interpretation.

Mr. WIGGINS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Speaker, I will be very brief. As has already been indicated, this is the work product of two administrations. It is bipartisan in this body. It was bipartisan in the other body, which it passed without a dissenting vote.

The legislative history traces its origin back to the 89th Congress, when in 1966 representatives from the Department of the Treasury met with the legislative committee and the Bureau of Customs and out of that precipitated what is now titles II and III of the pending legislation.

The bill will permit the Bureau of Customs to use up-to-date administrative procedures and methods of administrative review. The Bureau's plans for a single, continuous procedure in deciding all issues in any entry of merchandise and for a more effective and more independent administrative review within the Bureau should give assurance to the importers that their protest and claims have been carefully considered and objectively reviewed. Hopefully, this will lead to an increase in the number of cases finally determined at the administrative level and a reduction in the number of cases brought into the Customs Court.

Should customs reject a claim, the importer will have 180 days in which to file an action in the Customs Court. This should enable him to carefully consider whether judicial review is warranted under the circumstances. This extended period for filing suit should eliminate many

of the hasty protective appeals for reappraisement and protests which produced so many unnecessary cases.

The major changes made by S. 2624 in Customs Court procedures are designed to remove impediments to the efficient functioning of the court and to provide it with the necessary powers to deal effectively with its large caseload.

One significant change eliminates the automatic referral of cases from the Bureau to the court. Under the bill, the Bureau will be authorized to employ administrative principles and procedures similar to those of other Government agencies. When the Bureau has taken final administrative action, the claimant seeking judicial review must take affirmative action to get into court.

The importer will initiate this action by filing a summons in the Customs Court. The court will provide a single judicial procedure in which all issues, including appraisement and classification, will be heard, considered, and decided. Importers will be able to include in a single cause of action all entries of merchandise presenting common issues. The court will have full authority to order actions consolidated or severed, as circumstances warrant.

A minimum filing fee of $5 for commencing an action in the Customs Court is provided for by this bill, but the court is granted discretionary authority to set any higher figure not exceeding the filing fee in the District Court, presently $15. The filing fee should have two worthwhile effects:

First. It should cause potential litigants to carefully consider the advisability of bringing suit; and

Second. Litigants, in order to minimize fees, will have a monetary inducement to consolidate numerous importations involving the same issues into one cause of action.

The effect of the fee, therefore, should be to reduce substantially the number of cases filed in the Customs Court each year.

The next big judicial improvement is the requirement that cases normally be tried by a single judge. This means that classification cases, which constitute 60 percent of the court's work, will no longer require a three-judge trial. The three-judge panel will be permitted only for cases involving constitutional questions or serious issues in the administration of the customs laws.

Another major improvement in judicial administration is the provision to relieve the judges of the Customs Court of the mandatory and inflexible requirement to render their decisions in writing, with a statement of the reasons therefor and the facts on which the decision is based, in every contested case. The Customs Court is a court of record, and all decisions of the judges, whether oral or written, are taken down by the court reporter. They are, therefore, available for report and publication.

In addition, under the bill, the judge will have the option of supporting his decision by either a statement of findings of fact and conclusions of law or by an opinion stating the reasons and the facts upon which his decision is based.

The bill will also make a significant advance in the trial of cases in ports outside of New York. Single judges will now be able to hear and decide these cases. This will eliminate the present practice of having a single judge hear classification cases in ports outside New York and then report the case for decision by a three-judge division, no one of whose members may necessarily have been the judge who heard the case.

Finally, under the bill, appeals from all cases decided by the Customs Court will go directly to the Court of Customs and Patent Appeals. This will eliminate the present intermediate appeal procedure in which single-judge decisions in appraisement cases are reviewed by a three-judge division in the Customs Court, with further appeal to the Court of Customs and Patent Appeals.

There are, of course, numerous other areas of improvement of judicial administration in the Customs Court to which this bill addresses itself. All of them are directed toward the elimination of recognized and admitted deficiencies and shortcomings in the existing law. My distinguished colleague, the gentleman from Wisconsin, has referred to them in his remarks, so there is no need to repeat them.

The net effect of this bill is to modernize the court's procedures and strengthen its powers to manage its business in the most effective and expeditious fashion. These reforms are necessary and long overdue. I urge the House to act favorably on S. 2624.

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

Mr. Speaker, I join with my colleagues who have previously spoken to indicate a general support of this bill. They certainly are to be complimented for the manner in which they have handled this very complicated subject.

Mr. Speaker, there is a dearth of expertise in this House of Representatives on the subject of customs legislation. The committee is to be commended for the effort it has made to modernize the procedures for our Customs Court. But its efforts are not perfect. Because by its very nature this leigslation is complicated, I think it especially behooves the Members to listen to those who have by reason of their profession developed an expertise absent in this House.

I think the membership ought to know that the Customs Bar and a great many importers are not all that happy with the bill. They share my view that the bill represents progress, but that it is not perfect, and were we here under other procedures, it could profitably be amended.

More particularly Mr. Speaker, the opposition of those who must deal with this legislation on a daily basis centers around the imposition of a filing fee. Section 113 of the bill, on page 11, imposes a filing fee of not less than $5 nor more than the filing fee for commencing a civil action in the U.S. District Court.

I think the immediate response of most Members would be: Why should not they pay a filing fee? All other litigants do. But the membership should be aware there is something very special about a proceeding before the Customs Court. The issues in such a proceeding normally involve but two points: First, the evaluation of the item imported, and second, the classification to be imposed on that item.

I think all Members realize that a shipment from overseas may involve hundreds and hundreds of items each having a different value and accordingly each a different valuation. Therefore, in order to avail himself of this act, an importer must pay a filing fee with respect to each item. We should be aware that this legislation may indeed affect the price of commodities which are imported into this country.

Further, Mr. Speaker, the history of this act indicates that a filing fee was tried once before.

It did not work. The Congress in its wisdom found it necessary to repeal a law providing for a filing fee in customs court cases.

In the months ahead we may have to undo the filing fee imposed in this legislation.

Recognizing, Mr. Speaker, that this matter is before us now under suspension and that no amendments to the legislation are in order, I can only appeal to the very distinguished members of this subcommittee and urge that they carefully monitor this legislation if it becomes law to see whether or not an unconscionable burden is imposed upon importers and, of course, upon those consumers who buy their products, by the imposition of this filing fee.

I conclude, Mr. Speaker, by indicating my support for the legislation, but my reservation concerning the imposition of a filing fee.

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

Mr. WIGGINS. I am happy to yield to the gentleman from Virginia.

Mr. POFF. Mr. Speaker, it is the usual practice in any court to charge a filing fee for bringing an action. It is an accepted cost in the operation of a business. In this regard, an importer is no different from any other businessman who must resort to the courts. Yet the customs court is the only court we know of that does not impose a filing fee.

It has been contended that it is unfair to require an importer to pay multiple filing fees when he is regularly importing the same article of merchandise and is contesting each denial of his protest with respect to that article. To take care of this situation, a special provision has been included in section 110 of the bill, amending title 28, United States Code, section 1582(d), which permits the importer to minimize his filing fees; he can consolidate all his protests that raise a common issue and that have been denied within the preceding 180 days into a single cause of action and thus pay only a single fee.

Congress has never imposed a filing fee for commencing an action in the customs court. Under the Tariff Act of 1913, a filing fee of $1 was imposed as a condition for filing a protest required for administrative review with the Bureau of Customs. This provision was repealed by Congress in 1922.

There is no similarity between the fee for filing a request for administrative action by an administrative agency and a

fee for filing an action in court. Thus, a taxpayer is not charged a filing fee for any administrative review of a claim for income tax refund by the Internal Revenue Bureau. However, if he seeks judicial review, he must pay the filing fee in the Tax Court.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion offered by the gentleman from Wisconsin that the House suspend the rules and pass the bill S. 2624, as amended.

The question was taken.

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

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

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

The question was taken; and there were—yeas 301, nays 0, not voting 128, as follows:

[Roll No. 123]

YEAS—301

Abbitt	Davis, Wis.	Hull
Adair	de la Garza	Hungate
Adams	Delaney	Hunt
Addabbo	Dellenback	Hutchinson
Albert	Denney	Ichord
Alexander	Dennis	Jacobs
Anderson, Calif.	Derwinski	Jarman
	Devine	Johnson, Calif.
Anderson, Ill.	Donohue	Johnson, Pa.
Andrews, Ala.	Dowdy	Jonas
Annunzio	Downing	Jones, Ala.
Ashley	Duncan	Jones, N.C.
Aspinall	Dwyer	Karth
Belcher	Eckhardt	Kastenmeier
Bennett	Edmondson	Kazen
Berry	Edwards, Calif.	Kee
Betts	Edwards, La.	Keith
Bevill	Erlenborn	King
Biester	Esch	Kleppe
Blackburn	Eshleman	Kluczynski
Blanton	Evins, Tenn.	Kyl
Blatnik	Fascell	Kyros
Boggs	Feighan	Landgrebe
Boland	Findley	Landrum
Bolling	Fisher	Langen
Brasco	Foley	Latta
Bray	Ford,	Leggett
Brinkley	William D.	Lennon
Brock	Foreman	Lloyd
Brooks	Fountain	Long, Md.
Broomfield	Frey	Lujan
Brotzman	Friedel	McClure
Brown, Mich.	Fulton, Pa.	McCulloch
Broyhill, N.C.	Fulton, Tenn.	McDade
Broyhill, Va.	Fuqua	McDonald,
Burke, Fla.	Galifianakis	Mich.
Burke, Mass.	Gallagher	McEwen
Burleson, Tex.	Garmatz	McKneally
Burlison, Mo.	Gibbons	Macdonald,
Burton, Calif.	Gonzalez	Mass.
Burton, Utah	Goodling	MacGregor
Button	Gray	Mahon
Byrnes, Wis.	Griffin	Mailliard
Cabell	Griffiths	Marsh
Caffery	Gross	Martin
Camp	Grover	Mathias
Carter	Gude	Matsunaga
Casey	Hagan	May
Cederberg	Haley	Mayne
Celler	Hall	Meeds
Chamberlain	Hamilton	Michel
Chappell	Hammer-	Miller, Calif.
Clancy	schmidt	Miller, Ohio
Clausen,	Hanley	Mills
Don H.	Hanna	Minish
Clawson, Del	Hansen, Wash.	Mink
Clay	Harvey	Mize
Cleveland	Hastings	Mizell
Collier	Hathaway	Morton
Collins	Hawkins	Moss
Colmer	Hébert	Murphy, Ill.
Conable	Hechler, W. Va.	Myers
Conte	Heckler, Mass.	Natcher
Corman	Helstoski	Nedzi
Coughlin	Henderson	Nelsen
Cowger	Hicks	Nichols
Cramer	Hogan	Obey
Cunningham	Holifield	O'Hara
Daniel, Va.	Horton	O'Konski
Daniels, N.J.	Hosmer	Olsen
Davis, Ga.	Howard	O'Neill, Mass.
Passman	Rosenthal	Thompson, N.J.
Patman	Rostenkowski	Thomson, Wis.
Pelly	Roth	Tiernan
Perkins	Roybal	Udall
Pettis	Ryan	Van Deerlin
Pickle	Sandman	Vander Jagt
Pike	Satterfield	Vanik
Pirnie	Schadeberg	Vigorito
Poage	Schwengel	Waggonner
Poff	Scott	Waldie
Powell	Shriver	Wampler
Preyer, N.C.	Sikes	Watts
Price, Ill.	Sisk	Weicker
Price, Tex.	Skubitz	White
Pryor, Ark.	Slack	Whitehurst
Pucinski	Smith, Calif.	Whitten
Quie	Smith, N.Y.	Wiggins
Quillen	Snyder	Williams
Railsback	Springer	Winn
Randall	Stafford	Wolff
Rarick	Staggers	Wright
Rees	Steed	Wyatt
Reid, Ill.	Steiger, Ariz.	Wydler
Reifel	Steiger, Wis.	Wylie
Rhodes	Stephens	Wyman
Riegle	Stuckey	Yates
Roberts	Symington	Young
Robison	Taft	Zablocki
Rodino	Taylor	Zion
Roe	Teague, Calif.	Zwach
Rogers, Colo.	Teague, Tex.	
Rogers, Fla.	Thompson, Ga.	

NAYS—0

NOT VOTING—128

Abernethy	Flowers	Nix
Anderson, Tenn.	Flynt	O'Neal, Ga.
	Ford, Gerald R.	Ottinger
Andrews, N. Dak.	Fraser	Patten
	Frelinghuysen	Pepper
Arends	Gaydos	Philbin
Ashbrook	Gettys	Podell
Ayres	Giaimo	Pollock
Baring	Gilbert	Purcell
Barrett	Goldwater	Reid, N.Y.
Beall, Md.	Green, Oreg.	Reuss
Bell, Calif.	Green, Pa.	Rivers
Biaggi	Gubser	Rooney, N.Y.
Bingham	Halpern	Rooney, Pa.
Bow	Hansen, Idaho	Roudebush
Brademas	Harrington	Ruppe
Brown, Calif.	Harsha	Ruth
Brown, Ohio	Hays	St Germain
Buchanan	Jones, Tenn.	Saylor
Bush	Kirwan	Scherle
Byrne, Pa.	Koch	Scheuer
Carey	Kuykendall	Schneebeli
Chisholm	Long, La.	Sebelius
Clark	Lowenstein	Shipley
Cohelan	Lukens	Smith, Iowa
Conyers	McCarthy	Stanton
Corbett	McClory	Stokes
Crane	McCloskey	Stratton
Culver	McFall	Stubblefield
Daddario	McMillan	Sullivan
Dawson	Madden	Talcott
Dent	Mann	Tunney
Dickinson	Melcher	Ullman
Diggs	Meskill	Watkins
Dingell	Mikva	Watson
Dorn	Minshall	Whalen
Dulski	Mollohan	Whalley
Edwards, Ala.	Monagan	Widnall
Eilberg	Montgomery	Wilson, Bob
Evans, Colo.	Moorhead	Wilson,
Fallon	Morgan	Charles H.
Farbstein	Morse	Wold
Fish	Mosher	Yatron
Flood	Murphy, N.Y.	

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

The Clerk announced the following pairs:

Mr. Hays with Mr. Bow.

Mr. Rooney of New York with Gerald R. Ford.

Mr. Daddario with Mr. Mosher.

Mr. Dent with Mr. Ayres.

Mr. Gilbert with Mr. Ruppe.

Mr. Byrne of Pennsylvania with Mr. Frelinghuysen.

Mr. Abernethy with Mr. Roudebush.

Mr. Barrett with Mr. Arends.

Mr. Brademas with Mr. Andrews of North Dakota.

Mr. Cohelan with Mr. Gubser.

Mr. Dorn with Mr. Ashbrook.

Mr. Eilberg with Mr. Minshall.

Mr. Philbin with Mr. Morse.

Mr. Patten with Mr. Meskill.

Mr. Fallon with Mr. Beall of Maryland.

Mr. Farbstein with Mr. Reid of New York.

Mr. Shipley with Mr. Hansen of Idaho.

Mr. Stratton with Mr. Dickinson.

Mr. Long of Louisiana with Mr. Edwards of Alabama.

Mr. Carey with Mr. Fish.

Mr. Clark with Mr. Saylor.

Mr. Culver with Mr. Brown of Ohio.

Mr. Morgan with Mr. Corbett.

Mr. Moorhead with Mr. Sebelius.

Mr. Nix with Mr. McCloskey.

Mr. Ottinger with Mr. Halpern.

Mr. Pepper with Mr. Buchanan.

Mr. Podell with Mr. Bell of California.

Mr. St Germain with Mr. McClory.

Mr. Stubblefield with Mr. Lukens.

Mr. Green of Pennsylvania with Mr. Watkins.

Mr. Giaimo with Mr. Schneebeli.

Mr. Frazer with Mr. Harsha.

Mr. Evans of Colorado with Mr. Bush.

Mr. O'Neal of Georgia with Mr. Crane.

Mrs. Sullivan with Mr. Goldwater.

Mr. McFall with Mr. Stanton.

Mr. Dingell with Mr. Talcott.

Mr. Dulski with Mr. Whalen.

Mr. Murphy of New York with Mr. Widnall.

Mr. Mann with Mr. Watson.

Mr. Purcell with Mr. Whalley.

Mr. Rivers with Mr. Bob Wilson.

Mr. Smith of Iowa with Mr. Wold.

Mr. Yatron with Mr. Stokes.

Mr. Tunney with Mr. Conyers.

Mr. Biaggi with Mrs. Green of Oregon.

Mr. Anderson of Tennessee with Mr. McMillan.

Mr. Bingham with Mr. Diggs.

Mr. Baring with Mr. Kirwan.

Mr. Brown of California with Mr. Dawson.

Mr. Jones of Tennessee with Mr. Ullman.

Mr. Charles H. Wilson with Mr. Flood.

Mr. Flowers with Mr. Flynt.

Mr. Gettys with Mr. Harrington.

Mr. Reuss with Mr. Gaydos.

Mr. Montgomery with Mr. Mikva.

Mr. Monagan with Mr. Mollohan.

Mr. Lowenstein with Mrs. Chisholm.

Mr. Rooney of Pennsylvania with Mr. McCarthy.

Mr. Koch with Mr. Scheuer.

Mr. Madden with Mr. Kuykendall.

Mr. Melcher with Mr. Pollock.

Mr. Ruth with Mr. Scherle.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

RETIREMENT OF JUSTICES AND JUDGES

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1508) to improve judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States, as amended.

The Clerk read as follows:

S. 1508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 371(b) of title 28, United States Code, is amended by inserting immediately before the period at the end of the first sentence the following: ", or after attaining the age of sixty years and after serving at least twenty years continuously or otherwise."

(b) The first paragraph of section 373 of title 28, United States Code, is amended by inserting immediately after the last comma therein the following: "or after attaining the age of sixty years and after serving at least twenty years continuously or otherwise,".

The SPEAKER. Is a second demanded?

Mr. McCULLOCH. 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 New York (Mr. CELLER), will be recognized for 20 minutes, and the gentleman from Ohio (Mr. McCULLOCH) will be recognized for 20 minutes.

The gentleman from New York is recognized.

Mr. CELLER. Mr. Speaker, S. 1508 would amend the judicial code to liberalize retirement of justices and judges of the United States. As passed by the other body, the bill extends retirement benefits to Federal judges after 20 years of service, irrespective of age. It also extends similar benefits to judges of the territorial courts—Canal Zone, Guam, and the Virgin Islands.

The Judicial Conference of the United States, at its October 1969 meeting approved judicial retirement after 20 years of service providing the retiring judge had reached 60 years of age. Committee amendments to the bill add this age limit of 60 years to all justices or judges electing to retire after 20 years of service. With these amendments, the bill only will apply to judges appointed before their 50th birthday—since otherwise they would qualify for retirement at age 65, after 15 years of service. Under existing law, Federal judges may elect to retire at age 70, with 10 years of service or at age 65, with 15 years of service.

If amended as proposed and enacted into law, 10 judges[1] out of a Federal bench of approximately 468 would be eligible to elect retirement. Four additional judges[2] will have completed 20 years of service as of July 1, 1970, but will not have reached 60 years of age. The retirement liberalization proposed by this legislation should serve to make the Federal bench more attractive to younger, qualified men, and also provide an increase in the available judicial manpower. When a judge retires and accepts senior judge status he may continue to perform judicial duties and help to alleviate existing backlogs at the same time a vacancy occurs on his court that can be filled by the appointment of a new regular active service judge.

This legislation is supported by the Department of Justice as well as the Judicial Conference of the United States. The Chief Justice of the United States and the former Director of the Federal Judicial Center also recommend its favorable consideration.

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

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

Mr. GROSS. What does a judge sign? What kind of an agreement does a Federal judge sign when he becomes a judge that provides he must serve after retirement? What if a judge elects not to serve after retirement?

Mr. CELLER. There is no such thing. When a judge is appointed he is appointed for life. He does not sign any particular document. If he does something that departs from law he can be deprived of his office. He can be impeached.

Mr. GROSS. But there is nothing to compel a judge, having retired, to continue to preside over any court anywhere, is there?

Mr. CELLER. I told the gentleman that he can undertake the duties I have indicated.

Mr. GROSS. What if he declines to serve?

Mr. CELLER. Upon retirement a Federal judge may continue to perform judicial duties, if he is willing and able to do so. The vast majority of retirees have continued in an active status.

Mr. GROSS. That is not the issue. The issue is liberalizing the retirement of all Federal judges whereby at 60 years of age and 20 years of service they can retire at full salary of about $40,000 a year without having contributed a single dollar to any retirement fund.

Mr. CELLER. I tried to explain the duties of the retired judges, but I will be more explicit.

The effect of judicial retirement is twofold: First, upon retirement, a vacancy arises in a judgeship that must be filled by the President, with the advice and consent of the Senate; second, the retired judge becomes a senior judge, and in that capacity remains available to perform other judicial duties to the extent that he is willing and able to do so.

At the present time there are approximately 107 U.S. judges on senior status. Statistics for the most recent fiscal year—July 1, 1968 to June 30, 1969—reveal the substantial level of judicial duties which are presently being undertaken by judges on senior status:

First, eighty-three judges served within their own circuits or districts. They heard 1,402 cases on appeal; conducted 1,044 trials and sat for a total of 1,737 trial days.

Second, in addition, 23 judges were assigned to special courts, courts of appeal or district courts in other circuits. They heard 235 cases on appeal, conducted 74 trials, and sat for 181 trial days.

Mr. GROSS. The truth is that there is nothing in law to compel a judge to serve once he has retired.

Mr. CELLER. The gentleman is exactly right. There is nothing in the statute to compel them, but they generally always do continue to perform duties.

Mr. GROSS. Do the provisions of this bill apply nationwide, or do they apply only to the District of Columbia?

Mr. CELLER. This applies all over the Nation.

Mr. GROSS. I thank the gentleman for yielding.

Mr. CELLER. I will say to the gentleman, there is no additional cost to the Government.

Mr. McCULLOCH. Mr. Speaker, I rise in support of S. 1508. This legislation, as amended by the House Judiciary Committee, is designed to improve the present retirement system by enabling Federal judges to accept senior status at age 60 after 20 years of continuous service.

Presently, the retirement and resignation provisions for Federal judges are embraced in sections 371, 372, and 373, of title 28, United States Code. Section 371(b) provides that any article III judge "may retain his office, but retire from regular active service" at age of 70 if he has served 10 years continuously or otherwise, or may retire from regular active service if he has attained the age of 65 after 15 years of service and thereafter he shall "continue to receive the salary of the office." S. 1508, as amended, would simply add to this subsection "or after attaining the age of 60 years and after serving at least 20 years continuously or otherwise."

The main thrust of this subsection is that the judge who retires thereunder is still a judge. That is, he would retain his judge status, although retired and would be subject to the prohibitions of the Federal code relating to Federal judges. For example, a judge retired under section 371(b) would not practice law.

Mr. Speaker, it is generally agreed that our system of retiring Federal judges has greatly benefited the country. Few people would disagree with the following statement by Judge Albert Maris, himself a great senior judge:

> One of the great benefits of the federal judicial retirement system is that retired senior judges are available for especially assigned judicial duty and can contribute a very large amount of time to judicial work, thus greatly benefiting the system by assist-

[1] See table below:

PRESENT ACTIVE JUDGES WHO WILL HAVE SERVED 20 YEARS OR MORE AND WHO WILL REACH AGE 60 ON OR BEFORE JULY 1, 1970

Name and court	Date of birth	Oath
Bazelon, David L., District of Columbia Appellate	Sept. 3, 1909	Nov. 1, 1946
Tamm, Edward A., District of Columbia Appellate	Apr. 21, 1906	June 28, 1949
Worley, Eugene, Custom and Patent Appeals	Oct. 10, 1908	Apr. 6, 1958
Kaufman, Irving R., 2d circuit	June 24, 1910	Nov. 1, 1940
Hill, Delmas O., 10th circuit	Oct. 9, 1906	Oct. 27, 1949
Lynne, Seybourn H., Alabama, Northern	July 25, 1907	Jan. 9, 1949
Wyzanski, Charles E., Massachusetts	May 27, 1906	Jan. 26, 1947
Harper, Roy W., Missouri, Eastern	July 26, 1905	Aug. 11, 1949
Solomon, Gus J., Oregon	Aug. 29, 1906	Nov. 14, 1949
Connally, Ben C., Texas, Southern	Dec. 28, 1909	Nov. 14, 1942

[2] See table below:

PRESENT ACTIVE JUDGES WHO WILL HAVE SERVED 20 YEARS OR MORE AND WHO WILL NOT HAVE REACHED AGE 60 AS OF JULY 1, 1970

Name and court	Date of birth	Oath
Wright, J. Skelly, District of Columbia, Appellate	Jan. 14, 1911	Oct. 26, 1949
Ford, Morgan, Customs	Sept. 8, 1911	July 28, 1949
Steckler, William E., Indiana, Southern	Oct. 18, 1913	Apr. 15, 1950
Foley, James T., New York, Northern	July 9, 1910	Feb. 16, 1949

ing in those areas where the caseloads are heaviest. As retired judges get older, of course, they become less able to make this contribution, but judges approaching age 70 are mostly vigorous and able, and to facilitate their retirement will be to add very substantially to judicial manpower in places where it is badly needed.

I am of the opinion that this legislation is both necessary and desirable and will greatly benefit our judicial system, especially with regard to its present backlog of pending cases. I urge all of my colleagues to vote favorably for its passage.

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

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

Mr. GROSS. Did the gentleman say—and I am sure he will correct me on this if I am wrong—that this bill provides that a Federal judge can retire at about $40,000 a year at the age of 60 with 20 years of service?

Mr. McCULLOCH. That is right. If this legislation is enacted into law.

Mr. GROSS. At the age of 60 and if he has 20 years of service, and he pays not a dime into a retirement fund. That beats congressional retirement all to pieces, does it not?

Mr. McCULLOCH. I would think it does.

And, Mr. Speaker, there are some able lawyers in the United States of America who make much more than any Member of Congress. We are seeking out, Mr. Speaker, and we are trying to find the ablest, the most dedicated men for the Federal judiciary that want to serve.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

(Mr. SCOTT asked and was given permission to revise and extend his remarks.)

Mr. SCOTT. Mr. Speaker, I rise in opposition to this bill because I believe it is a bad bill. It is unfair to all Government employees other than Federal judges.

You know, judges do not pay anything into the retirement system. They get a free ride. Other Government employees pay from 6½ to 7½ percent of their salary into the retirement system.

Federal judges make from $40,000 to $62,500 per year in salary which cannot be reduced during their term of office. They receive full retirement benefits. No other Government employee other than a Federal judge receives more than 80 percent of his salary as a retirement annuity. In order to receive the maximum of 80 percent, other employees must work for extremely long periods of time.

Now, Mr. Speaker, I do not believe that we have any difficulty in recruiting judges. I know that in my district for the one judgeship we hope to have available I have a stream of lawyers—good lawyers—coming into my office seeking an endorsement for the Federal judgeship. And I expect that is true of every Member of this House. It is my further opinion that we can get good judges at the pay they are now receiving and under the retirement law as it is today.

Frankly, Mr. Speaker, I believe Congress made a mistake when it passed the basic bill giving Federal judges a free ride at full pay.

I know some will argue that you cannot reduce a judge's pay during his term of office. Certainly, this is true during his term of office, but once he retires, I do not believe that our Constitution requires that he receive full pay. He can elect whether or not to retire but once the election is made he receives whatever retirement annuity Congress, in its wisdom, determines.

In summary, Mr. Speaker, I submit that this is a bad bill. It discriminates against all Government employees except Federal judges. I urge the membership to vote against this bill and defeat it.

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

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

The SPEAKER pro tempore (Mr. LANDRUM). The question is on the motion of the gentleman from New York that the House suspend the rules and pass the bill S. 1508, as amended.

The question was taken.

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

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

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

The question was taken; and there were—yeas 109, nays 198, not voting 122, as follows:

[Roll No. 124]

YEAS—109

Adams	Foley	Olsen
Addabbo	Ford, William D.	O'Neill, Mass.
Annunzio	Friedel	Perkins
Aspinall	Gallagher	Philbin
Berry	Garmatz	Pickle
Biester	Gray	Poff
Boggs	Gude	Preyer, N.C.
Bolling	Hanna	Price, Ill.
Brasco	Hansen, Wash.	Quillen
Bray	Hathaway	Railsback
Brooks	Hawkins	Rees
Brown, Mich.	Hébert	Reifel
Burke, Mass.	Holifield	Rhodes
Burton, Calif.	Howard	Riegle
Caffery	Hutchinson	Rodino
Carey	Johnson, Calif.	Roe
Casey	Karth	Rostenkowski
Celler	Kastenmeier	Roybal
Clay	Kazen	Sandman
Corman	Kee	Satterfield
Cunningham	Keith	Slack
Daniels, N.J.	Kluczynski	Smith, N.Y.
Davis, Ga.	Leggett	Steiger, Wis.
de la Garza	McCulloch	Thompson, N.J.
Dellenback	McDade	Tiernan
Dennis	MacGregor	Udall
Donohue	Marsh	Vanik
Dowdy	Mayne	Waldie
Downing	Meeds	Whitehurst
Eckhardt	Melcher	Wiggins
Edmondson	Mink	Wilson, Charles H.
Edwards, Calif.	Morton	Wolff
Edwards, La.	Moss	Wright
Esch	Murphy, Ill.	Wydler
Evins, Tenn.	Nedzi	Yates
Fascell	O'Hara	Young
Feighan		

NAYS—198

Abbitt	Boland	Carter
Adair	Brinkley	Cederberg
Alexander	Brock	Chamberlain
Anderson, Calif.	Broomfield	Chappell
Andrews, Ala.	Brotzman	Clancy
Ashley	Broyhill, N.C.	Clausen, Don H.
Belcher	Broyhill, Va.	Clawson, Del
Bell, Calif.	Burke, Fla.	Cleveland
Bennett	Burleson, Tex.	Collier
Betts	Burlison, Mo.	Collins
Bevill	Burton, Utah	Colmer
Blackburn	Button	Conable
Blanton	Byrnes, Wis.	Conte
Blatnik	Cabell	Coughlin
Bow	Camp	Cowger
Brademas	Carter	Cramer
Brown, Calif.	Cederberg	Daniel, Va.
Brown, Ohio	Chamberlain	Davis, Wis.
Buchanan	Chappell	Delaney
Bush	Clancy	Denney
Byrne, Pa.	Clausen, Don H.	Derwinski
Chisholm	Clawson, Del	Devine
Clark	Cleveland	Dorn
Cohelan	Collier	Duncan
Conyers	Collins	Dwyer
Corbett	Colmer	Erlenborn
Crane	Conable	Eshleman
Culver	Conte	Findley
Daddario	Coughlin	Fisher
Dawson	Cowger	Foreman
Dent	Cramer	Fountain
Dickinson	Daniel, Va.	Frey
Diggs	Davis, Wis.	Fulton, Pa.
Dingell	Delaney	Fulton, Tenn.
Dulski	Denney	Fuqua
Edwards, Ala.	Derwinski	Galifianakis
Eilberg	Devine	Gettys
Evans, Colo.	Dorn	Gibbons
Fallon	Duncan	Gonzalez
Farbstein	Dwyer	Goodling
Fish	Erlenborn	Griffin
Flood	Eshleman	Griffiths
Flowers	Findley	Gross
Flynt	Fisher	Grover
Ford, Gerald R.	Foreman	Hagan
Fraser	Fountain	Haley
Frelinghuysen	Frey	Hall
Gaydos	Fulton, Pa.	Hamilton
Giaimo	Fulton, Tenn.	Hammer-schmidt
Gilbert	Fuqua	Hanley
Goldwater	Galifianakis	Harvey
Green, Oreg.	Gettys	Hastings
Green, Pa.	Gibbons	Hechler, W. Va.
Gubser	Gonzalez	Heckler, Mass.
Halpern	Goodling	Helstoski
Hansen, Idaho	Griffin	Henderson
Harrington	Griffiths	Hicks
Harsha	Gross	Hogan
Hays	Grover	Horton
Jones, Tenn.	Hagan	Hosmer
Kirwan	Haley	Hull
Koch	Hall	Hungate
Long, La.	Hamilton	Hunt
Lowenstein	Hammer-schmidt	Ichord
Lukens	Hanley	Jacobs
McCarthy	Harvey	Jarman
McClory	Hastings	Johnson, Pa.
McCloskey	Hechler, W. Va.	Jonas
McFall	Heckler, Mass.	Jones, Ala.
McMillan	Helstoski	Jones, N.C.
Mann	Henderson	King
Meskill	Hicks	Kleppe
Mikva	Hogan	Kuykendall
Miller, Calif.	Horton	Kyl
Minshall	Hosmer	Kyros
Monagan	Hull	Landgrebe
Montgomery	Hungate	Landrum
Moorhead	Hunt	Langen
Morgan	Ichord	Latta
Morse	Jacobs	Lennon
Mosher	Jarman	Lloyd
Murphy, N.Y.	Johnson, Pa.	Long, Md.
Nix	Jonas	Lujan
Obey	Jones, Ala.	McClure
O'Konski	Jones, N.C.	McDonald, Mich.
O'Neal, Ga.	King	McEwen
Passman	Kleppe	McKneally
Pelly	Kuykendall	Macdonald, Mass.
Pettis	Kyl	Madden
Pike	Kyros	Mahon
Pirnie	Landgrebe	Mailliard
Poage	Landrum	Martin
Powell	Langen	Mathias
Price, Tex.	Latta	Matsunaga
Pryor, Ark.	Lennon	May
Pucinski	Lloyd	Michel
Quie	Long, Md.	Miller, Ohio
Randall	Lujan	Mills
Rarick	McClure	Minish
Reid, Ill.	McDonald, Mich.	Mize
Roberts	McEwen	Mizell
Robison	McKneally	Mollohan
Rogers, Fla.	Macdonald, Mass.	Myers
Rosenthal	Madden	Natcher
Roth	Mahon	Nelsen
Ryan	Mailliard	Nichols
Schadeberg	Martin	Obey
Scherle	Mathias	O'Konski
Schwengel	Matsunaga	O'Neal, Ga.
Scott	May	Passman
Shriver	Michel	Pelly
Sikes	Miller, Ohio	Pettis
Sisk	Mills	Pike
Skubitz	Minish	Pirnie
Smith, Calif.	Mize	Poage
Snyder	Mizell	Powell
Springer	Mollohan	Price, Tex.
Stafford	Myers	Pryor, Ark.
Staggers	Natcher	Pucinski
Steed	Nelsen	Quie
Steiger, Ariz.	Nichols	Randall
Stephens	Obey	Rarick
Symington	O'Konski	Reid, Ill.
Taft	O'Neal, Ga.	Roberts
Taylor	Passman	Robison
Teague, Calif.	Pelly	Rogers, Fla.
Teague, Tex.	Pettis	Rosenthal
Thompson, Ga.	Pike	Roth
Thomson, Wis.	Pirnie	Ryan
Van Deerlin	Poage	Schadeberg
Vander Jagt	Powell	Scherle
Vigorito	Price, Tex.	Schwengel
Waggonner	Pryor, Ark.	Scott
Wampler	Pucinski	Shriver
Watts	Quie	Sikes
Weicker	Randall	Sisk
White	Rarick	Skubitz
Whitten	Reid, Ill.	Smith, Calif.
Williams	Roberts	Snyder
Winn	Robison	Springer
Wyatt	Rogers, Fla.	Stafford
Wylie	Rosenthal	Staggers
Wyman	Roth	Steed
Zablocki	Ryan	Steiger, Ariz.
Zion	Schadeberg	Stephens
Zwach	Scherle	Symington
	Schwengel	Taft
	Scott	Taylor
	Shriver	Teague, Calif.
	Sikes	Teague, Tex.
	Sisk	Thompson, Ga.
	Skubitz	Thomson, Wis.
	Smith, Calif.	Van Deerlin
	Snyder	Vander Jagt
	Springer	Vigorito
	Stafford	Waggonner
	Staggers	Wampler
	Steed	Watts
	Steiger, Ariz.	Weicker
	Stephens	White
	Symington	Whitten
	Taft	Williams
	Taylor	Winn
	Teague, Calif.	Wyatt
	Teague, Tex.	Wylie
	Thompson, Ga.	Wyman
	Thomson, Wis.	Zablocki
	Van Deerlin	Zion
	Vander Jagt	Zwach

NOT VOTING—122

Abernethy	Flood	Ottinger
Albert	Flowers	Patman
Anderson, Ill.	Flynt	Patten
Anderson, Tenn.	Ford, Gerald R.	Pepper
Andrews, N. Dak.	Fraser	Podell
Arends	Frelinghuysen	Pollock
Ashbrook	Gaydos	Purcell
Ayres	Giaimo	Reid, N.Y.
Baring	Gilbert	Reuss
Barrett	Goldwater	Rivers
Beall, Md.	Green, Oreg.	Rogers, Colo.
Biaggi	Green, Pa.	Rooney, N.Y.
Bingham	Gubser	Rooney, Pa.
Bow	Halpern	Roudebush
Brademas	Hansen, Idaho	Ruppe
Brown, Calif.	Harrington	Ruth
Brown, Ohio	Harsha	St Germain
Buchanan	Hays	Saylor
Bush	Jones, Tenn.	Scheuer
Byrne, Pa.	Kirwan	Schneebeli
Chisholm	Koch	Sebelius
Clark	Long, La.	Shipley
Cohelan	Lowenstein	Smith, Iowa
Conyers	Lukens	Stanton
Corbett	McCarthy	Stokes
Crane	McClory	Stratton
Culver	McCloskey	Stubblefield
Daddario	McFall	Stuckey
Dawson	McMillan	Sullivan
Dent	Mann	Talcott
Dickinson	Meskill	Tunney
Diggs	Mikva	Ullman
Dingell	Miller, Calif.	Watkins
Dulski	Minshall	Watson
Edwards, Ala.	Monagan	Whalen
Eilberg	Montgomery	Whalley
Evans, Colo.	Moorhead	Widnall
Fallon	Morgan	Wilson, Bob
Farbstein	Morse	Wold
Fish	Mosher	Yatron
	Murphy, N.Y.	
	Nix	

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

The Clerk announced the following pairs:

Mr. Hays with Mr. Bow.

Mr. Rooney of New York with Mr. Gerald R. Ford.

Mr. Daddario with Mr. Mosher.
Mr. Dent with Mr. Ayres.
Mr. Gilbert with Mr. Ruppe.
Mr. Byrne of Pennsylvania with Mr. Frelinghuysen.
Mr. Abernethy with Mr. Roudebush.
Mr. Barrett with Mr. Arends.
Mr. Brademas with Mr. Andrews of North Dakota.
Mr. Cohelan with Mr. Gubser.
Mr. Montgomery with Mr. Ashbrook.
Mr. Eilberg with Mr. Minshall.
Mr. Albert with Mr. Morse.
Mr. Patten with Mr. Meskill.
Mr. Fallon with Mr. Beall of Maryland.
Mr. Farbstein with Mr. Reid of New York.
Mr. Shipley with Mr. Hansen of Idaho.
Mr. Stratton with Mr. Dickinson.
Mr. Long of Louisiana with Mr. Edwards of Alabama.
Mr. Miller of California with Mr. Fish.
Mr. Clark with Mr. Saylor.
Mr. Culver with Mr. Brown of Ohio.
Mr. Morgan with Mr. Corbett.
Mr. Moorhead with Mr. Sebelius.
Mr. Nix with Mr. McCloskey.
Mr. Ottinger with Mr. Halpern.
Mr. Pepper with Mr. Buchanan.
Mr. Podell with Mr. Bob Wilson.
Mr. St Germain with Mr. McClory.
Mr. Stubblefield with Mr. Lukens.
Mr. Green of Pennsylvania with Mr. Watkins.
Mr. Giaimo with Mr. Schneebeli.
Mr. Fraser with Mr. Harsha.
Mr. Evans of Colorado with Mr. Bush.
Mr. Rogers of Colorado with Mr. Crane.
Mrs. Sullivan with Mr. Goldwater.
Mr. Biaggi with Mr. Anderson of Illinois.
Mr. Jones of Tennesssee with Mr. Wold.
Mr. Olsen with Mr. Pollock.
Mr. Dingell with Mr. Stanton.
Mr. Dulski with Mr. Widnall.
Mrs. Green of Oregon with Mr. Whalen.
Mr. Patman with Mr. Talcott.
Mr. Rivers with Mr. Watson.
Mr. Rooney of Pennsylvania with Mr. Whalley.
Mr. Purcell with Mr. Ruth.
Mr. Murphy of New York with Mr. Dawson.
Mr. Reuss with Mr. Conyers.
Mr. Flood with Mr. Flynt.
Mr. Smith of Iowa with Mr. Flowers.
Mr. McCarthy with Mr. Diggs.
Mr. Lowenstein with Mr. Stokes.
Mr. Ullman with Mr. Bingham.
Mr. Baring with Mr. Yatron.
Mr. Brown of California with Mrs. Chisholm.
Mr. Anderson of Tennessee with Mr. Mann.
Mr. McMillan with Mr. Gaydos.
Mr. McFall with Mr. Koch.
Mr. Stuckey with Mr. Tunney.

Mrs. HECKLER of Massachusetts and Messrs. HAGAN and ZWACH changed their votes from "yea" to "nay."

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

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

WATER SUPPLY FOR THE SOBOBA INDIAN RESERVATION

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3328) to authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation, as amended.

The Clerk read as follows:

H.R. 3328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to approve a release agreement to be negotiated by and between the Soboba Band of Mission Indians, the Metropolitan Water District of Southern California, hereinafter called Metropolitan, and the Eastern Municipal Water District, hereinafter called Eastern, which provides among other things that—

(a) Metropolitan shall pay to the Secretary of the Interior for the use and benefit of the Soboba Indians the sum of $30,000. Payment shall be made when the lands that comprise the Soboba Indian Reservation have been annexed to Metropolitan and to Eastern. The annexation shall be subject to the terms and conditions of the release agreement and the annexation and water service agreement to be executed pursuant to section 2 of this Act.

(b) The Soboba Band of Mission Indians releases Metropolitan and Eastern, their successors or assigns, from all claim it may have based on past, present, or future actual or claimed damage to, or interference with, the flow of waters from the springs on the Soboba Indian Reservation lands, or on actual or claimed interference with, or damage to, the water supply to or upon the lands of the Soboba Indian Reservation, which claims arise from construction and operation of a certain tunnel through the San Jacinto mountains constructed in the 1930's.

(c) The release agreement shall be effective upon the completion of the concurrent annexation of the Soboba Indian Reservation lands to Metropolitan and Eastern and upon the execution of an annexation and water service agreement authorized by section 2 of this Act.

SEC. 2. The Secretary of the Interior and the Soboba Band of Indians are authorized to enter into an annexation and water service agreement with Eastern which provides, among other things, that—

(a) The Soboba Indian Reservation lands may be annexed to Eastern and Metropolitan.

(b) No annexation charge or back taxes regardless of form shall be made for said annexation.

(c) The Secretary and Eastern shall jointly determine the additional new water supply and distribution facilities that shall be constructed and the existing facilities that shall be rehabilitated in order to provide domestic and irrigation water to each consumer within the Soboba Indian Reservation. Subject to the appropriation authorization limitation in section 5, construction or rehabilitation of facilities to provide water service to the Soboba Indian Reservation shall be undertaken by Eastern, shall be financed by the United States, with Eastern providing such funds as the Secretary of the Interior and Eastern jointly determine represent a prorated share of joint-use facilities constructed outside of the Soboba Reservation, and with the $30,000 paid pursuant to subsection 1(a) being applied to the construction or rehabilitation. Facilities constructed within the Soboba Reservation shall be the property of the United States and facilities constructed outside of the Soboba Reservation shall be the property of Eastern.

(d) Eastern shall have the exclusive right, without charge, to use the supply and distribution facilities owned by the United States lying within the Soboba Indian Reservation, and Eastern shall assume the responsibility for maintaining and operating such facilities.

(e) Upon assumption of operation and maintenance of the system by Eastern following completion of the initial installation and rehabilitation work, any new service connections applied for by residents or consumers within the Soboba Indian Reservation, and any other additional water main extensions or facilities required for serving new development within the Soboba Indian Reservation, shall be financed by the applicants for such service, in accordance with the standard rules and regulations of Eastern, except as indicated in the next sentence. As long as title to the lands involved is held in trust by the United States, such new service connections or additional water main extensions or facilities may be financed by the United States to the extent agreed upon by the Secretary of the Interior. All such new service connections, additional extensions, or facilities shall be constructed by Eastern. All such new service connections, additional extensions, or facilities financed by parties other than the United States shall be the property of Eastern. All such service connections, additional extensions, or facilities financed by the United States shall be the property of the United States subject to exclusive use by Eastern without charge.

(f) Subject to the limitations of capacity and location of the jointly agreed upon facilities, Eastern shall deliver domestic and irrigation water to each individual consumer within the Soboba Indian Reservation in accordance with the prevailing standard rules and regulations of Eastern and the provisions of the annexation and water service agreement.

(g) The retail rates applicable to water service within the Soboba Indian Reservation shall be mutually agreed upon by Eastern and the Secretary of the Interior, and shall be neither less than nor more than the estimated cost of such water service to Eastern, adjusted to reflect differences between estimated costs and actual costs in preceding rate periods. Eastern shall make collections for service in accordance with its prevailing rules and regulations and the Secretary of the Interior shall guarantee payment to Eastern of any delinquent bill for providing water service to lands held in trust within the Soboba Indian Reservation. Water service to a consumer shall be discontinued in accordance with the prevailing rules and regulations of Eastern when a bill for service becomes delinquent, and shall not be resumed as long as the bill is delinquent without prior approval of the Secretary of the Interior. The Secretary shall not approve a resumption of service to an Indian who is able to pay all or a portion of a delinquent bill and fails to do so.

(h) When title restrictions are removed from any part or all of the Soboba Indian Reservation land, the responsibility and duties of the United States under the annexation and water service agreement shall cease with respect to such land, except for the installation and rehabilitation obligations undertaken in subsections 2(c) and (e) unless otherwise provided by Act of Congress. Title to the water distribution facilities serving such lands shall at that time become the property of Eastern and the obligation of Eastern to provide water service to such land at cost to the district shall likewise cease.

SEC. 3. The Secretary is authorized to grant to Eastern without charge and subject to such conditions as he may prescribe (a) rights-of-way over Soboba Reservation lands necessary for the use, maintenance, and operation of supply and distribution facilities owned by the United States; (b) rights-of-way within which new service connections are installed after initial installation and rehabilitation work has been completed by Eastern; and (c) rights-of-way necessary for additional water main extensions and other waterworks facilities required for serving new development: *Provided,* That where title to the Soboba Reservation lands involved has been conveyed in fee simple by the United States the rights-of-way hereby

authorized shall be subject to prior approval of the owner of record. Eastern shall construct, use, maintain, operate, or install the equipment or facilities for which the rights-of-way are granted in a manner that avoids damage to buildings, crops, or trees, or interference with growing of crops. Should such damage or interference occur, Eastern shall compensate the United States as trustee, or the fee owner of record. The rights-of-way granted shall revert to the United States or the owner of record when no longer required for the purpose or purposes for which granted.

SEC. 4. Nothing in this Act shall permit Metropolitan or Eastern, or their successors or assigns, to alienate, encumber, or tax any property belonging to an Indian or Indian band which is held in trust by the United States of America, or which is subject to a restriction against alienation imposed by the United States of America, while such property is exempt therefrom under Federal case law or provisions of other Federal statutes.

SEC. 5. There are authorized to be appropriated to carry out the provisions of subsection 2(c) not to exceed $316,658, in addition to the unexpended balance of sums previously appropriated and available for a water supply to the Soboba Reservation and the $30,000 provided pursuant to subsection 2(c), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved. There are also authorized to be appropriated such sums as may be necessary to make any payments guaranteed pursuant to subsection 2(g). No funds shall be appropriated pursuant to the authorization contained in this section until sixty calendar days (not counting days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) after the Secretary has submitted to the Congress a plan for the construction and use of the water supply and distribution facilities under subsection 2(c), and for the repayment of costs as provided in section 6, and then only if within said sixty days neither the House nor the Senate Committee on Interior and Insular Affairs disapproves by committee resolution the plan submitted.

SEC. 6. Nothing in this Act shall affect the right of the Soboba Indians to pursue their claim against the United States under the Act of August 13, 1946 (60 Stat. 1049), now pending in docket numbered 80A before the Indian Claims Commission, but any expenditures under subsections 2(c), (e), and (g), and the $30,000 paid by the Metropolitan and used pursuant to subsection 2(c), may be used by the Commission either in mitigation of damages or as an offset against any award which the Indians may receive. If such amount exceeds the award, the excess, and all expenditures by the United States under subsections 2(c), (e), and (g) after the date of the award, shall be repaid to the United States, without interest, by deductions from revenues received by the Soboba Band or its members from the sale, lease, or rental of the lands, such deductions to be in amounts that will reimburse the United States within fifty years, or as soon thereafter as possible, according to estimates of the Secretary of the Interior, which estimates may be revised from time to time: *Provided*, That deductions in any one year shall not exceed 50 per centum of the revenues received in that year.

SEC. 7. Notwithstanding any other provision of law, any assignment of land on the Soboba Reservation shall be modified, reduced in size, revoked, or otherwise limited by the governing body of the Soboba Band, or by the Secretary of the Interior if in his judgment the governing body fails to act effectively, in order to assure that the benefits from the development of the land with water provided pursuant to this Act, other than for subsistence purposes, will accrue to the Band rather than to the assignee.

SEC. 8. The second sentence of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is hereby amended by inserting after "Gila River Reservation," the words "the Soboba Indian Reservation,".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

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

Mr. Speaker, the purpose of H.R. 3328 is to provide a water supply for the Soboba Indian Reservation in California. The reservation consists of 5,056 acres of land located about 85 miles southeast of Los Angeles and about 35 miles southeast of Riverside. The reservation was established by Executive order in 1883, and enlarged to its present size by subsequent Executive orders. The Soboba Band is estimated to have about 300 members, and approximately 210 of them live on the reservation. The land is held in trust for the band as a whole, and none of it has been allotted to individual members.

Prior to 1936, springs and wells provided an adequate water supply for the reservation. It was used for domestic purposes, stock water, and some irrigation farming principally for subsistence purposes. Between 1933 and 1939 the Metropolitan Water District of Southern California constructed a tunnel through the nearby San Jacinto Mountains as a part of its Colorado River aqueduct. Although the tunnel is not on the reservation, it intercepted large subterranean flows of water, and a total of 21 springs in the reservation subsequently dried up. In addition, the wells pumping ground water throughout the basin have lowered the water table to 180 feet below the surface, and the water table is falling at the rate of 10 to 15 feet a year. The total amount of recoverable ground water is unknown, and cannot be relied upon to provide a dependable water supply to meet the growth needs of the reservation. There has been no demonstrated connection, however, between the falling ground water table and the San Jacinto Tunnel.

The present water supply is inadequate for the domestic needs of the Indians, and no water is available for irrigation.

During the past 30 years, the Indians have asserted a claim against the metropolitan water district based on the interruption of the Indians' water supply by the construction of the San Jacinto Tunnel. A negotiated settlement could not be reached, and the claim was referred to the Department of Justice in 1956 for litigation. No case was filed because of the difficulty in proving damages.

The Indians also have pending in the Indian Claims Commission a claim against the United States based upon the alleged failure of the United States to prevent an interference with their water supply by Metropolitan, and by other water users who are pumping groundwater in the basin. The liability of the United States, if any, has not been determined.

Present land use on the reservation is almost exclusively residential, on small acreages. In the past, some 120 acres were irrigated, but irrigation ceased about 1954. Approximately 210 Indians live on the reservation in some 60 dwellings, and the immediate need is for domestic water. The Indians do not depend on reservation resources for a livelihood, although four or five of them supplement their income by raising a few cattle and horses.

The highest and best use of the reservation land is for residential, commercial, and recreational purposes. If all of the lands were devoted to these purposes, the reservation could accommodate a population of about 20,000.

This kind of development is some distance in the future, however, and the system proposed will provide for a population of 400 and irrigation of 200 acres immediately, and for a population of 600 and irrigation of 280 acres by 1990. About the same amount of water is needed for irrigation as is needed for residential development of the same acreage. There are no actual plans for the use of the water, however, and the acreage suggested for irrigation may be converted to residential use as the opportunity is presented. A system of the size contemplated will permit extension of the pipelines and additional service connections as needed.

The bill, as amended, provides that—

First. The reservation will be annexed to Eastern and Metropolitan and will be entitled to water service from those districts. No annexation fee will be charged.

Second. Metropolitan will pay to the Indians $30,000.

Third. The Indians will release Metropolitan and Eastern from all claims for damages growing out of the construction of the San Jacinto tunnel.

Fourth. The United States will finance the construction of the project facilities to connect with Eastern and to distribute water within the reservation, at a cost of $471,000, part of which has already been appropriated. Eastern will contribute its pro rata share of the cost of joint-use facilities. No appropriation for construction may be made until the Committee on Interior and Insular Affairs has approved the plans.

Fifth. Eastern will operate and maintain the system, and will provide water to the reservation at retail rates that will return to Eastern only enough revenue to cover its costs. The rates will be paid by the water users, but as long as a particular tract of land is held by the United States in trust status the United States will guarantee payment of any delinquent bill to an Indian occupying that tract.

Sixth. The Indians may pursue their claim against the United States in the Indian Claims Commission, but all expenditures under this bill may be considered in mitigation of damages or as an offset against any award that may be recovered by the Indians. If the costs so applied exceed the Commission award, the excess must be repaid by the Indians out of any revenues received from the sale, lease, or rental of the reservation lands. Any expenditure to pay delinquent

water bills of Indians is also made repayable out of reservation land revenues.

Seventh. The Indian Band and the Secretary are required to modify and adjust land assignments to individual members of the band in a manner that will give the band as a whole rather than the individual assignees the benefits that will accrue from the water provided under the bill. This is a matter of simple fairness. Present assignments range between one-half acre and 40 acres.

Eighth. The band is authorized to execute, with the approval of the Secretary, long term leases in accordance with a 1955 act that now applies to 19 tribes. The type of residential and municipal development contemplated for the reservation will require such leases if maximum benefits are to be obtained.

Enactment of the bill will require an additional Federal appropriation of $316,658, and an indefinite continuing obligation to pay all delinquent water bills to Indians on trust land, but all Federal expenditures are reimbursable out of revenues received from the Reservation lands.

As I said in the beginning, Mr. Speaker, I think this is about as near as the Congress of the United States can come to settling a controversy that has raged now for some 37 years, and at the same time to give to deserving Indians aid to which they are entitled.

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

Mr. ASPINALL. I yield to the gentleman.

Mr. HALL. I appreciate the distinguished chairman of the Committee on Interior and Insular Affairs for yielding, and I appreciate the statement he has made. I am convinced, as always, in his own right and after his deliberation, he is exercising his good judgment. But, as the distinguished gentleman knows, I have had this bill put over on the Consent Calendar from time to time because the gentleman whose name appears on the bill has not been able to be present and I have not had a chance to talk to him since he wrote a letter to me about the bill and about the Consent Calendar back on May 13. There are still some problems that I do not quite understand concerning this bill. Are we not putting the Congress, I will ask the gentleman from Colorado, Mr. Speaker, in the position of intervening before, at least, the Indian Claims Commission has had an opportunity to settle the matter equitably? In fact, we have some reason to believe it will be settled in their favor.

Mr. ASPINALL. I do not believe we are placed in the position of intervening in the Indian Claims Commission proceeding. The bill provides for an offset. If the Indian Claims Commission, taking into account all the equitable benefits that should go to the Indians, renders a decision in favor of the Indians, then the Commission will consider the cost of this project as an offset or in mitigation of damages. We are not settling that question. In either instance we are making possible the delivery of water to this tribe of Indians, which at the present time does not have any water.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I appreciate that statement also, and I want it thoroughly understood that I have read the bill and studied the report, also the gentleman has supplied me with additional information. I want it understood that I am not against doing anything in justice and equity for these Indians, whether we have lowered their water table or whether they are just victims of the ecology and environment that we hear so much about nowadays.

I suppose in the old days they would have moved somewhere else. They cannot do that any longer. I would be in favor of anything in sheer equity and justice for these people, though, by and large, I believe we have done about as much for the Indians, as a minority group, as we can.

Furthermore, Mr. Speaker, I want to say, while the gentleman is so generously yielding, that I appreciate the report and the fact that all the moneys were not expended for the original amount, and that the difference between the $316,658 in H.R. 3328 and what remains of the original fund, only frugal amounts of that have been used for planning.

But is it not true that the cost of the connection per Indian will be high, and there is some inequity in the bill in the way it is written to those who live off the reservation; and, furthermore, that there would be a "landfall" for the company in case the Indians do not receive a finding in their favor from the Claims Commission?

Mr. ASPINALL. Of course, I do not think there would be any "landfall" or "windfall" that would go to any non-Indians, and I cannot see how there could be any inequity. As a result of the construction of the project there may be a possibility of the Indians renting their lands. They have that right under this long-term lease provision—to their own benefit, I might say.

The United States should be protected in this instance by the Bureau of Indian Affairs and the committees having jurisdiction.

I just do not see there would be any "landfall," especially with the amount of money that is involved here. The total is only $475,000 out of the whole operation that is contemplated.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, by simple arithmetic, of course, this amounts to about $756 a connection. I understand this is what the gentleman feels we owe to them, and it is equitable and not just a question of connection for water, but a question of adjusting an injustice.

Mr. ASPINALL. The gentleman is correct. Of course, it is a rather small number of Indians involved, a small group. The reservation happens to be situated in a very good country as far as residential development is concerned, and it could very well become an area where the people from the cities would like to go, if they have the necessary facilities of modern living, and would like to spend a vacation.

Mr. HALL. It would certainly involve water.

Mr. ASPINALL. That is correct. If they have no water, they can get nowhere.

Mr. HALL. I understand the gentleman approves this. As chairman of the objectors on this side of the aisle, and under the rules of the House, I think the gentleman understands the reason why I asked that this too, go over on the Consent Calendar, in that there is at least a departmental opposition in that one of the departments recommended it be settled in the Claims Commission before legislation was passed.

If I may ask a double-barreled question. I also would like to ask the distinguished chairman, Mr. Speaker, to expound on the indefinite continuing obligation in addition to the initial cost. Is this not open-ended in that respect?

Mr. ASPINALL. In that respect I think we could say it is. It is a liability the Bureau of Indian Affairs must assume as the ward for the Indians. My feeling is that, if properly administered, the liability should be practically nothing, because I think the Indians should be told, when the construction of the work takes place and the benefits accrue to them, just exactly what their liabilities are. They should be made to pay for the benefits that come to them—and I think they can if this project develops as we think it should. If this remains a barren untenanted area, it might very well prove to be less than what some of us have hoped for. But we are giving the Indians not only a chance, but also giving the area a chance to be developed, which it cannot be under the present situation. It has not so developed up to now, whether it was the fault of those who live there or the fault of the ground water users around the reservation location.

Mr. HALL. Mr. Speaker, would the gentleman agree with me that the Soboba band or tribe does not now have a water use long-term development plan and, second, anent the statement the gentleman just made, that it would be up to the implementing regulations of the Department, because the bill does not cover what they would be made to do or not made to do?

Mr. ASPINALL. I would have to agree with my friend in this respect, but the bill takes care of the problem. Those plans have to be submitted to the Committee on Interior and Insular Affairs for disapproval or approval. In other words, our committee refuses to overlook the fact that it has oversight authority in this matter, and we intend to keep our fingers on this development to see that everything is carried out for the good of this tribe.

Mr. HALL. That is very reassuring. That does not mean a veto in reverse, where if the Congress does not act within x number of days, the plan will go into effect. The gentleman's committee will exercise oversight and review?

Mr. ASPINALL. Yes, that is correct. That is more effective in many instances than where we have a veto that is exercised by the department.

Mr. HALL. I do appreciate the gentleman bearing with me and yielding me so much time.

I have one thing more.

I have heard it stated, since this bill has been on the Consent Calendar and placed under the suspension of rules, that actually authorization is not needed for construction of this domestic water supply system.

Mr. ASPINALL. I think it is needed, and I think the committee thinks it is needed, because I do not know how these Indians can get the relief required for them unless they can have some help from the Federal Government.

Mr. HALL. I appreciate the gentleman's statement.

Mr. KYL. Mr. Speaker, I yield 5 minutes to the gentleman from South Dakota (Mr. BERRY).

(Mr. SAYLOR, at the request of Mr. BERRY, was granted premission to extend his remarks at this point in the RECORD).

Mr. SAYLOR. Mr. Speaker, I rise in support of this bill, H.R. 3328. Essentially, this bill permits the Secretary of the Interior to approve an agreement releasing the claim of the Soboba Band of Mission Indians against the Metropolitan Water District of Southern California and the Eastern Municipal Water District of California, and provides for the construction of a water supply and distribution system for the Soboba Indian Reservation.

Unfortunately, the need for this legislation is the result of the high-handed manner in which certain people or organizations in California have operated on water matters over a period of years.

The Soboba Indian Reservation consists of approximately 5,000 acres in Riverside County, Calif. The Soboba Band of Mission Indians has approximately 300 members with approximately 210 living on the reservation. All the lands are held in trust for the tribe or band by the United States.

During the period from 1933 to 1939, the Metropolitan Water District of Southern California constructed a tunnel as a part of its Colorado River Aqueduct. This tunnel intercepted the springs and wells on the reservation which had provided an adequate water supply for irrigation and domestic purposes. The result is that the present water supply is inadequate for domestic needs, no water is available for irrigation and the Indians have been required to purchase supplemental water.

As early as 1940, the Metropolitan Water District of Southern California settled a number of claims by landowners in the same vicinity for the interruption and cessation of water supplies. However, no settlement of the Soboba Indian claim has been made and efforts of the Department of the Interior to require the Metropolitan Water District to seal off the flow of water into the tunnel in an attempt to restore the conditions prior to the construction of the tunnel have been unsuccessful.

The Indians requested the Secretary of the Interior to institute suit against the Metropolitan Water District of Southern California and the matter was referred to the Department of Justice. The Indians also instituted a claim against the United States before the Indian Claims Commission for the failure of the United States to prevent interference with their water supply. Negotiations to resolve these matters continued and in 1964, the Secretary of the Interior sought and obtained an appropriation of $164,000 to construct and rehabilitate a water supply system for the Indians. At this time the overpowering water interests of Metropolitan and Eastern Water Districts saw the opportunity to attempt to resolve this matter, proposed the settlement which this bill incorporates, but only after $19,445 of the 1964 appropriation of $164,000 had been spent to prepare the present plans.

H.R. 3328, as amended, provides that: First, the Soboba Indians will receive a cash payment of $30,000 from the Metropolitan Water District; second, the Soboba Indians will release Metropolitan and Eastern Water Districts from all claims, past, present, and future, based on interference with their water supplies, which is contrary to the recommendation of the Department of Justice in its report on this legislation; third, all 5,056 acres of the Soboba Indian Reservation will be annexed to the Eastern and Metropolitan Water Districts without payment of annexation charges by either district, the value of which at current annexation fees of $200 per acre, will be in excess of $1 million; fourth, the United States will finance the construction of the water supply and distribution system at a cost of $316,658, to connect with the Eastern Municipal Water District. The Soboba Indians will contribute the $30,000 payment from Metopolitan toward construction of the facilities and Eastern will share pro rata the cost of the joint use facilities; fifth, the Eastern Municipal Water District will operate and maintain the system and provide water to the Indian reservation at retail rates with a guarantee of payment from the United States on any delinquent bill of an Indian occupying a tract of land being held in trust status; sixth, the Indians can pursue their claim in the Indian Claims Commission against the United States with a set off against any award recovered on all expenditures made by the United States under this bill.

Inasmuch as the Federal expenditures under this legislation appear to be recoverable and this legislation represents the only possible way of providing adequate water supplies to the Indian Reservation, I urge my colleagues to support the legislation.

Mr. BERRY. Mr. Speaker, I rise in support of this bill.

As the chairman of our committee has just indicated, and very well indicated, this reservation is a small one. The tribe consists of only about 300 members, 210 of whom live on the reservation.

When the reservation was established, as the chairman has pointed out, there were a number of springs on the reservation. There was an ample water supply. But when this tunnel went through the mountain, since that time there has been a continual drying up of this water supply.

As the chairman has indicated, if the reservation is to continue and if it is to grow there is a need for water.

The bill meets this need by providing for the annexation of the reservation to the Metropolitan Water District and the Eastern Municipal Water District. The reservation will then receive water from the district. All that will be needed is the construction of a distribution system to bring the water to the reservation and to distribute the water within the reservation. The bill authorizes this construction with Federal funds.

The Federal expenditures, however, will be recovered by the United States. The tribe has a claim against the United States which is pending in the Indian Claims Commission. The expenditures under this bill will be set-off against any judgment the tribe may recover, and if the expenditures are larger than the judgment the excess will be recovered from revenues received by the tribe from the use of the lands and water.

The water provided for the reservation should be sufficient to meet three separate needs: First, the domestic needs of the Indians living there; second, water for irrigation; and third, water for commercial and residential development by non-Indians under long-term leases. The immediate use of the reservation will be by Indians, but because of the location of the reservation the Indians undoubtedly will soon seek to develop the reservation under long-term leases.

This, in my judgment, Mr. Speaker, is the compelling feature of this bill. It will give to the Indians something they have never had before. It will give them a distribution system. Because of the fact that the reservation is well located, because of the fact that it is excellent for residential purposes, I am convinced that before very long we are going to see development in this area. We are going to see the Indians with revenue coming in, lease revenue coming in from the long-term leases for residential and possibly business purposes.

The bill provides that the tribe will release its claim against Metropolitan Water District in return for: First, annexation of the reservation to the district without the payment of any annexation fee, second, the agreement of the district to supply water to the reservation at cost, and third, the payment of $30,000 by the district to the tribe. This compromise settlement of the claim is recommended by the tribe, the Department of the Interior, and the Department of Justice.

I also want to emphasize the fact that the bill prevents any windfall to individual members of the tribe. The reservation lands are all tribally owned, and the bill requires any use of assignments by individuals to be adjusted so that the benefits of the water will go to the tribe as a whole, rather than to the individual.

The bill as reported by the Committee on Interior and Insular Affairs meets, I believe, the objections voiced by the Bureau of the Budget. The Indian Claims Commission case will proceed to a conclusion. The tribe must present for approval of the committee a long-term plan for the use of water and land before any appropriation may be made for construction, and construction costs are carefully limited.

Mr. Speaker, I urge enactment of this bill.

I know that there are those who feel that it may be a windfall for the metropolitan water district, but I believe that

the windfall, if there is any, is in favor of the Indians in the long run.

I thank you.

The SPEAKER. The time of the gentleman has expired.

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

Will the distinguished gentleman yield to me?

Mr. BERRY. I am happy to yield to the gentleman.

Mr. KYL. The gentleman from South Dakota said that all of the benefits would accrue to the tribe rather than to individual Indians. Has it, as a matter of fact, been determined whether the irrigation will be utilized on a tribal basis or on an individual basis?

Mr. BERRY. Well, of course, as to the irrigation itself, the benefits will go to those who use the water. There never has been a great deal of irrigation, actually, in the past and probably there will not be a great deal in the future. I think the big benefit is the use of the land and the use of the water for residential purposes.

Mr. KYL. But according to the testimony we have had, half of the cost of the operation will be for agricultural water whether it is on a subsistence or commercial basis. As a matter of fact, it has not been determined, has it, whether that will be irrigation for tribal purposes or individual purposes?

Mr. BERRY. No. That part of the plan will be submitted to the committee.

Mr. KYL. I thank the gentleman.

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

I would like to direct some additional questions to the chairman of the committee.

In the report, in the statements of the Bureau of the Budget, we have this comment: The Interior report indicates that the initial construction costs of the water system is $475,000 for the first phase with an additional cost of $443,000 for later phases. The language then does indicate that these costs were based on 1965–67 prices. Are we in fact talking about a two-phased proposition here with this kind of dual cost figure?

Mr. ASPINALL. Will the gentleman yield?

Mr. KYL. I am happy to yield to the gentleman.

Mr. ASPINALL. I do not believe that we are. We are not authorizing the second phase here. The first phase is not dependent on the second phase. This will be another matter for the Congress to take care of if and when that occurs.

Mr. KYL. Can the gentleman enlighten us as to what is contemplated for the first phase as against the second phase? Can we in fact have all of the good results promised by this bill with the adoption simply of phase one of the program?

Mr. ASPINALL. It is my understanding that we could do it.

I repeat this part of my earlier statement. The system proposed will provide for a population of 400 and irrigation of 200 acres immediately, and for a population of 600 and irrigation of 280 acres by 1990.

This is the first phase. This has nothing to do with the second phase. The testimony at the hearings indicated that this is what the Indians were depending upon in order to become successful in their ambitions. About the same amount of water is needed for irrigation as is needed for residential development of the same acreage. This is the rule of thumb that we use in the West. So, if we do not use the water for irrigation, then we will use about the same amount of water for residential purposes or domestic purposes. There are no actual plans for the use of the water, however, and the acreage suggested for irrigation may be converted to residential use as the opportunity is presented.

This has nothing to do with the second phase. The second phase was not even considered as such by the committee. It was a possibility.

Mr. KYL. If the gentleman would respond a bit further, if there are no plans for development at this moment and if those plans must as a matter of fact come back to the committee, we cannot then at this point say with any certainty, can we, that the project is completely reimbursable?

Mr. ASPINALL. Well, I think the gentleman is correct that the project may not be complely reimbursable, it being an Indian project. My friend knows that as long as the ownership is retained in the tribe and the lands are retained by individual ownership, they do not have to pay. My friend understands this. It is only when they transfer the title to some non-Indian that the cost of construction would be reimbursable.

Mr. KYL. This gentleman, of course, understands that. And, that is why in a way he objected to the manner of saying that all these projects would be reimbursable to the Federal Treasury because as a matter of fact they will not be.

Mr. ASPINALL. The cost will be reimbursable if there is a judgment rendered by the Indian Claims Commission and an offset is given so that the Indians will pay for their own project.

Mr. KYL. Can the gentleman tell me whether or not the Indian Claims Commission might find the dollar figure greater than that mentioned in the bill as settlement for the claim of the tribe against the Government through the loss of the water?

Mr. ASPINALL. I could not answer my friend definitely, because the tribe is asking for $5 million before the Indian Claims Commission. No one can say what they are going to decide.

Mr. KYL. I would ask one further question, and the gentleman from Colorado is always kind, incisive and candid in responding to questions, and that is this:

In the letter from the Department of Justice as contained in the report there is the following language:

> This language is so broad that it could be construed as a release of claims arising out of future interference with water supply on the Soboba Reservation resulting from future acts of Metropolitan and Eastern which could be totally unrelated to the claims of which this bill authorizes settlement.

Is that a true statement?

Mr. ASPINALL. I think we took care, I will say to my friend from Iowa, of this particular objection of the Department of Justice in the committee amendment which releases only claims related to the San Jacinto Tunnel.

Mr. KYL. I thank the gentleman.

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

The SPEAKER pro tempore. The question is on the motion of the gentleman from Colorado that the House suspend the rules and pass the bill H.R. 3328, as amended.

The question was taken.

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

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

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

The question was taken; and there were—yeas 287, nays 11, answered "present" 2, not voting 129, as follows:

[Roll No. 125]

YEAS—287

Abbitt	Daniels, N.J.	Hogan
Adair	Davis, Ga.	Holifield
Adams	Davis, Wis.	Horton
Addabbo	de la Garza	Hosmer
Alexander	Delaney	Howard
Anderson, Calif.	Dellenback	Hull
Andrews, Ala.	Denney	Hungate
Annunzio	Dennis	Hunt
Ashley	Derwinski	Hutchinson
Aspinall	Devine	Ichord
Bell, Calif.	Donohue	Jacobs
Bennett	Dorn	Jarman
Berry	Downing	Johnson, Calif.
Betts	Dulski	Jonas
Bevill	Duncan	Jones, Ala.
Biaggi	Dwyer	Jones, N.C.
Biester	Eckhardt	Karth
Blackburn	Edmondson	Kastenmeier
Blanton	Edwards, Calif.	Kazen
Blatnik	Edwards, La.	Keith
Boggs	Erlenborn	King
Boland	Esch	Kleppe
Bolling	Eshleman	Kluczynski
Brasco	Evins, Tenn.	Kuykendall
Bray	Fascell	Kyros
Brinkley	Feighan	Landgrebe
Brock	Findley	Landrum
Brooks	Fisher	Langen
Broomfield	Foley	Latta
Brotzman	Ford, William D.	Leggett
Brown, Mich.	Foreman	Lennon
Broyhill, N.C.	Fountain	Lloyd
Broyhill, Va.	Frey	Long, Md.
Burke, Mass.	Friedel	Lujan
Burleson, Tex.	Fulton, Pa.	McClure
Burlison, Mo.	Fulton, Tenn.	McCulloch
Burton, Calif.	Fuqua	McDade
Burton, Utah	Galifianakis	McDonald, Mich.
Button	Gallagher	McEwen
Byrnes, Wis.	Garmatz	McKneally
Caffery	Gettys	Macdonald, Mass.
Camp	Gonzalez	MacGregor
Carey	Goodling	Madden
Carter	Gray	Mahon
Casey	Griffin	Mailliard
Cederberg	Griffiths	Marsh
Chamberlain	Grover	Martin
Chappell	Gude	Mathias
Clancy	Hagan	Matsunaga
Clausen, Don H.	Hamilton	Mayne
Clawson, Del	Hammer-schmidt	Meeds
Clay	Hanley	Melcher
Cleveland	Hanna	Michel
Collier	Hansen, Wash.	Mikva
Collins	Harvey	Miller, Ohio
Colmer	Hastings	Mills
Conable	Hathaway	Minish
Conte	Hawkins	Mink
Corman	Hébert	Mize
Coughlin	Hechler, W. Va.	Mollohan
Cowger	Heckler, Mass.	Morton
Cramer	Helstoski	Moss
Cunningham	Henderson	Murphy, Ill.
Daniel, Va.	Hicks	Myers

Natcher	Reifel	Teague, Calif.
Nedzi	Riegle	Teague, Tex.
Nelsen	Roberts	Thompson, Ga.
Nichols	Robison	Thompson, N.J.
Obey	Rodino	Thomson, Wis.
O'Hara	Roe	Tiernan
O'Konski	Rogers, Fla.	Udall
Olsen	Rosenthal	Van Deerlin
O'Neill, Mass.	Rostenkowski	Vander Jagt
Passman	Roth	Vanik
Pelly	Roybal	Vigorito
Perkins	Sandman	Waggonner
Pettis	Schadeberg	Waldie
Philbin	Scherle	Wampler
Pickle	Schwengel	Watts
Pike	Scott	White
Pirnie	Shriver	Whitehurst
Poage	Sikes	Whitten
Poff	Sisk	Wiggins
Powell	Skubitz	Williams
Preyer, N.C.	Slack	Winn
Price, Ill.	Smith, Calif.	Wolff
Price, Tex.	Smith, N.Y.	Wright
Pryor, Ark.	Snyder	Wydler
Pucinski	Springer	Wylie
Quie	Stafford	Wyman
Quillen	Staggers	Yates
Railsback	Steed	Young
Randall	Stuckey	Zablocki
Rarick	Symington	Zion
Rees	Taft	Zwach
Reid, Ill.	Taylor	

NAYS—11

Cabell	Mizell	Steiger, Ariz.
Gross	O'Neal, Ga.	Steiger, Wis.
Hall	Rhodes	Wyatt
Johnson, Pa.	Satterfield	

ANSWERED PRESENT—2

Haley	Kyl

NOT VOTING—129

Abernethy	Flood	Ottinger
Albert	Flowers	Patman
Anderson, Ill.	Flynt	Patten
Anderson, Tenn.	Ford, Gerald R.	Pepper
	Fraser	Podell
Andrews, N. Dak.	Frelinghuysen	Pollock
	Gaydos	Purcell
Arends	Giaimo	Reid, N.Y.
Ashbrook	Gibbons	Reuss
Ayres	Gilbert	Rivers
Baring	Goldwater	Rogers, Colo.
Barrett	Green, Oreg.	Rooney, N.Y.
Beall, Md.	Green, Pa.	Rooney, Pa.
Belcher	Gubser	Roudebush
Bingham	Halpern	Ruppe
Bow	Hansen, Idaho	Ruth
Brademas	Harrington	Ryan
Brown, Calif.	Harsha	St Germain
Brown, Ohio	Hays	Saylor
Buchanan	Jones, Tenn.	Scheuer
Burke, Fla.	Kee	Schneebeli
Bush	Kirwan	Sebelius
Byrne, Pa.	Koch	Shipley
Celler	Long, La.	Smith, Iowa
Chisholm	Lowenstein	Stanton
Clark	Lukens	Stephens
Cohelan	McCarthy	Stokes
Conyers	McClory	Stratton
Corbett	McCloskey	Stubblefield
Crane	McFall	Sullivan
Culver	McMillan	Talcott
Daddario	Mann	Tunney
Dawson	May	Ullman
Dent	Meskill	Watkins
Dickinson	Miller, Calif.	Watson
Diggs	Minshall	Weicker
Dingell	Monagan	Whalen
Dowdy	Montgomery	Whalley
Edwards, Ala.	Moorhead	Widnall
Eilberg	Morgan	Wilson, Bob
Evans, Colo.	Morse	Wilson, Charles H.
Fallon	Mosher	
Farbstein	Murphy, N.Y.	Wold
Fish	Nix	Yatron

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

The Clerk announced the following pairs:

Mr. Hays with Mr. Bow.

Mr. Rooney of New York with Mr. Gerald R. Ford.

Mr. Daddario with Mr. Mosher.

Mr. Dent with Mr. Ayres.

Mr. Gilbert with Mr. Ruppe.

Mr. Byrne of Pennsylvania with Mr. Frelinghuysen.

Mr. Abernethy with Mr. Roudebush.

Mr. Barrett with Mr. Arends.

Mr. Brademas with Mr. Andrews of North Dakota.

Mr. Cohelan with Mr. Gubser.

Mr. Albert with Mr. Morse.

Mr. Eilberg with Mr. Minshall.

Mr. Patten with Mr. Meskill.

Mr. Kee with Mrs. May.

Mr. Fallon with Mr. Beall of Maryland.

Mr. Farbstein with Mr. Reid of New York.

Mr. Shipley with Mr. Hansen of Idaho.

Mr. Stratton with Mr. Dickinson.

Mr. Long of Louisiana with Mr. Edwards of Alabama.

Mrs. Green of Oregon with Mr. Anderson of Illinois.

Mr. Clark with Mr. Saylor.

Mr. Culver with Mr. Brown of Ohio.

Mr. Morgan with Mr. Corbett.

Mr. Moorhead with Mr. Sebelius.

Mr. Nix with Mr. McCloskey.

Mr. Ottinger with Mr. Halpern.

Mr. Pepper with Mr. Buchanan.

Mr. Podell with Mr. Pollock.

Mr. St Germain with Mr. McClory.

Mr. Stubblefield with Mr. Lukens.

Mr. Green of Pennsylvania with Mr. Watkins.

Mr. Giaimo with Mr. Schneebeli.

Mr. Fraser with Mr. Harsha.

Mr. Evans of Colorado with Mr. Bush.

Mr. Patman with Mr. Crane.

Mrs. Sullivan with Mr. Goldwater.

Mr. McFall with Mr. Stanton.

Mr. Dingell with Mr. Talcott.

Mr. Celler with Mr. Whalen.

Mr. Murphy of New York with Mr. Widnall.

Mr. Mann with Mr. Watson.

Mr. Purcell with Mr. Whalley.

Mr. Rivers with Mr. Bob Wilson.

Mr. Smith of Iowa with Mr. Wold.

Mr. Yatron wtih Mr. Stokes.

Mr. Tunney with Mr. Conyers.

Mr. Anderson of Tennessee with Mr. Weicker.

Mr. Baring with Mr. Kirwan.

Mr. Brown of California with Mr. McMullan.

Mr. Jones of Tennessee with Mr. Ullman.

Mr. Flowers with Mr. Flood.

Mr. Reuss with Mr. Harrington.

Mr. Montgomery with Mr. Fish.

Mr. Lowenstein with Mrs. Chisholm.

Mr. Rooney of Pennsylvania with Mr. McCarthy.

Mr. Koch with Mr. Scheuer.

Mr. Monagan with Mr. Ashbrook.

Mr. Charles Wilson with Mr. Bingham.

Mr. Ryan with Mr. Diggs.

Mr. Dowdy with Mr. Flynt.

Mr. Gibbons with Mr. Gaydos.

Mr. Stephens with Mr. Miller of California.

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

The result of the vote was announced as above recorded.

The doors were opened.

The title was amended so as to read: "To authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation; and to authorize long-term leases of land on the reservation."

A motion to reconsider was laid on the table.

CONGRESS MUST ACT IF PRESIDENT FAILS TO ROLL BACK HIGH INTEREST RATES AND STABILIZE THE ECONOMY

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

Mr. PATMAN. Mr. Speaker, the 91st Congress has been waiting 16 long months for the Nixon administration to come up with a safe and sane set of economic policies.

The wait has been in vain.

Over the past 16 months, the Congress—and the American public—have been fed outlandish public relations propaganda about what was happening to the American economy. It reflects on the Congress that any of us, even for a moment, were deluded by these doses of economic pablum. It is also regrettable that so many of the economic writers have accepted at face value the rosy claims of the administration.

Mr. Speaker, it is time for the 91st Congress to assert its constitutional powers and to spell out and demand enforcement of economic programs that will bring stability to the American economy. We have trusted too long in the vain hope that President Nixon and his battery of economic advisers would face the facts and come up with the hard solutions.

What we have, Mr. Speaker, is a classic example of Republican economics. Every Republican administration comes into power with great claims about their ability to provide economic stability. Every Republican administration is inaugurated with rosy statements. And every Republican administration goes out of power with high interest rates, high unemployment, declining income and general chaotic economic conditions.

President Hoover spent most of his time reassuring the American public and then ended up plunging the Nation into the biggest depression in its history.

President Eisenhower, who promised us prosperity, left office in 1960 after three recessions and with unemployment at 5.6 percent. This meant that more than 4 million people were out of work.

President Nixon came into power January 20, 1969, after the longest period of sustained prosperity in the Nation's history—a prosperous economy delivered to him by the administrations of Presidents Kennedy and Johnson. The day that President Nixon took office, unemployment was down to 3.4 percent, or 2,645,000 unemployed.

After 16 months of Mr. Nixon's policies, the unemployment rate has now risen to 4.8 percent and shows every indication of rising above 5 percent in the coming weeks. In terms of people—and that is what we are talking about here—the Nixon unemployment figures have almost matched those at the close of the Eisenhower administration. There were just slightly more than 4 million unemployed people when Eisenhower went home in 1961 and, today, there are just about 4 million unemployed under President Nixon. There is every indication

that Mr. Nixon will be able to surpass President Eisenhower in this area.

Just since December, 1.1 million workers have been thrown out of work in this Nation. Millions of others have been the victims of production cutbacks and reductions in work hours.

The details of economic ills of the Nixon administration would fill page after page of the CONGRESSIONAL RECORD. The Wall Street Journal of Friday, May 15, ran through a random sampling of economic indicators and came up with this list:

Industrial production resumed its long decline in April after a fillip in March.

Personal income in April would have fallen for the first time in almost 5 years, but was saved by a surge in social security checks.

Corporate profits fell sharply in the first quarter to the lowest level since late 1967.

Overall inflation in the first quarter was much worse than reported earlier, while real output fell twice as fast as estimated originally.

The U.S. balance of payments plunged deeply back into deficit in the first quarter.

Despite the strange sight of a President touting stocks, the stock market has continued its downward plunge with only occasional, short-lived, upward spurts. At the close of every market session, some administration economic soothsayer comes out of the woodwork and indicates that we are at the bottom and that tomorrow will be rosy. The tomorrow invariably brings a new drop in the market.

In fact, since President Nixon has been in office, the value of listed stocks has fallen about 30 percent or more than $160 billion.

Mr. Speaker, there have been times when this Nation has been in a severe depression. There have been times when we have been in a severe inflationary spiral. But, never in our history, have we seen the phenomenon of an economy pockmarked by both recession and inflation. President Nixon, it is said, has a great sense of history. And his economic policies of recession and inflation are almost sure to gain him a lasting place in the economic textbooks.

Amidst rising unemployment, the price index for the first quarter was revised last week showing a 6.2 percent annual rate of increase—the fastest pace since 1951.

A few months ago, the administration's economic experts—and more particularly their public relations men—were assuring the American press that lower interest rates were just around the corner. Now, they have fallen silent. We no longer hear administration claims about lower interest rates.

They have fallen silent for good reason. Interest rates have not gone down and, in fact, in many areas, they have gone up beyond already record-breaking levels. We have the highest interest rates in our history and with no governmental policy to bring them down.

High interest rates are crushing the housing industry and despite repeated administration assurances, we are building new homes at an annual rate of only 1.05 million. High interest rates are driving small businessmen against the wall and are forcing bankruptcy in many cases. The consumer is hit everywhere with high interest rates. The price of every product on the shelves reflects this long period of fantastically high interest rates.

In a flurry of nervousness, the big banks, last March, announced that they were lowering the prime interest rate from 8½ to 8 percent. This was no more than a token gesture; too small to do any good. As many predicted, the effects of that one-half of 1 percent decrease have not filtered down in the economy. It has not helped the housing market and there is not a single consumer who has had his interest rate lowered. Perhaps a few cats have gotten that reduction, but the average American still is paying record interest rates.

Mr. Speaker, the record of the Nixon administration on interest rates illustrates in unmistakable terms, the economic failures of the past 16 months. When President Nixon was elected, the prime interest rate was at 6 percent. Six times since his election, the big banks have raised the prime rate culminating in the full percentage point increase from 7½ percent to 8½ percent last June 9. Between November 5, 1968, and June 9, 1969, the prime rate went up 41⅔ percent.

Despite repeated pleadings from the Congress and the American public, the Nixon administration has refused to do anything about high interest rates. They have refused to step on the toes of the big banks and have taken a total hands-off approach to this serious problem.

Late in the first session of the 91st Congress, the Banking and Currency Committee became deeply concerned about the continuing inaction on the part of the administration at a time when prices were continuing to rise and when there were fears of growing recessionary trends. The Banking and Currency Committee drafted and send forward H.R. 15091 which provided the President the broadest possible set of tools to control credit and interest rates. That bill eventually became Public Law 91–151 on December 23, 1969.

That was almost 5 months ago and the President has not acted to use this law. He has left it sitting idle while prices continue to climb and while interest rates remain at record levels. He left the law untouched while housing starts continued to decline.

Through Public Law 91–151, the President could require the allocation of credit into areas where it is needed the most and restrict it in areas where there are inflationary trends. At the same time, he could impose limits on interest rates on various credit transactions. These standby authorities gave the President, through the Federal Reserve, authority to control all elements of credit transactions.

Earlier this year, a number of Members of the House, led by Representatives JIM WRIGHT of Texas and BILL ALEXANDER of Arkansas, expressed their concern over the President's continuing silence on the problems created by high interest rates. They, along with about 100 other Members of the House, introduced resolutions calling for a rollback of high interest and demanding Presidential action.

So, Mr. Speaker, the Congress has pleaded with the President. It has sent the President standby credit control authority. It has urged lower interest rates through resolutions. The Congress has tried to do everything to make it plain that it wants action now for lower interest rates and for economic stability.

Mr. Speaker, it is obvious that the message of the 91st Congress has not been understood at the White House. It is now apparent that the Congress must speak in louder and more specific terms. It is obvious that we can no longer just urge the President to do the right thing. We must act on our own in behalf of the American public if the administration continues to refuse to take the necessary steps.

Mr. Speaker, I hope that the President will take the necessary steps without delay and without the necessity of additional action by the 91st Congress.

Mr. Speaker, I once again ask President Nixon to use the credit control powers that the 91st Congress has given him. I urge that he use these powers in such a manner as to require a rollback of interest rates.

The implementation of this law, Public Law 91–151, would be a giant step forward toward curing our economic problems and particularly those directly related to high-interest rates. In addition to the use of the powers granted by this law, I urge that the President take full recognition of the resolutions and the statements that have been uttered by the Members of both Houses of Congress calling for lower interest rates and greater economic stability. I urge that the President and his Cabinet officials, such as the Secretary of Treasury, speak directly to the banking community and demand that rates be lowered, not only to the big customers, but to the consumers, and particularly, to the homebuyers.

In short, Mr. Speaker, I am calling on the President and the entire executive branch to summon forth all of the authority and power to bring about a rollback of high interest rates and to stabilize the economy. There is no question about the administration's power; the only question is whether they have the courage to exercise it.

Mr. Speaker, I believe that the President should have a proper length of time to reconsider his economic policies and to put the machinery in gear. The country, however, is in a near-crisis and we cannot wait too long for the President to make up his mind. This is a call for quick action, emergency action, courageous action. If the President does not act, and if he does not bring about lower interest rates and economic stability, the Congress must act. If there is no action on the part of the executive branch, I will do everything in my power to push through the Congress the necessary reso-

lutions and legislation which will reduce interest rates and return the economy to an even keel. If the administration does not act, we will bring down interest rates by statute.

Mr. Speaker, I do not believe that the 91st Congress should adjourn until these important economic matters are dealt with in an effective and lasting manner. We should stay in session—night and day and on weekends if necessary. None of us should agree to adjourn until we have a specific program to bring about lower interest rates and to revitalize our entire economy.

This might mean a long and arduous session, but I do not believe the American people will tolerate the Members of the 91st Congress, trotting home without their job being done. Frankly, I hope that the President of the United States will summon forth the courage to use the tools the 91st Congress has given him and to act in the public interest on the broad range of economic crises facing the Nation.

At the moment, the question is up to the President of the United States.

RULES ON EXECUTIVE SESSION MATTER SHOULD BE OBSERVED

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

Mr. PASSMAN. Mr. Speaker, during my absence from Washington on business in my district, a considerable controversy arose in the press regarding remarks reportedly made by Secretary of State William Rogers on the Cambodian situation during executive session hearings on April 23 before the Foreign Operations Appropriations Subcommittee, of which I am chairman.

First I want to record my embarrassment and regret that one or more of the privileged persons attending that session saw fit to quote from a transcript which had not been released for publication. This is not in accord with either the tradition nor the interests of this subcommittee. It is incumbent upon us to deal in delicate matters closely affecting the security of this country including its diplomatic relations. If the executive branch witnesses who testify before us cannot have confidence that the privacy of their testimony will be safeguarded until it has been reviewed and released for publication, I could not blame them if they should become so guarded in their comments that it would not meet our purposes and our needs for a full and frank discussion of facts, interpretations, and opinions.

This particular hearing was such a full and frank discussion, I would like to pay tribute to Secretary Rogers for his extraordinarily successful effort to present the many complex decisions and options before the executive branch in conducting some of the most difficult aspects of our international relations.

The fact is that in this extensive discussion which occurred 3 days after the President's April 20 speech announcing the projected withdrawal of 150,000 men from Vietnam and about 5 days before the final decision on the present Cambodian operations, the subject of Cambodia was discussed repeatedly throughout the hearing. The Secretary, partly on his own initiative and partly as the result of questions by the members, discussed in detail many possible approaches to the very dangerous problem of the Cambodian sanctuaries for North Vietnamese troops, as well as to the Cambodian situation as a whole. The Secretary made clear that decisions on the issues involved were very much under consideration and that no options were closed, but that some were more likely than others.

In any such give-and-take discussion, there is always the possibility of misunderstanding between those who question and those who answer, and there is room for faulty interpretation by those who listen or read. I would like to make clear, however, my very strong impression as to the background of the remarks of the Secretary which were so unfortunately taken out of context and quoted in public. When the Secretary spoke out against the involvement of our ground troops in Cambodia as a defeat for the whole program, he was very clearly, in my opinion, referring to the use of our troops in a major and extended operation in Cambodia to support the Lon Nol government and incorporate Cambodia in the theater of operations. The Secretary did not favor such an action on April 23, and I note from this morning's paper that he took the same position in a press conference yesterday.

Mr. Speaker, it will not be my purpose to impugn the motives of any member of my committee or any Members of this body; however, the understanding of some of the members of my subcommittee was entirely different from my interpretation, because the Secretary did say and I quote:

> On the other hand, we can see that if we were able to move in, if we were able to knock out those sanctuaries, it could very well make it possible for Vietnamization to proceed at a faster pace. So we are right in the decision making process now on what to do.

Mr. Speaker, the present misunderstanding must be completely cleared up; otherwise it would be embarrassing for the Cabinet members and the Chief of Staff to accept invitations to testify before the Foreign Operations Subcommittee on Appropriations.

I particularly recall the Secretary addressing himself to me with these words:

> Can I ask, Mr. Chairman, if everybody is going to observe a confidence? Because I have been quite outspoken.

Mr. Speaker, I am sure the membership understands why it was incumbent on me to set the records straight as to Secretary Rogers' testimony before our committee and, of course, I arrived at my conclusion after having read all of the Secretary's statements including both questions and answers.

THE REVEREND B. M. G. WILLIAMS

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

Mr. WHITE. Mr. Speaker, it is not often that the life of one man seems to encompass the life of a great city and to give it dignity and purpose, but such has been the relationship of my home city, El Paso, Tex., with the Reverend B. M. G. Williams. As a frail youth of 18, he came to El Paso from England in 1894. Last week, in his 95th year, this man whom thousands came to revere as "Uncle Bert" Williams came to the close of this life, and left a city much better because he came to live among us.

El Paso, in 1894, was celebrated as a wide open frontier town. A year after the arrival of the young immigrant, a gunfight in the old Acme Saloon brought an end to the career of the notorious John Wesley Hardin. If young "Bertie" Williams was aware of such happenings, they seemed to touch his early years but little, for he moved in far different circles. His late father had been an Anglican minister, and he had come to El Paso to live with his uncle, a Methodist minister. From the time of his arrival, he helped to form a link between the workaday world, and the world of organized religion. To him, they were the same world, and he lived all of his days in the confidence that the world could, and would, be made better.

He associated himself at once with El Paso's pioneer St. Clements Episcopal Church, and it was 70 years ago, in the year 1900, that he was named a lay reader in that church. At the same time, he was advancing step by step in the fast growing business world of frontier El Paso. He was a hotel clerk, a meat market worker, a traveling salesman, a partner in a bakery, and eventually the president of a baking company serving El Paso's widespread trade territory.

His advancement in his church continued apace through the years. In 1918, he was ordained an Episcopal deacon, in 1930 a presbyter, and later that same year an assistant rector. In 1943 he was named associate rector, and after his retirement from his business in 1951 he devoted full time to his church, as rector, and then as rector emeritus until the day of his death. He has enriched the lives of thousands by his individual counseling.

As an organized city, El Paso will not be a hundred years old until 1973. For 76 of its 97 years, B. M. G. Williams has been a voice calling forth the best efforts of men and women to build a better community. He has served as president of the chamber of commerce, and president of the Southwestern Children's Home, of which he was one of the founders. He has helped to found and to administer libraries, schools, family welfare associations, symphony and concert associations. He has been foremost in movements of unity among religious groups, and was honored by the National Conference of Christians and Jews with its National Human Relations Award.

His people have given him almost every honor within their power to bestow. The El Paso Historical Society admitted him to its Hall of Honor. The board of realtors named him "Man of the Year," and the city of El Paso awarded him its "Conquistador Scroll." He has accepted these and many other awards with quiet dig-

nity and humility. In response to one tribute, he said:

My only contribution to life in El Paso is the love I have for its people.

He has gone about his daily tasks of kindness and fellowship with a life that has reached across religious faiths and racial barriers. The city he called home for 76 years will not forget him; and in a nation now torn by internal dissent, and seeking for principles to guide our conduct, we can all benefit from the full and well ordered life of "Uncle Bert" Williams.

GLOOMY ECONOMIC STATISTICS

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

Mr. ALBERT. Mr. Speaker, the Federal Government Friday reported some of the gloomiest economic statistics in 10 years. There can be only one interpretation: We are in the midst of the first Nixon recession.

Government statisticians report that the Nation's economy is in the deepest slump since 1960 and the inflation in the first quarter of this year is the worst since the Korean war.

The Government revised gross national product—GNP—for the first quarter was at $724.3 billion, down some $6 billion in the past 6 months. These figures show that productivity has declined for two successive quarters, meeting the economists' standard rule of thumb for defining a recession.

These figures also mean the productivity of this Nation, which had been on a continuous upward trend for more than 8 years, has been stopped and thrown into reverse by the failing policies of this Republican administration.

The GNP moved down at a faster rate in this current recession than in the last Republican recession of 1960–61. It has not yet moved down as sharply as the 1957–58 Republican recession. But neither has it run its course unless the President and his economic advisers move, and move quickly, to restore confidence in the economy by utilizing the tools provided them last year by a concerned Congress.

The administration has not only brought on recession, but inflation continues to erode purchasing power of the household budget. The gross national product price index, considered the broadest based index of inflation, increased at an annual rate of 6¼ percent in the first quarter, the sharpest increase in the cost of goods and services in 19 years. And except for the retroactive boosts in social security benefits and Federal pay, average income declined for the first time in 4½ years.

Only recently, Government figures showed that unemployment in April stood at 4.8 percent, an increase over the previous month, equaling the biggest rise in joblessness since the 1960 recession.

All of these statistics verify the deteriorating condition of the economy. But it is not cold statistics, but the human problems and suffering they reflect which is of utmost concern.

More than 1,250,000 more Americans are out of work since this Republican administration began applying its big business-oriented excessive interest policies. Millions more are receiving less income and paying more for goods and services. And the great masses of low- and middle-income Americans are being denied a basic right to own their own homes because the administration's economic policies funnel usual home mortgage funds into loans for big business investments.

Also, hundreds of thousands of investors, including many depending on investments for retirement income or their children's education, have suffered drastic losses in the stock market debacle. The pattern of the present inflationary recession follows the same failing policies of the last Republican administration which was presided over by big business interests. In the 1950's and early 1960's of Republican rule, the country suffered three recessions—one early in the administration, one midway, and a third one closing out a Republican administration.

The consequences of recession and inflation are too serious to be permitted to continue. We in Congress have provided legislative tools, and we trimmed the President's own budget requests last year. I call on the President and his economic advisers to use the credit controls and fiscal flexibility provided, and to use the moral powers of the office of the Presidency. The administration must reverse its failing policies, must face the evidence, and take steps to alleviate the inflation, unemployment, and the general recession gripping the Nation.

FINANCIAL SITUATION OF THE COUNTRY—CHICKENS NOW COME HOME TO ROOST

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

Mr. GROSS. Mr. Speaker, apropos of the remarks made previously by the gentleman from Oklahoma (Mr. ALBERT) concerning the financial and economic situation in the country, I would remind the gentleman that the chickens of the past decade of Democratic administrations had their craws pretty well stuffed with inflation and extravagant spending. Those chickens are now coming home to roost.

PRESIDENT SNUBS BLACK CONGRESSMEN

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

Mr. CLAY. Mr. Speaker, for more than 90 days the nine black Members of the House of Representatives have been trying to arrange a meeting with the President of the United States. On February 18, 1970, we wrote Mr. Nixon requesting an audience to discuss a range of questions representing the concerns of 25 million black Americans. I have personally discussed this matter with two White House aides and asked them to impress on the Chief Executive the urgency of such a meeting.

The Nixon posture on civil rights and the conscious, well-publicized effort on the part of this administration to retreat from pursuit of freedoms for black citizens have been at issue since Mr. Nixon assumed office. The alienation between the black populace and this President is severe. It is as deep as it is dangerous.

In an effort to communicate the crisis proportions of this situation, the black caucus of the House of Representatives requested an opportunity to meet with the President. We sought to open some line of communication between this administration and black people. It was viewed as a reasonable request. There is a complete absence in the White House of any open line to the black citizens of the country. Certainly, the black Members of the House, nine in total, do constitute the only elected representation in Government for most of the 25 million black citizens of this Nation. Black Americans recognize us as a group most cognizant and closely in tune to the tenor of the black community. Mr. Nixon's refusal to meet with us suggests that he prefers to handpick the spokesmen for black Americans.

Mr. Speaker, the Members of the black caucus of the House of Representatives make known at this time our outright disgust with the President's policies and his refusal to give us an audience. In a letter dated April 20, 1970, Mr. Nixon informed us through his staff assistant, "We had hoped to be able to work this out, but the President's schedule has been such that we just have not been able to work it in. At this point, we do not foresee an opportunity in the immediate future, but will be back in touch with you if an appropriate time arises."

During this 90-day interval, Mr. Speaker, while our President was trying "to work into" his schedule a meeting with nine black Congressmen, lets review some of the things he considered more important. Our President who claimed he wanted to "bring us together" found time to meet with representatives of 11 veterans and patriotic groups to discuss foreign policy. He met with Mrs. Khang, head nurse of a 120-bed hospital for children in Danang. He met with the Citizens Committee for Peace With Freedom in Vietnam. He met with the American Society of Association Executives. He met with eight members of the Association of University Presidents. Yes; in addition to the many cocktail parties and state dinners at the White House, our very busy President even found 2 days to cajole France's President Pompidou.

Mr. Speaker, there is no question about where Mr. Nixon has placed his priorities. He has traveled more than 35,000 miles in foreign countries. He has entertained hundreds of foreign diplomats but refuses to meet with the elected representatives of the black "nation" within this country. It is pathetic that in all of the President's travels he has not seen the suffering and deprivation in Watts, Hough, Harlem, Fillmore, or any of the other ghettos.

The black citizens of the United States constitute by their very numbers and

condition one of the largest "underdeveloped" nations in the world. The President, by his pledge to serve all the people of this country, has ignored his responsibility to our people. The President's position on the voting rights act extension, his position on school desegregation, his Supreme Court nominations of two southern racists, his veto of Federal education funds, and his refusal to place a priority on the domestic concerns of hunger, housing, poverty, and employment testify to his apathy not only toward black people—but toward all poor Americans who since January 1969, have truly known what it means to be "forgotten."

The President has declared his disdain for military defeat and his passion for honor among the world community, his rhetorical commitment to preserve the security of our Nation is meaningless when viewed in relationship to the absence of efforts to win battles on domestic fronts. If there is honor to be won, it is here in this country where American blood is staining American soil. Six murdered in Augusta, and two in Jackson. If there is a potential for this Nation to fall, it exists here in the United States more surely than in our correction of mistaken involvement in the affairs of Indochina.

The indifference of President Nixon to the need for action on the domestic front is equaled not only by the nature and context of the following reply of our letter. The following letter from the White House was directed to Congressman CHARLES C. DIGGS, JR., who serves as chairman of the black caucus:

THE WHITE HOUSE,
Washington, April 20, 1970.

Hon. CHARLES C. DIGGS, Jr.,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: The President has asked me to respond to your request for an appointment with him for the Black Members of the House.

We had hoped to be able to work this out, but the President's schedule has been such that we just have not been able to work it in. At this point, we do not foresee an opportunity in the immediate future, but will be back in touch with you if an appropriate time arises.

With the President's thanks and kind regards,

Sincerely,

HUGH W. SLOAN, Jr.,
Staff Assistant to the President.

AIRCRAFT SALES TO LATIN AMERICA

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

Mr. FASCELL. Mr. Speaker, I am firmly opposed to the sale of sophisticated, up-to-date supersonsic jet aircraft by the United States to the countries of Latin America which are not faced with an external threat and which should not in terms of their resources and the urgent needs of their people divert scarce resources to buy such expensive weapons systems.

I have made this position clear on a number of previous occasions and I have supported legislation presently on our statute books which gives expression to these sentiments.

I also supported an overall ceiling of $75 million on U.S. sales of military equipment to Latin America.

I feel, however, that where there is a demonstrable need for the replacement of obsolete equipment; where the sale of more modern aircraft would not precipitate an arms race; where the aircraft being sold is not of the current generation of supersonic planes; and where the sale would not adversely affect the purchasing country's internal development programs—I feel that under those conditions, each request for the purchase of American aircraft should be handled, and a decision made, on a case-by-case basis.

I may add that the Subcommittee on Inter-American Affairs which I have the honor to chair has been apprised by the Department of State of the fact that several Latin American countries have been interested in purchasing aircraft from the United States.

The subcommittee went into this subject in the course of two recent hearings—on April 29 and 30 of this year.

We were informed at that time that the U.S. Government has agreed to sell a number of jet aircraft to Argentina. The equipment involved, we were told, is not of the most recent vintage. The planes are not supersonic jets under normal combat conditions.

Argentina, of course, is somewhat different from the other countries of Latin America in that it has a fairly strong economy and is not a significant recipient of U.S. development assistance. We only have a marginal program in that country, and that is coming to an end. So some of the factors that would have to be taken into consideration with respect to military sales to other Latin American countries do not appear to apply in this instance.

The subcommittee was also informed that a number of Latin American countries, other than Argentina, have been interested in replacing some of their obsolete and virtually inoperative military aircraft. This interest, I may add has been expressed for a number of years and is receiving study in the administration. But as far as I know, no commitment has been made to date to sell U.S. aircraft to any of those countries.

The subcommittee will, of course, continue to watch this situation with care because I believe that most of us share the concern that I expressed at the outset of this statement. We do not want the United States to be even a contributing factor to an arms race in Latin America. There are other priorities which deserve first attention.

TRIBUTE TO THE LATE MRS. B. CARROLL REECE

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

Mr. KUYKENDALL. Mr. Speaker, a gracious lady and an honored Tennessean died last week in Johnson City.

Many of our colleagues remember Mrs. Louise Reece, and some of them are still here who served with her husband, the late Congressman and National Republican Chairman B. Carroll Reece. The name was synonymous with my party and its guidance in east Tennessee until his death a few short years ago.

Mrs. Reece filled out her husband's final term in this body ably and graciously. Then she returned to her home State, and found time to give counsel to several struggling and aspiring younger politicians. As one of these, I will never forget her generous advice and encouragement.

The State of Tennessee has lost a distinguished citizen. This body mourns a former colleague, and my party has been deprived of one of its wiser voices. But selfishly, I mourn most for myself, because I have lost a friend.

COPPER PRICING

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

Mr. BLANTON. Mr. Speaker, on March 19 of this year, I introduced House Resolution 885, which would establish a select committee of the House to investigate what I believe are some grave questions concerning the pricing practices and operations of the domestic copper industry.

Since that time, I have continued to conduct my own personal investigation of the industry, and I am even more convinced of the necessity for congressional action.

Several members of my committee, the Interstate and Foreign Commerce Committee, have shown a deep interest in this problem. In view of their interest, and in view of the need for a full study now, I am introducing today, along with my distinguished colleague from California, the Honorable JOHN MOSS, an amendment to the Federal Trade Commission Act.

The bill which I and Chairman Moss of the Subcommittee on Finance and Commerce sponsor goes to the heart of the entire problem in the copper industry—the allocation system by the major domestic producers.

This legislation essentially will make the current allocation system an unfair practice under the FTC Act. It would essentially do away with the two-tier pricing system which exists in the free world copper market today. The system exists because of a rationing situation among a small brotherhood of major vertically integrated copper producers, who supply their own subsidiaries and a few select, preferred customers. Because the producers have a large share of the fabricating market, we have a situation where four to six companies virtually control the market, and can dictate who can and who cannot be in the business. Many independent fabricators are being

forced out of the business, and the copper producers, because they have allowed a situation to go unchanged for more than 7 years, have left themselves wide open for charges of practicing restraint-of-trade policies.

The legislation we introduce today is one possible solution. I would hope that through a continued investigation, and hearings, we could come up with various alternatives. While I am not optimistic about the copper producers voluntarily working out a fair system, I want to have the chance to let them tell our committee what their feelings are, and how they would suggest broadening the competitive aspects of the business. I would also hope the executive branch, which has had a task force investigating the copper industry pricing practices, to share their views and cooperate with Congress in finding a solution.

I will be criticized for singling out the copper industry from other metal industries which also have problems. Copper is my concern, first, because I have constituents directly and adversely affected by the present day situation. However, I also hesitate to tackle the entire, broad metals industries because Congress has tried to do that before and the sheer volume and scope of the inquiry made the efforts a failure. Several years ago the Senate held an investigation and hearings into "dual distribution" which covered so many fields that no legislation came out of it at all. I feel that it is perhaps the wisest course to limit our efforts to a piecemeal approach, and if the Congress wants to study other industries at a later time, then that is good.

I would like to make it clear that I am somewhat disturbed at the response and the activities of the Justice Department to my efforts in this copper probe.

Mr. Speaker, if there is any agency, department or bureau in this Federal Government which has a credibility gap as far as what it should do, and what it is doing, and what it will do, it is the Justice Department.

For 7 years the Justice Department has had an "on again, off again" inquiry into the copper situation. I am inclined to believe now that it is "on again" when Congress shows an interest in the situation, and "off again" when interest dies down on Capitol Hill.

The Justice Department has intimated to me that politics during the past administration was at fault in squelching investigations of the industry. Yet, the current administration has been in control of this Department for a year and a half now, and I do not see any productive activity in the Department's endeavors.

The Antitrust Division of the Justice Department has informed me that they are now conducting an investigation into the problems of the copper industry. They have told Chairman Weinberger of the Federal Trade Commission that they are doing so. This is the reason, and I presume the only reason, the FTC has not already gotten into this situation.

Yet, the facts are clear. The Justice Department told the Select Committee on Small Business last fall that they were investigating, and this is the reason that House committee dropped their plans for a full scale inquiry. In fact, the subcommittee informs me that Justice was most insistent that any congressional action would merely duplicate their own efforts, and be unnecessary.

It is high time for Congress to act on its own now, for we simply can not depend on this "on again, off again" type of inquiry into a situation which is running small businesses out of what is supposed to be a free and competitive market.

The cursory, low-keyed inquiry by the Justice at this time should not influence Congress to hold up on any investigation of its own. And the probability that we will never see the President's Economic Advisory Council's Task Force study of the copper industry should only increase our determination to exert our congressional authority in this field.

Mr. Speaker, the problems involved are complex, important, and timely. The legislation we introduce today is designed to be a start in the direction of finding solutions. I would hope we could have cooperation from the industry, as well as other branches of the Government to assist in finding the best solution, the most feasible and fair, long-range answer.

The bill is as follows:

H.R. 17657

A bill to amend the Federal Trade Commission Act to prohibit certain unfair sales practices in the copper industry

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the Federal Trade Commission Act is amended by adding at the end thereof the following new paragraph:

"(7) It shall be an unfair method of competition within the meaning of paragraph (1) of this subsection for any person to sell refined copper in commerce at a price which the Commission determines is significantly below the world market price for refined copper of a similar grade, unless such person allocates such copper among the domestic users of refined copper of such grade in a manner which the Commission determines is fair and equitable to such users."

SEC. 2. The amendment made by the first section of this Act shall apply to sales occurring more than 90 days after the date of enactment of this Act.

CONDEMNATION OF REAL PROPERTY

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

Mr. BLACKBURN. Mr. Speaker, Members of this body will agree that when real property is condemned through the power of "eminent domain," the owner of such property not infrequently sustains an economic loss. The measure of damages to the propertyowner, until recent times, has been the fair market value of the real estate condemned. Other economic losses to the landowner such as the cost of relocation and the personal inconvenience were not legally to be considered in assessing the damages sustained. Until the passage of the Federal Highway Act of 1968 and the Housing and Urban Development Act of 1968, the Federal Government did not grant any relocation assistance to owners of real property who were displaced by Federal action. In these two acts, the Congress recognized that undue hardships were placed on businessmen, homeowners, tenants, and farmers when their place of business, farm or home was taken by the Government in order to construct a public works project.

Presently, there are more than 50 Federal programs which result in the condemning of land and literally, the removal of thousands of people from their homes and businesses. Virtually all federally assisted programs have differing and conflicting provisions for helping those displaced.

A classic example occurred in Jacksonville, Fla., where the Post Office Department displaced over 200 families in order to construct a new building. Though those who owned their own property were reimbursed for the value, none of the displaced persons received assistance for moving expenses even though they were all below the poverty level. However, when the Department of Housing and Urban Development moves people in povery areas to create a housing project, they give relocation assistance.

Definitely, uniform relocation laws should be adopted by the Congress. The nature and amount of compensation to be granted displaced persons should not depend on which agency is condemning the property. Basic fairness requires uniformity.

In this time of high interest rates, one should remember that a man may have loans outstanding on which he is paying 5.5 to 6 percent interest. A person moved from his home or business should receive full compensation for the difference between his present interest rate and that which he would have to pay at his new location.

When a man spends 20 years improving his home or business, he has made a substantial investment. Many times he will have spent a great deal over his original purchase price on improvements. Then, when he is given the "fair market value" by the condemning authority, no consideration is given to these improvements, the cost of relocation, and additional costs of being at a new home or business site. The uprooting of an individual is a very personal matter. We cannot make the process painless, but the Congress can insure fair and even-handed administration, no matter what agency is involved.

For these reasons, Mr. Speaker, today I am introducing the Uniform Comprehensive Assistance and Land Acquisition Act of 1970.

This bill provides that the Federal agency acquiring the property must make fair and reasonable relocation payments for moving, and if the person must dispose of his property at a less than fair value, the Government shall reimburse the loss. In lieu of the above payments, displaced persons my elect to receive up to $200 for moving expenses and up to $100 for dislocation. It sets up relocation assistance programs aiding persons who

have immediately adjacent property and are hurt economically.

The bill directs each Federal agency to make every reasonable effort to acquire real property by negotiated purchase and the owner will accompany the appraiser when he is evaluating the property before the condemnation. The agency is expected to insure that a person does not suffer economically because of the proposed relocation.

The bill further provides that any person or State adversely affected may seek judicial review and seek appropriate relief.

We all recognize that the cost to the Federal Treasury of insuring adequate compensation to those suffering the loss of real property and the loss of legally protectable rights in real property will be higher. For me, however, the moral responsibility of the Government to prevent hardships upon citizens who are displaced by reason of Government action requires the Government to meet those financial costs to the citizen.

I would urge my colleagues to give this legislation full and fair consideration at an early date.

WITHDRAWAL BY REQUIRED DEADLINE—FORMULA FOR DISASTER

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

Mr. WYMAN. Mr. Speaker, when people take the time to understand what is involved in a vote to cut off money for military operations in Indochina past a certain designated date or dates, they will recognize that a vote to do this is a vote to pull the rug out from under our men fighting the Communists in Vietnam. Why? Because it would stop their pay and allowances; cut off their ammunition; deny fuel to airplanes and helicopters that protect them from the air; cut off the pay for allied troops—that is South Koreans—that are combat fighting alongside of them; stop military aid to the forces of South Vietnam, and so forth.

Such legislation would invite and virtually assure slaughter of our forces as well as those of our allies if the enemy chooses to press the advantage that is given them from the published timetable of required retreat. Such a withdrawal deadline requires withdrawal schedules in the field, day by day, from area by area, with the enemy knowing that as the cutoff date nears there will be next to no one there to protect our troops or our allies. To force this whether or not the South Vietnamese are prepared and equipped to defend themselves and our troops as Americans go to the docks to board ships for the United States of America is to invite disaster.

I do not believe that such a fate is deserved by our honorable fighting men in the field. I do not believe it is really wanted by anywhere near a substantial segment of our people, although most all of us want to get all Americans out of Vietnam as soon as safely possible. We must not disregard the commitment that we have to the South Vietnamese nation, nor cast dishonor on the role of honor in commitment that is typified by the 400,000 brave Americans now in Vietnam.

A legislative requirement of withdrawal by a set date assures that both our troops and our allies may be in a position of helpless peril before many months have passed, for it is almost certainly impossible to complete the Vietnamization program within the time limit required by pending proposals in the other body.

To vote for such hand-tying legislation in ignorance is bad enough, no matter the motivation to get out of Vietnam which is strong in the hearts of most Americans. Both the Armed Services Committees and defense appropriations subcommittees have had top-secret briefings over days and months which have repeatedly demonstrated to its members the crucial dangers to Americans in Vietnam of such a proposal. To vote from knowledge of these facts is indefensible.

Those who vote to set time limits on withdrawal on penalty of a cutoff of funds are playing into the hands of the enemy no matter the almost universal desire to withdraw with a minimum of delay.

Let us get Americans out by turning the defense of South Vietnam over to the South Vietnamese where it belongs and withdraw our fighting men as this is accomplished. To withdraw faster than the South Vietnamese can defend themselves—and defend Americans as Americans are withdrawn to the ships and planes for home—is to endanger their lives. This the Congress should not do.

And hereafter let us forever resolve that not again will American boys be sent overseas to war unless and until the Congress shall have declared war.

A MOB IS A MOB, IS A MOB

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

Mr. RARICK. Mr. Speaker, innocent and unwary youth are being used as shock troops to turn our country upside down in the name of progressive dissent.

A mob is a mob, is a mob, whether it be at Kent State, Chicago, Jackson State, Washington, D.C., or Berkeley. Those who join the mob and permit themselves to be exploited through emotionalism and bipartisan politics—skillfully maneuvered—must expect to suffer the consequences of the mob. Neither preachers, educators, attorneys, nor distorted news coverage can disguise nor dignify the mob.

But even more nauseating are concerted efforts to capitalize on the agonies of duped members of the mob by promoting them into martyrdom for continued exploitation. History records those who burn and destroy civilizations as "vandals"—not heroes.

The American people are becoming disgusted in the overplay of the martyred mob by the "hired lackeys" of the communications media. They recognize them as the people who have helped to promote agitation of the issues and when their venom has resulted in death, violence, and turmoil, they seek to absolve their participation through interpretative commentating and placing the fault and responsibility on others.

Who are to blame for the incidents at Kent State, Jackson State, Augusta and by now a thousand other locations? The American people have not forgotten the Warrens, Douglases, Reuthers, Kings, Abernathys, Dellingers, the social "preachers," the "yellow" journalists, and the TV sensitivity trainers.

The American people have not forgotten that the "stars" of the interpretative reporting are for the most part the same sore losers—the rule-or-ruin boys—who lost the last election.

This is not free speech or impartial reporting. It is monopolized "mobocracy."

The American people will never permit those who advocate agitation and violence as a means to social reform to escape their personal and collective responsibilities. Who does own and control the giant "news" complexes in America? They cannot be Americans—they do not even believe in America. The American system and solutions do not even receive equal time or coverage.

We must never let those who have provoked the problems at hand escape their complicity in the causation. History must record for the coming generations that it was not the constitutional system that broke down, but rather selfish, arrogant demagogs and idealists who are responsible for the tragic consequences they have unleashed.

I include a related news clipping:

[From the Washington Star, Washington, D.C., May 16, 1970]

WARREN DEPLORES NEGLECT OF RIGHTS

NEW YORK.—Former Chief Justice Earl Warren says many of the nation's problems today can be traced to neglect of the ideal of equality and a failure to enforce the Constitution's guarantee of civil rights.

"We have had many crises in prior years, but none within the memory of living Americans which compares with this one," Warren told a civil rights luncheon yesterday.

"Our problems have grown in size and intensity with the result that we are now torn by distress, frustration and dissent," he said. Contributing factors, he said, include war, unemployment, inflation, a deteriorating environment and "an atmosphere of oppression."

THE PRINCE OF PLUNDER AND S. 30, THE ORGANIZED CRIME CONTROL ACT OF 1969

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Virginia (Mr. POFF) is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, for the past few weeks, I have stood here in this Chamber and called the attention of the House to various aspects of the thrust of the Mafia's organized attack on our country in the hope of expediting action on S. 30, the Organized Crime Control Act of 1969. Today, I would like to call your attention to a revealing article in the May 1970, issue of Reader's Digest, by an associate editor of that magazine, concerning one of the longtime powers behind the scenes in the Mafia—a "prince of plunder" as he is called by the

magazine. Mr. William Schulz, the author, describes the rise to great power and wealth of Meyer Lansky. From smalltime thief on the New York City's Lower East Side, to operator of illegal distilleries during the depression, to nationwide gambling operations, to Mafia-related kingpin—this is the chronology of events listed by Mr. Schulz in the biography of a bigtime racketeer. The author describes in some detail how Lansky and his cohorts "skimmed" millions in unreported gambling earnings off the top of income reported to the Government and how this money was sanitized by deposit in Swiss bank accounts and thence back into legitimate businesses in the United States. Mr. Schulz also indirectly suggests that the Mafia may have quite an extensive intelligence operation even in the Federal Government. He gives as an example a top secret report on Mafia operations which several years ago traveled from the Attorney General's office to the councils of the Mafia in less than 72 hours. According to Mr. Schulz, no explanation has ever been found for this leak of information.

Mr. Speaker, in order that my fellow Members of the House and the American public might better realize the full extent of the dangers to our society which S. 30, now pending before the House Judiciary Committee, is designed to combat, I include Mr. Schulz' article in the RECORD at this point:

THE SHOCKING SUCCESS STORY OF PUBLIC ENEMY NO. 1

(By William Schulz)

"A perfect gentleman," says a wealthy neighbor at the posh Seasons South, an oceanfront high-rise in Miami Beach. "A quiet guy with simple tastes," observes a long-time associate. A "retired investor," he says of himself on his tax forms.

And 67-year-old Meyer Lansky acts the part. A slightly built man with thinning gray hair and a pinched face, he dresses conservatively in custom-made suits. He lives quietly with his second wife, shuns night life, tips modestly. He drives a rented Chevrolet, and his idea of fun is a leisurely walk along the Miami beach front, his miniature Tibetan Shib Tzv dog, "Bruiser," at his heels.

But there is another side to Meyer Lansky. To a veteran New York prosecutor he is a "ruthless mobster whose brains and guile have made him a major underworld figure since the Roaring Twenties." To *The Wall Street Journal* he is a financial genius who "has shaped the organized crime syndicate into a well-disciplined operation." And to a leading government Mafia expert he is Public Enemy No. 1.

Government authorities put Lansky's wealth at more than $100 million, almost none of it in his own name. His holdings include gambling casinos from the Caribbean to the Middle East, New York clothiers, New England race tracks, Miami hotels—and millions upon millions in foreign banks and U.S. stocks.

BUGS AND MEYER

Born Maier Suchowljansky in Grdono, Poland, Lansky immigrated to Brooklyn at the age of nine. He dropped out of school after finishing eighth grade (he earned A's and B's on his report card), and joined a gang of thieves on Manhattan's Lower East Side. He graduated quickly to the big time, and in the late 1920s, during Prohibition, hooked up with another young hood, Bugsy Siegel, to form the Bugs and Meyer Mob. Their gunmen guarded illicit booze shipments between Chicago and the East Coast. They were partners—with Joe Adonis and Frank Costello, rising stars in the Mafia—in at least three illegal distilleries. Their criminal interests grew to include casinos, narcotics, and a nationwide bookie network.

During the early 1930s, La Cosa Nostra (LCN), or the Mafia, formed a "Commission" to bring its warring factions under a supreme council. As a non-Italian, and a Jew, Lansky was ineligible for LCN membership. But his power was such that he became an ex-officio member of the commission. His financial genius was eagerly sought by LCN big shots. They, in turn, allowed him to expand his empire.

Working with an outsider is one thing. Trusting him is another. Always, LCN kept a "watchbird" with Lansky, just to make sure that his split with them was honest. For many years, the Lansky watcher was Joe Adonis, a capo (captain) in the "family" of New York's Vito Genovese. When Adonis was deported in 1956, the job was taken over by Vincent (Jimmy Blue Eyes) Alo, another Genovese capo. Alo remains one of Lansky's closest companions.

"BLACK MONEY"

Lansky was a very rich man by the end of World War II. He and his brother Jake ran 24-hour-a-day casinos in Florida's wide-open Broward County, north of Miami. His gambling dens and lotteries boomed in New York, New Jersey and Louisiana. In Las Vegas, Lansky was building a multi-million-dollar casino, the Flamingo, to be run by Bugsy Siegel.

The early 1950s brought a temporary setback. U.S. Senate crime-busters led by Tennessee's Sen. Estes Kefauver, exposed the dimensions of Lansky-financed corruption in Florida and New York. The Broward County casinos were shuttered, and Lansky received the only jail term of his long criminal career—three months for operating the plush Arrowhead Inn, an illegal gambling emporium in Saratoga, N.Y.

But, in 1952, Fulgencio Batista, back in power as dictator of Cuba after several years in Florida exile, had laws passed giving Lansky and his associates a complete monopoly on Cuban gambling. The purpose; to convert Havana into a glittering mecca for U.S. tourists. After Batista was overthrown in 1959, the mob tried to work out an "understanding" with Castro. But the end came, a Lansky intimate has disclosed, when Che Guevara sent his gun-toting men into the casino counting rooms to make sure that the regime was getting an honest tally on the taxes due. Lansky & Co. thereupon fell back to Nevada, where the counting rooms were, in the words of one operator, "sacred, inviolate," off limits to tax collectors and government agents.

In Las Vegas, the Lansky Group—Lansky, a few associates and front men—controlled at least four major casinos: the Flamingo, the Fremont, the Horseshoe and the Sands. Three times a day, at the end of each eight-hour shift, the casino chiefs totted up their winnings. Government authorities cheerfully took their word on what taxes they had coming. Thus, the stage was set for a killing.

In 1960, the Lansky Group began a process known as "skimming." The FBI discovered what was going on when agents bugged the Fremont Hotel in 1962. In each casino, huge sums of money—as much as $280,000 a month—were simply lopped off the top of the winnings. No taxes, state or federal, were paid on the skim. It just vanished from the counting rooms, carried by teams of bagmen to Lansky in Miami. Lansky kept the lion's share—approximately 60 percent. The rest was delivered to New Jersey's Gerardo (Jerry) Catena, a *capo* in the Genovese family, which has long shared racket profits with the Lansky Group.

Week after week, FBI agents pieced together details. On January 6, 1963, for instance, they listened as two members of the Lansky Group, Edward Levinson and Ed Torres, discussed the delivery of $115,650 to the boss. Worried that G-men were tailing Benjamin Sigelbaum, a long-time Lansky aide, Levinson suggested that the money be carried by someone else—Ida Devine, the matronly wife of Las Vegas racketeer Irving (Niggy) Devine, another Lansky associate.

Torres: You want to give Ida the money?

Levinson: She'll go down on the train.

Torres: She'll never leave the stateroom. So give it to her.

Levinson: I'll call her tomorrow.

Torres: Safe as could be.

On January 8, Ida Devine packed the money in a black bag and left for Chicago, where she switched trains and continued on to Miami. She delivered the package and returned to Nevada—all under the watchful eye of federal agents.

By the middle of 1963, Attorney General Robert Kennedy was waging all-out war on the skimmers. Couriers were tailed, tax agents pored through casino records. With the heat on, the Lansky Group sold out its Las Vegas hotels and turned its attention to the sunny Bahamas. Legalized casinos opened there in 1964. Whereupon, month after month, couriers carried suitcases stuffed with illegal skim across Florida Strait to Lansky and his cohorts.

A government investigation of Lansky's Bahamian interests alerted authorities to his latest sleight of hand, by which "black money" was transformed into legitimate capital, through the use of Swiss banks. An expansive Benny Sigelbaum explained how it worked. "Let's say," said Sigelbaum, "that Mr. X puts a big sum in a numbered account in Switzerland, then wants to invest it in the stock market. The bank buys the stock in its own name. The dividends are credited to the account of Mr. X. He's got an interest in the company, but his name never appears on the books or records as a stockholder."

The same scheme, completely legal in Switzerland, shielded members of the Lansky Group when their deposits served as collateral for Swiss bank loans to enterprises in this country. The records show only that the loans came from a Swiss bank. What isn't shown is the Lansky skim that made the loan possible.

DELEGATE THE DIRTY WORK

It has been more than three decades since Lansky helped create the national crime syndicate. Of the mob's founding fathers, he alone survives. The others—from Frank Costello and Joe Adonis to Louis (Lepke) Buchalter and Bugsy Siegel—have been murdered, toppled from power, jailed or deported. How has this frail little refugee shown such remarkable staying power? Here are some clues:

Despite his carefully nurtured image of peaceful legitimacy, Lansky is by nature as violent as any LCN terrorist. But he learned early to delegate the dirty work to others. In 1928, for instance, he attempted the liquidation of John Barrett, an underling he believed to be a police informer. The unsuspecting Barrett was taken for a ride, and Lansky opened fire at point-blank range. He succeded only in grazing Barrett, who dived from the car and was found by police. Charged with "suspicion of homicide," Lansky arranged for the delivery to Barrett's hospital room of a roast chicken stuffed with strychnine. Barrett, who tossed the poisoned fowl out the window, got the message. He refused to testify, and Lansky walked out of jail a free man.

From that day on, Lansky left the strong-arm tactics to trusted lieutenants. In 1931, his hired gunmen mowed down the No. 1 Mafia boss, Salvatore Maranzano, enabling the Young Turks—include Lansky and Lucky Luciano—to consolidate national control of the rackets. In 1947, Lansky's "hit-men" executed his long-time partner,

Bugsy Siegel, less than 24 hours after the two had argued violently about Siegel's management of the Flamingo.

COURTING POLITICIANS

In Nevada, the casino skimmers shelled out "campaign contributions" to political candidates and to officeholders, to big shots and to small fry. On November 9, 1962, Ed Levinson, of the Lansky Group, sat down with an aide in the bugged Fremont Hotel to fix the amounts of some of their contributions: $1,000 to Sen. Alan Bible, $500 to Rep. Walter S. Baring, $500 to the mayor of Las Vegas, $500 to a candidate for lieutenant governor, $300 to a legislative hopeful, $300 to a county commissioner, $200 to a candidate for justice of the peace.

Other casinos made similar contributions. One hotel reportedly poured $20,000 into the campaign coffers of then Gov. Grant Sawyer—who later echoed Sen. Howard Cannon's denunciation of the FBI's "Gestapolike" bugging of the skimmers. Cannon even went to President Johnson to protest the bugging. Asked recently if he received campaign contributions from Levinson and other casino operators, Cannon said he could not recall, but would be "disappointed" if he had not.

WINGED DOCUMENTS

Lansky apparently has allies in many places. On April 24, 1963, the FBI delivered a top-secret report on the Las Vegas skimmers to the office of Attorney General Kennedy. Based on electronic surveillance, it spelled out the theft of millions of dollars.

On April 27, agents listening to the Fremont bug were astounded to hear Levinson and Devine leafing through the FBI report, page by page, reading it aloud. Levinson exclaimed, "My God, Niggy, they even know about Ida."

Government officials have still not determined how the report traveled from Kennedy's office to the skimmers in less than 72 hours. But this was not the only such happening. On August 23, 1963, Ben Sigelbaum walked into the plush Miami offices of attorney Alvin I. Malnik, one of Lansky's trusted money-movers. "Greetings and salutations," he said, tossing a document on Malnik's desk. "This is from the Justice Department."

Indeed it was—a top-secret report that jeopardized the identity of a key government informer.

Lansky himself has dropped an occasional hint about his influence. Once he bragged of arranging the transfer of a federal investigator "who was giving me a bad time."

SILENT INSULATORS

Lansky's greatest protection is undoubtedly The Group—the trusted associates who surround and insulate him, who hold his property in their names, carry his millions to secret Swiss banks, and who balance his books at the Eden Roc hotel's Cabana 169. Among them are such men as Hyman Siegel and Isidore Blumenfield. Siegel, 65, a heavy-fisted, third-grade dropout whose criminal record dates back to the 1920s, oversees Lansky's investments in the New York garment district and his interests in a number of crooked unions. Blumenfield, alias Izzy Bloom, alias Kid Cann, long-time Minneapolis gambling boss, has been convicted of white slavery, tax-evasion and bootlegging. He fronts for Lansky in at least four Miami Beach hotels—the Singapore, the Aztec, the Kimberly and the Hawaiian Isle.

In recent years, Lansky has pumped new blood into The Group. Alvin Malnik is an example. Recruited out of the University of Miami Law School, Malnik is known to his neighbors as a successful young attorney, investor and socialite. He has a lovely family and belongs to the best clubs. But his real job is that of a Lansky banker. Accompanied by Lansky bagmen, he flies regularly to Canada, meets with Swiss contacts and arranges the handling of skim. His future is predictable. "Members of the Lansky Group have lifetime contracts, with no cancellation clause," says one federal agent. "If they get tired or afraid, the mob has its own way of closing out the association—permanently."

The illegal and untaxed enterprises of Meyer Lansky deny the government millions in needed levies. His infiltration of legitimate business constitutes a deadly poison in the nation's economy bloodstream which affects every taxpayer. As a leading lawman says: "This man represents what we're talking about when we use those familiar words, 'public menace.'"

Federal authorities are currently exploring every avenue that could lead to nailing Lansky. His tax returns are examined and reexamined. U.S. officials have applied pressure to open the secret records of Swiss banks. Perhaps one of Lansky's silent associates will decide to talk. Perhaps Lansky himself will slip up. Fortunately for him, the FBI tapes spelling out the great skimming conspiracy are inadmissible as court evidence.

Until Meyer Lansky *is* brought to justice, his blood-and-theft rise to riches is a story that should shame and concern every U.S. citizen.

THE SALT TALKS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from California (Mr. HOSMER) is recognized for 10 minutes.

Mr. HOSMER. Mr. Speaker, there follows the analysis of the ongoing Strategic Arms Limitations Treaty talks prepared by me and issued to House Republicans yesterday:

THE SALT TALKS[1]

Nuclear deterrence may be defined as the obvious intent of a country, if attacked, to employ its nuclear arsenal in retaliation to destroy the attacker. For a quarter-of-a-century relations between the United States and the Soviet Union have been based on this awesome power.

Initially the US atomic monopoly gave it nuclear superiority. Deterrence was unilateral. Survival of the USSR depended on US restraint. As the Soviet nuclear arsenal took shape that country gradually developed a comparable capability for assured destruction of the US. Deterrence became mutual, a circumstance characterized by nuclear sufficiency on the part of each to destroy the other.

US strategic policy during the 1960's encouraged the shift toward superpower nuclear parity. America eased its strategic weapons build up and permitted the Soviets to catch up. US planners of this era believed parity would serve as a plateau from which Communist leaders would be anxious to stabilize strategic relationships either by a tacit or by a formal agreement.[2]

Unfortunately, as parity was reached no slackening of Soviet strategic arms deployment became apparent. It was as though, recognizing their own momentum and our lack of it, they determined to race on to superiority. If they reach this goal the US must depend on the USSR's restraint in its role of a nuclear superior in the mid or late 1970's. However, combining weapons production with arms control talks is not inconsistent with Kremlin's past approaches to treaty decision making. Events simply have not yet made clear whether Soviet participation in the strategic arms limitation treaty (SALT) talks is a serious try for a formal end to the strategic buildup or a simple ploy while arming.[3]

These are the ambiguous strategic circumstances inherited by Richard Nixon when he assumed the Presidency. He can ignore neither the possibility of a vital new danger nor the potentiality for an agreement dramatically easing international tensions.

Both factors underlie his request for the beginnings of an ABM umbrella to protect our land-based Minuteman ICBMs and SAC bomber deterrent forces from surprise attack. Despite their increased offensive arms the move, if carried beyond its present dimension, would help deny the Soviets nuclear superiority by enhancing the survivability of our deterrent. It also gives the Soviets an incentive for success of the SALT talks. They would be unlikely to negotiate for parity if, in the face of their buildup, the US Congress offers them superiority by rejecting President Nixon's Safeguard request.[4]

At the same time the President is directing intense negotiating efforts at the SALT talks to actually achieve an enforceable arms control agreement which limits strategic arms production and, if possible, reduce present stockpiles. Realistically the terms of a treaty must be in the security self-interest of each country and its allies, otherwise the Soviets will not agree and we should not agree.

It is clear that to write a treaty the superpowers first must concede that mutual deterrence not nuclear superiority is the preferred long term status for their relations.[5]

They also will need to determine some mutually agreeable bounds on their nuclear armaments because mutual deterrence can be achieved with various arsenals, so long as that of each country is sufficient to assure the destruction of the other. From the standpoint of allocating national resources between defense and non-defense goals, eventually achieving a low level without appreciable overkill should seem safely preferable to both.[6]

From these references the nitty-gritty of the SALT negotiations would deal with the numbers, kinds and combinations of offensive and defensive weapons allowed. This exercise aims less at nuclear parity in exact terms than it does at formulating conditions reasonably certain to maintain each power in possession of the nuclear sufficiency required to destroy the other. Under this approach, according to Henry Kissinger, both sides should have confidence that their forces are sufficiently invulnerable, reliable and balanced so that no attack could possibly be seen as advantageous, and no attempt to achieve a change in the strategic balance could succeed.

Writing a treaty that substantially cuts armaments outlays will be considerably simplified if the nations will forego anti-ballistic missile systems or strictly limit their use to protection of capitols and protection against third countries. An extensive ABM defense can seriously alter strategic equations if used to protect an ICBM force. To the degree that ABM is a successful defender, it enhances its owner's strategic power. To the degree an opposing nation estimates ABM will succeed, it encourages a boost in offensive power for the purpose of saturating the ABM defense.

Considerable attention during SALT negotiations is expected to focus on the ABM problem, including the possibilities for upgrading existing air defense missiles to give them ABM capabilities. Most observers believe that neither building or dismantling ABM sites nor upgrading AA missiles can be monitored adequately except by an intrusive inspection system. However, the very large radar antennae needed for ABM target acquisition, identification and interception can be satellite monitored. It is possible that some ABM limitations might be handled in terms of antennae limitations.

A further complication for the two superpowers in their treaty writing is a need by

Footnotes at end of article.

each to anticipate dangers posed by third powers. Both have noted possible threats from nuclear armed Red China. Probably the strategic levels established by the superpowers vis-a-vis each other will need to be increased sufficiently to remain adequate even after weapons expenditures required to deal with third powers.[7]

Set forth below are the four most frequently mentioned approaches to writing a strategic arms limitation treaty and some discussion of each:

1. A limit on the number of allowed strategic systems, without restrictions as to *quality* items such as warhead yields, use of multiple individually guided re-entry vehicles (MIRV), etc.

Instrusive inspection may not be required as in the case of *quality* limitations. Most *quantity* limitations can be policed by each nation's own satellite surveillance system. However, surreptitiously produced systems such as orbital bombardment weapons and mobile ICBMs probably cannot be detected by satellites. One's assessment of the risk element of this potential for cheating will influence his judgment of the degree of confidence with which quantity limitations may be policed non-intrusively.

2. Limitations on *quality* features of strategic weapons systems which make on-site inspection mandatory if treaty compliance is reasonably to be assured.

Development of "black box" instrumentation eliminating a need to dismantle weapons to monitor quality features inside still will not obviate intrusions at military bases by inspectors utilizing the instruments. Heretofore this degree of inspection has been unacceptable to the Soviet Union.

3. A combination of *quantity* and *quality* limitations.

Discussion under 1 and 2 applies.

4. A ban on deployment of additional strategic systems coupled with a phased reduction in the allowable number of systems during a specified time period.[8]

The strategic defense requirement of the superpowers are asymmetrical. This approach permits each, within the limitation, to arm in the manner believed appropriate for its own defense. So long as the overall limit is honored it also permits upgrading from time to time and switches between types of weapons systems.

(NOTE.—This is a *quantitative* approach and subject to the confidence factors discussed under 1. However, to the extent that the "honest" nation can maintain a highly survivable deterrent which, even after surprise attack, is capable of retaliating with assured destruction of the "cheating" nation, the potential for "profit from perfidy" could be assessed as very low. A contrary view is that with reduced legitimate numbers of weapons systems, surreptitious weapons take on a greater importance, therefore the risks are large.)

Hypothetical case: Assume a maximum of 1008 allowed systems and no ABM allowed. Assume the US now has 1050 Minuteman systems, 450 SAC bombers and 656 Polaris missile systems (in 41 submarines with 16 each); total, 2156 strategic systems. Believing its land-based Minutemen and SAC bombers vulnerable to surprise attack, the US elects to scrap these 1500 systems, leaving only the 656 Polaris and a deficit of 352 systems. To get back up to its allowed 1008, the US build 22 new submarines to carry 352 added missiles in undersea safety. In the process the US is allowed to convert all Polaris missiles to new, improved yield and accuracy Poseidon MIRV systems. Thereafter the US converts the entire fleet to the Undersea Launched Missile System (ULMS). The intercontinental range ULMS missiles then permit US submarines to hide anywhe e in all the world's oceans.

Similarly the Soviet Union may tailor its mix of allowed strategic weapons to best advantage during its reduction process and afterwards. Presently the number of its systems is in the same order of magnitude as our own and its submarines also carry 16 missile systems. Past Soviet preference has inclined to very high yield warheads. It is unlikely that all its strategic systems would be put in submarines where warhead weights and yields are circumscribed.

It is emphasized that the analysis here presented is just that, an analysis of the SALT talks. It is not to be read as proposals which have been made either by the US or the USSR. Rather, it is a guide for evaluating SALT proposals when and if made, and when and if publicized. Therefore, it is respectfully suggested that this document be filed for ready future reference.

FOOTNOTES

[1] For several years the possibility of strategic arms limitation talks between the United States and the Soviet Union has been under discussion. Initiation of talks was thrown off track by the Soviet invasion of Czechoslovakia in 1968. Finally, a first round of talks began in Helsinki on November 17, 1969 and continued until December 22nd. A second round convened in Vienna on April 16, 1970, and is continuing. A third round at Helsinki again is anticipated. Both sides have made considerable effort to keep the talks private and uninfluenced by propaganda and public opinion considerations. It is a general view that if talks have not produced a treaty by the summer of 1971 there is little likelihood of success. For an informed assessment of the negotiations see: Jonas, Anne M., "The SALT Negotiations: Keeping Hope in Line with Reality." *Air Force & Space Digest*, v. 53, Mar. 1970; 39–42.

[2] Principally former Presidents Kennedy and Johnson, their Secretaries of State and Defense, and their national security advisors, including numerous members of the academic community.

[3] For a discussion of Soviet behavior in disarmament matters see: Scanlan, James P., "Disarmament and the USSR," *US Command & General Staff College Military Review*, v. 50, Mar. 1970: 29–42.

[4] The previously proposed Sentinel nationwide ABM system intended to protect populations would be destabilizing. Rather than move to this posture President Nixon adopted the Safeguard system to achieve the objectives of guarding against accidental attacks, protecting our land-based deterrent forces, and protecting against the kind of small attacks third countries could launch in this decade. Soviet ABM deployment is relatively advanced compared to that of the US.

[5] For a view that mutual deterrence can be better maintained without a treaty and by progressive modernization of retaliatory forces by both sides see: Brown, Neville, "An Unstable Balance of Terror?" *World Today*, v. 26, Jan. 1970: 38–46.

[6] A minority of students of nuclear strategy believe that assured destruction capabilities are inherently unstable and that a damage limiting approach to arms control is preferable. This approach emphasizes passive (civil defense) and active (ABM) defense measures calculated to so limit damage from surprise attack that the incentive for initiating it is absent. See: Schneider, Mark B., "Strategic Arms Limitation." *US Command & General Staff College Military Review*, v. 50, Mar. 1970: 20–28.

[7] For arguments for permitting Red China a minimal credible nuclear deterrent see: Barnett. A. Doak, "A Nuclear China and US Arms Policy." *Foreign Affairs*, v. 48, Apr. 1970: 427–442.

[8] A MIRV ban and other qualitative limitations cannot be reached directly by this approach. However, reducing the number of allowed weapons systems below a number otherwise acceptable might indirectly approach some sought after qualitative goals.

NATIONAL SMALL BUSINESS WEEK

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts (Mr. CONTE) is recognized for 10 minutes.

Mr. CONTE. Mr. Speaker, this week has been designated by President Nixon as "National Small Business Week." It is a week for paying deserved attention and just tribute to the remarkable accomplishments of small business and to the vital role it plays in our country's economy.

At the same time, however, there is also incorporated here the clear realization that the accomplishments, as well as the needs and the problems, of small business are not just a 1-week matter, but rather a full-time, year-round matter.

That is why we have the Small Business Administration for one and that is why both the House of Representatives and the Senate have seen fit to establish special committees on small business.

The economic well-being of the more than 5 million small businessmen of this Nation is of critical importance to our society. As senior Republican on the House Small Business Committee, I would like to note that we on that committee consider it our job to make sure that the voice of small business is heard and that its needs and interests receive full consideration and attention.

The SBA, of course, has similar responsibilities within the executive branch, and let us be frank for a moment—neither of us has an easy job. There are a great many competing forces in Washington, all striving for priority treatment and consideration for their own particular areas of interest. In too many cases in the past, the problems of small business have just not been able to demand the attention they required.

Despite this, however, I believe that we can look with pride on the assistance we have been able to provide for small business.

Our House committee for one has a long history of successful advocacy in dealing with numerous problem areas for small businessmen.

Most recently, our committee has completed lengthy hearings in Washington and throughout the country to review present Government and industry procurement practices as they relate to small business.

I believe our recommendations based on these hearings will prove to be quite valuable in implementing Congress' stated goal that small business must receive its fair proportion of Government contracts and subcontracts.

SBA can similarly be proud, I believe, of the important contributions it has made to the cause of small business. I think it should be particularly proud of its programs designed to combine the private and the public sector in a part-

nership effort, such as the newly emphasized programs of guaranteed bank loan financing.

Despite the difficult economic conditions presently facing the Nation, furthermore, I believe the present administration has demonstrated its deep interest in improving the status of small business in our economy.

This can be seen in the report of the President's Task Force on Small Business and in the Presidential message on small business sent to Congress in late March.

These documents contain concrete proposals for various new methods of assistance at the Government level as well as new small business incentives at the private sector level.

The President's interest in small business can further be seen by his Executive order of March 20 directing the Small Business Administration to emphasize its role as the advocate of the interests of small business and directing all Federal agencies to take these interests fully into account in their activities affecting small business.

In conclusion, Mr. Speaker, this Nation was built upon a foundation of small business. This foundation, while being threatened by consistently increasing economic concentration, remains as vital today to our society as it has ever been.

It is responsible for the fact that an employee can become an employer in this Nation as he can in no other country or society in the world.

On this occasion let us pay tribute to the millions of small businessmen throughout the Nation and let us rededicate ourselves to assuring that they will continue to play a fundamental role in the economy of our Nation.

A NEWSWEEK POLL: MR. NIXON HOLDS UP

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Arizona (Mr. RHODES) is recognized for 10 minutes.

Mr. RHODES. Mr. Speaker, a Newsweek magazine poll conducted by the Gallup organization last week contains some rather interesting findings. In the wake of recent heated and intense criticism of the President—including a march on Washington estimated at some 100,000 persons—his standing with the electorate remains undamaged.

The poll indicates that fully 65 percent of the American electorate are satisfied with the way President Nixon is handling his job—better than a 2 to 1 margin. Moreover, with regard to the recent Cambodian border operation, 50 percent approve of the action and 39 percent disapprove.

I am confident that as the military dividends of the Cambodian operation become more apparent, and the war in Southeast Asia is shortened as a result of those operations, we will see an even greater surge of support for the courageous decision made by President Nixon. The article of May 25, 1970, follows in its entirety:

A NEWSWEEK POLL: MR. NIXON HOLDS UP

Even after the Cambodian invasion and the killings at Kent State University, the "silent majority" appears to be alive and well in Richard Nixon's corner. A NEWSWEEK Poll Conducted by The Gallup Organization last week suggests that—despite the recent intense criticism of the President by college students and academic leaders and by liberal politicians and commentators—Mr. Nixon's standing with the electorate remains undamaged. The poll indicates that Americans find Mr. Nixon's conduct of the Presidency "satisfactory" by better than 2 to 1, that 50 per cent favor the Cambodian operation and 39 per cent oppose it, that a strikingly large majority is far more willing to blame student demonstrators than National Guardsmen for the deaths of four students at Kent State, and that Vice President Spiro Agnew's rhetoric about dissenters still enjoys the approval of a silent plurality if not a majority.

To get swift results, the survey was conducted by telephone on May 13 and 14 and covered a scientifically selected national sampling of 517 persons.*

Although the poll gave the President majority approval of his decision to send U.S. troops into Cambodia, the favorable rating was by no means as high as some opinion experts have come to expect after dramatic strokes of U.S. military power, when Americans have a tendency to rally round the President. Following the air raids on North Vietnam that President Johnson ordered in 1965, for example, public approval (as measured by Louis Harris) soared to 83 per cent. And 69 per cent (polled by Oliver Quayle) favored the entry of U.S. troops into the Dominican Republic.

Women were far more dovish than men on the Cambodian issue. They opposed the President's action, 49 to 37 per cent, while men supported it, 63 to 30. Women also tended to be distinctly less enthusiastic about the Vice President's speeches on dissent: in a near even split (37 to 35 per cent), they approved the Veep's line, whereas men applauded him by a margin of more than 2 to 1. Young people, too, were predictably more skeptical of the Administration than their elders, but even in the 21–34 age bracket, 55 per cent gave the President a favorable rating and 49 per cent approved of Cambodia. And if youth was by no means arrayed entirely on the left, neither were blue-collar workers all to the right: those without a high-school education came down hard against Mr. Nixon's Cambodian policy. A hefty 56 per cent opposed it, and only 26 per cent approved.

The question on the Kent State killings produced an unusually high number of "no opinions," suggesting that the no opinion column might harbor some people with qualms about the guard's behavior who were reluctant to say so outright. It also seems likely that some of those polled were suspending judgment about who was most to blame until the conflicting accounts of the shooting could be cleared up. But even if all those with no opinion were added to those who pinned major responsibility on the National Guard, a surprisingly strong majority of each group—by age, sex, education and political party—put the main blame on the protesters.

NIXON AS PRESIDENT

How satisfied are you with the way Richard Nixon is handling his job as President?**

[Answers in percent]

Very satisfied	30
Fairly satisfied	35
Not too satisfied	18
Not at all satisfied	13

*Telephone surveys, it should be noted, contain a slight built-in bias—about two percentage points, in this case—in favor of Republicans, since non-telephone households are necessarily omitted from the sample and these tend to be low-income and Democratic.

**Undecided not shown.

U.S. TROOPS IN CAMBODIA

Do you approve or disapprove of President Nixon's decision to send American troops to Cambodia?

Approve	50
Disapprove	39
No opinion	11

WHO'S TO BLAME AT KENT

Who do you think was primarily responsible for the deaths of four students at Kent State University?

The National Guard	11
Demonstrating students	58
No opinion	31

AGNEW'S STAND

Do you approve or disapprove of Agnew's stand on dissenters and student protesters?

Approve	46
Disapprove	30
No opinion	24

TRANSPORTATION DEPARTMENT ANALYSIS UNDERCUTS ARGUMENTS FOR THE SST

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, the Department of Transportation has just provided me with a summary of an economic analysis of the SST done early last year by the Office of Economics and Systems Analysis at DOT. I was prompted to request a copy of this analysis by an offhand reference to it by DOT witnesses in the just-published hearings on the SST before the House Transportation Appropriations Subcommittee. DOT witnesses said there that the analysis predicted an SST market of only 420 planes, rather than 500 needed for the Government to get its money back plus 4 percent interest—see hearings, pages 556, 577.

It turns out that this is not the only item in the analysis which is damaging to the administration's case for the SST.

Take, for example, the administration's argument that the SST will greatly benefit our balance of payments position. Their own economic analysis came to the following conclusion:

The effect of the SST on the balance of payments appears to be negative following the same method of calculation developed by IDA. The aircraft and air fare payments estimates associated with the SST are positive, but are likely to be negated by passenger expenditures abroad and entries in other lesser accounts.

The administration also argues that that SST program is set up in such a way that the Government will get back its entire investment in the SST, plus 4 percent interest. Here is what their economic analysis concluded on that point:

If the government has as its primary objective recovery of past SST program expenditures ($633.4 million by the end of FY 1969) as well as future investment, the principal would be recovered plus a small return on investment. The profits to industry in excess of the normal industry return are not sufficient to cover the federal sunk costs plus future planned federal expenditures at either the interest rate specified in the present contract or recommended by the Bureau of the Budget.

In other words, the Government may get a small return on its investment, but it will not be as high as 4 percent.

Another conclusion in the analysis which is relevant to this point is the following:

The model outcome reveals that continuation of the SST program in some form is preferable to the null alternative (to discontinue the program) in all measures of effectiveness except federal recovery.

As I read it, this says that continuing the SST cannot be justified if the primary concern is that the Government get its money back.

With regard to the conclusion that the SST market will be 420 planes, it is worth noting that that is the top estimate. The analysis revealed that delay in production could reduce the market to 370:

The expected value of SST sales is about 420 with no or one-year delay in production, 370 if production is delayed two years.

DOT witnesses testified before the House Transportation Appropriations Subcommittee last month that the production date has already slipped 4 months, and they could give no guarantee that there would not be further delays.

One of the assumptions of the economic analysis is also of some interest, given the administration argument that the SST is needed because of foreign competition from the British-French Concorde:

The group of experts and the OESA staff felt there will be less than an even chance that the Concorde will be in operation and in competition with the SST on most routes when the SST is introduced.

This may mean only that the analysts felt the SST and the Concorde would not be flying the same routes, but it seems more plausible that they were assuming the Concorde would be an economic flop. If the latter assumption is correct, it undercuts the argument that we must have the SST to protect the aircraft industry and our balance of payments from the threat of the Concorde.

Finally, in judging whether this analysis represents an optimistic or pessimistic view of the SST program, it is worth looking at some of its critical assumptions. The following three assumptions, I would suggest, are highly optimistic, and the analysis specifically states that these assumptions were simply accepted as "givens" and not subjected to critical evaluation:

It is a virtual certainty that the Boeing Co. can build an operationally successful SST.

Future development costs will be in line with current estimates.

Air passenger demand and passenger choice forecast techniques developed by IDA and as used by FAA are accurate.

I include the full text of the Summary of Economic Analyses of the SST by the DOT Office of Economics and Systems Analysis be included in the RECORD at this point:

SUMMARY OF ECONOMIC ANALYSES OF THE SST OFFICE OF ECONOMICS AND SYSTEMS ANALYSIS

PURPOSE OF STUDIES

This paper summarizes the informal studies performed in the first part of 1969 for the Assistant Secretary for Policy and International Affairs by the Office of Economics and Systems Analysis, Department of Transportation. The intent of the studies was to take another look at the results of the economic studies performed for the FAA in 1966 and by Boeing late in 1968, using a modified version of the IDA demand model to test the effect on the SST market of the 2707-300 fixed wing design. Sensitivity analyses of the most important variables were also performed.

CONCLUSIONS

The conclusions reached were as follows:

The expected value of SST sales is about 420 with no or one-year delay in production, 370 if production is delayed two years. These expected values are calculated using a modified version of the IDA (Institute for Defense Analyses) demand model previously used assuming high fares based on Concorde costs and a decision tree logic with the likelihood of successful outcomes of uncertain events provided by experts in various fields related to the events. The range of the possible SST market between now and 1992 could be up to 850 airplanes, assuming the SST will operate only in a boom-restricted market.

While the 420 market is below the 500 sales estimate by the FAA, it is above the industry and government breakeven point on the prototype investment.

Benefits to prospective air travelers are very significant.

The effect of the SST on the balance of payments appears to be negative following the same method of calculation developed by IDA. The aircraft and air fare payments estimates associated with the SST are positive, but are likely to be negated by passenger expenditures abroad and entries in other lesser accounts.

If the government has as its primary objective recovery of past SST program expenditures ($634.4 million by the end of FY 1969) as well as future investment, the principal would be recovered plus a small return on investment. The profits to industry in excess of the normal industry return are not sufficient to cover the federal sunk costs plus future planned federal expenditures at either the interest rate specified in the present contract or recommended by the Bureau of the Budget.*

Profits to the aviation industry in excess of the normal rates of return are expected to be sufficient to allow recoupment of future federal development expenditures with a return on investment of 10%.

The differences in expected values of SST's sold as well as the other measures of effectiveness between production under the present schedule and delay of the production phase by one or two years, as indicated by the output of the computerized model, are not apparently critical.

The model outcome reveals that continuation of the SST program in some form is preferable to the null alternative (to discontinue the program) in all measures of effectiveness except federal recovery. Based on the assumptions and weightings used, the No-production-Delay Alternative appears best. If consumer surplus may be disregarded, then the One-year Production-Delay has a slight advantage.

These conclusions are, of course, dependent upon the assumption under which the model was operated. Sensitivity analyses have revealed several of these assumptions to be especially critical:

(a) The most critical assumption was the fare level, which resulted in a 3 percent reduction in the SST market for each 1 percent increase in the fare. Based on the assumption that IATA airlines would establish a higher fare for a superior level of service, the SST fare input to the demand model was fixed at a level indicated by Concorde costs, or higher, which reduced the SST market by about 50 percent. If the fare were set at a level related to SST costs, the market would be the same as the FAA base case, plus an increment for a greater traffic growth rate.

(b) The value of passenger's time was set equal to 1.5 times the passengers' hourly earnings as used by the FAA.

(c) The group of experts and the OESA staff felt there will be less than an even chance that the Concorde will be in operation and in competition with the SST on most routes when the SST is introduced.

(d) The future air passenger market derived by IDA using the relationship between air traffic, quality of service, prices, and macroeconomic indicators was found to be somewhat conservative both by the group of experts and by the OESA staff, based on analysis of past trends and actual rates of growth. Therefore, the possibility of a faster growing air traffic market was incorporated into the model.

DESCRIPTION OF ANALYTICAL PROCESS

This economic analysis relies on outside technical input for the information that:

It is a virtual certainty that the Boeing Co. can build an operationally successful SST.

Future development costs will be in line with current estimates.

Air passenger demand and passenger choice forecast techniques developed by IDA and as used by the FAA are accurate.

The report deals with the following decision alternatives:

To continue the SST project with U.S. Government financial participation through Phase III on the basis of the present development schedule which includes an overlap between development and production;

To continue the SST project with U.S. Government financial participation through Phase III, but to delay the production phase one year until completion of 100 hours of prototype testing;

To continue the SST project with U.S. Government participation through Phase III, but to delay the production phase two years, and do additional testing until possible introduction of the Concorde; or

To discontinue government participation in research and development of the SST, thereby ending the project.

The decision of whether or not to proceed with Phase III of the program is conditioned by a number of critical but uncertain future factors or events. If the outcome of these events, taken separately and in sequence, could be known today, this knowledge would profoundly affect the decision to proceed with prototype development, and would enable this decision to be made with a high degree of confidence. Stated briefly, these events are:

Financing of Production.—Will production of the SST be financed by the private market, or in the absence of this will it be financed with federal aid or loan guarantees, or will production not be financed at all?

Airport Eligibility.—Will supersonic aircraft be able to operate into and out of airports of the type that handle the large subsonic aircraft, or, due to noise restrictions, will they not operate at a number of such airports?

Future Size of the Air Passenger Market.—Will the air passenger market be close to the projected long-term trend or will it be significantly higher, or significantly lower?

Operational Fate of the Competing Supersonic Aircraft.—Will the competition (probably the Concorde) be in successful operation when the SST is introduced, or will it not?

Competitive Fare Policy.—What fare levels will be faced by the SST—will it be required

*In accord with Bureau of the Budget—all monetary measures of effectiveness have been discounted using an annual 10% rate. The contract with Boeing states that full federal recovery is defined as recovery of principal plus interest at 6% compounded quarterly.

(by IATA and other regulatory groups) to charge the existing fare of the Concorde plus a surcharge, or will it be required to charge a fare equal to the Concorde, or in the absence of a competitive Concorde, can SST fares be set lower, i.e., to reflect fully allocated SST costs (development, production and operating costs)?

Truncation of SST Production.—Will the SST production have a normal run, based on its commercial attractiveness, or will some world, national or SST event (war, depression, multiple catastrophe) cause production to be cut off?

Although we cannot know for certain what the outcome of these events will be, some outcomes are more probable than others and persons with expert knowledge in the subject areas of the events can provide judgments as to these probabilities that are clearly an improvement over guessing at the future. The computer-aided decision analysis process which was used considers these expert probabilities, examines all possible combinations of event outcomes (576 separate cases) and provides the results in summary form.

The choice of decision alternatives, rank ordered, and

Values of six "payoffs" or "measures of effectiveness" for each decision alternative. These are:

Expected value of present worth of net future federal investment in the SST.

Expected value of present worth of net national user benefits (consumer surplus to U.S. passengers in terms of time saving) due to operation of supersonic aircraft in lieu of the competitive subsonic alternative.

Expected value of present worth of net profits to U.S. airlines and to U.S. aircraft industry in excess of the standard industrial rate of return due to operation of supersonic aircraft in lieu of the competitive subsonic alternative.

Expected value of present worth of direct net profits to foreign passengers and airlines resulting from operation of supersonic aircraft in lieu of the competitive subsonic alternative (as in 2 and 3 above).

Expected value of present worth of balance of payments stream in the aircraft and air passenger revenue accounts.

Expected value of number of SST 2707s to be sold through 1992.

The analytical process used was dynamic in that it provided for the interaction of supply of aircraft and demand for air travel over a 20-year period. The factors listed below were used as inputs to the analysis:

The future market demand level for air travel (boom-restricted market values only).

Value of the traveler's time in relation to his earnings rate.

Costs of competing subsonic aircraft.

Costs of competing supersonic aircraft (Concorde).

Available supply of Concordes in any year.

Available supply of SSTs in any year.

The size of the existing fleets of supersonic and subsonic aircraft at any given time.

The "real world" fare-setting policies used in international aviation.

The effect of supersonic aircraft service in inducing demand for air travel.

Airport restrictions on supersonic operation due to noise and congestion.

The initially lower utilization rates (hours per day) of new aircraft.

The initially higher load factors of supersonic aircraft.

A discount rate of 10% to reduce all future dollar effects to their present worth.

PARTICIPATES IN SEMINAR FOR VETERANS AND THEIR WIDOWS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, last Saturday in San Antonio, Tex., I had the privilege of participating in a seminar for veterans and their widows sponsored by the Davy Crockett Post. No. 507.

This post's commander is James B. Mackey, a real American if there ever has been one. I learned a lot by just being present, but the fact that most of the area's service officials, both local and State, were present rounded out the occasion. I was given a copy of a resolution recently approved by this post. I hope many, if not all, of the colleagues will take the time to ponder this statement. The World War I veteran has long been woefully and shamefully neglected. The facts brought out by this resolution are sad and cry for redress. I insert in the RECORD at this point the contents of this resolution:

RESOLUTION BY DAVY CROCKETT POST NO. 507, THE AMERICAN LEGION

Whereas: World War I Veterans are currently receiving pensions inadequate to provide for today's cost of living.

And Whereas: World War I Veterans are of an average of 75, and dying at the rate of one in less than 1½ minutes with an original 4,000,000 plus, World War I Veterans being decimated to 1,500,000 plus.

And whereas: because of the dire need and the constantly increasing cost of living a revision is urgently needed.

And whereas: a comparable situation exists as regard to Veterans of the Spanish American War and the Veterans of World War I.

Therefore be it resolved, that pensions and all other benefits as pertain to World War I Veterans and their Widows be changed to provide instead to the same entitlements as afforded Spanish American War Veterans, with the exception that

Current Aid and Attendance for Veterans is $100.00 per month, and should be retained, to illustrate; those Veterans receiving a combined Aid and Attendance check for $184.00 per month would instead receive a combined check $201.59, as the Veterans of the Spanish American War receive monthly checks of $101.59, and other income brackets of World War I Veterans being likewise *"proportionately increased"*, and with all these provisions also applying to the Spanish American War Veterans, who are classified as service connected.

And be it further resolved, that the Widows of World War I Veterans will henceforth receive a $70.00 month pension, and also Aid and Attendance of $50.00 per month. This applies mostly to rest homes.

And be it further resolved that the Government furnish a casket for burial, as with their buying power they can furnish a better casket. In addition to increasing the burial allowance from the present $250.00 to $350.00. This to apply to Veterans of all wars.

In closing just a few brief comments: Neither the Spanish American War Veteran or his Widow are required to fill out the yearly VA Questionnaire as required by the Veterans Administration.

The Veterans of the Spanish American War receive out Patient medical Treatment by making an application for same. Free Drugs on Doctors Prescription to be filled at the VA Pharmacy, other arrangements can be made where no Veterans Administration Pharmacy is available in the Area. Full details will be made should the bill be passed, and become Law.

This Resolution Adopted by Davy Crockett American Legion Post No. 507 on this the 16 Day of May, 1970 in a regular convened meeting.

JAMES B. MACKEY,
Post Commander,

Attest by:

RAY M. HENDRICKS,
Acting Post Adjutant.

THE PLIGHT OF AMERICAN PRISONERS OF WAR

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

Mr. SIKES. Mr. Speaker, I feel that one of our highest national objectives should be to secure humane treatment and early release for Americans who are prisoners of the Communists in Southeast Asia. The problems encountered by American prisoners of war are not new, but it is doubtful that in modern times any prisoners have been subjected to such inhumanity as that displayed by the Communists toward captured Americans.

My attention has been called to an article written years ago for the VFW magazine by Forrest W. Howell. He had been a prisoner of the Germans during World War II and this article describes Christmas in a prisoner-of-war camp. Because of the graphic manner in which he discusses the spirit of the POW's, I feel that this article will be of interest to the Members of the House. Mr. Howell is now Director of the Federal Housing Administration in Jacksonville, Fla. The article follows:

TIME: CHRISTMAS EVE, 1944

(By Forrest W. Howell)

(EDITOR'S NOTE.—This story, written by Assistant Editor, Noble Forrest W. Howell, was first published in the VFW Magazine in Dec. 1961. It is being run here as a companion piece to the GOD BLESS AMERICA article on the Wesconnet Shrine Club. It is a true story about an incident that happened 25 years ago (Christmas Eve 1944) in a German prisoner-of-war camp where Noble Howell was held prisoner for a time at Stalag Luft IV, near Kielfheide, Germany. Noble Howell, who is now the Director of the Jacksonville insuring office of the Federal Housing Administration was shot down over Germany in a B-17 in August 1944, and was liberated by the Russians in May 1945.)

(Place: A prisoner-of-war camp in the Danzig area of northeastern Germany, not far from Poland.)

There were two performances of the Christmas program that night because the building in which the program was being staged was not large enough to accommodate all of us at the same time.

The men of my barracks were scheduled for the second and final performance. The Germans, to whom Christmas means as much as it does to Americans, had agreed to a late lock-up. In return, the prisoners, through their interpreters, promised there would be no escape attempts during the extra hours of compound freedom.

The attendance was one hundred per cent. The makeshift seats filled quickly, and many of us had to stand. It was a good show, as prison camp shows go. But it failed to accent the Christmas theme as one would expect at this time of year. No carols, no Yuletide recitations, no Santa Claus—nothing to remind us of the day's significance, or our loneliness at being separated from loved ones on this day of all days. The curtain fell for the final time and the English-speaking German

guards got up from their seats, signifying that we should return to our quarters.

"We will now sing 'God Bless America'," thundered an authoritative, triumphant voice from the stage. The crowd, which had been making its way slowly toward the single door, stopped, turned around, and faced the stage. Standing there, as big and proud as a man can be, was an American prisoner, his body erect and arms poised in the air to begin directing us in song. "Everybody sing," he shouted.

And we did. Every one of us.

The singing was not especially musical, but its was loud, clear, compelling, and fervent. Never have I heard a song sung with greater enthusiasm or a deeper sense of understanding. Especially the chorus, where we pleaded with God to "bless the land we loved, to stand beside her, to guide her, to bless our home sweet home."

It was more than a song. It has a prayer from the hearts of men who had suddenly discovered the words that truly expressed their deepest emotions.

It was an unveiling of men's souls, a yearning cry for one's country and one's loved ones, a cry of caged men who were trying by means of their thoughts to overcome the barriers of captivity.

It was a beautiful performance, more so because it was impromptu. War-hardened men had opened their hearts unashamedly and sung proudly, while tears streamed down their cheeks. Not one was ashamed of this outward display of uncontrolled emotion. It was a manifestation of their undying devotion and love for a country, their country; America, a country that was far away and out of reach.

The effect on the German guards was strange. They stood practically spellbound. They didn't know what to make of this unexpected display. They had no idea how to cope with the situation. They knew the singing should be stopped. But in the excitement of the moment, they didn't know how to do it. So they waited patiently until the singing subsided. And it did subside, almost as abruptly as it had started. It was a quiet group that filed out of the building into the softly falling snow. No one hurried, no one shoved, no one spoke, not even the German guards. Every one of us was in his own private dreamland. A land that shuts out the stark realism of Hitler's prison camp.

The spirit of Christmas had finally penetrated our dismal surroundings, bringing a spark of brightness and contentment to our hearts. For a little moment we forgot our weariness, our hatreds, our fears, and we were comforted. And though the spirit of Christmas—peace on earth, goodwill to men—was not reigning in the world, it prevailed for the moment in our hearts, where it originates and motivates.

"Rings and jewels are not gifts, but apologies for gifts," Emerson wrote. "The only true gift is a portion of thyself."

In singing "God Bless America," these men gave of themselves, to themselves, their thoughts reaching out beyond the shadows of the barbed wire, which melted away for a brief time.

Sad though the circumstances and the surroundings in Stalag Luft IV—this was a Christmas eve experience the men in that German prison camp will never forget.

CAN MASONRY SURVIVE?

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

Mr. SIKES. Mr. Speaker, our distinguished colleague from Florida, the Honorable DON FUQUA, enjoyed the unusual and important privilege of addressing the annual sesions of the Grand Lodge of Freemasonry in Florida as grand orator at its recent meetings. Masonry enjoys an outstanding reputation for its contributions to good government and its patriotic support of our country's traditions. In Florida, Masonic membership is increasing and the grand lodge sessions always are well attended. Our colleague's grand oration was received with appreciation by the membership, and because of its significant and valuable message, I take pride in submitting it for publication in the CONGRESSIONAL RECORD. Congressman FUQUA has taken an active part in the work of the Masonic organization throughout most of his adult life and the honors which have come to him as a Mason have been highly merited. His grand oration has as its title the provocative question, "Can Masonry Survive?" He answers that question in a most emphatic and laudable manner. His address follows:

CAN MASONRY SURVIVE?

As we meet in our annual grand communication, it seems to me that there is a basic and fundamental question we should ask ourselves.

It is a simple question, it is shocking, and if you cut away the veil of illusions, it is frightening.

It is simply, "can masonry survive?" in a larger sense, what I am asking you is "can this Nation survive?"

My brethren, the answer to those questions are one and the same. Do not ever make the mistake of believing that they are not. For the very forces that seek to destroy this Nation, also seek to destroy the precepts upon which this fraternity was founded.

Reduced to its simplest terms, masonry has as its basic tenet a belief and a faith in God. It uses the working tools of the builder to teach the great moral teachings of all mankind.

As Masons, we are taught not to regard a man for his material wealth or his station in life, but for the man himself. Those who wear the white leather lambskin of a Master Mason, are joined in a brotherhood where there is no high and there is no low, only brothers.

There are those who are called to positions of responsibility within the fraternity, but we are all brothers. We respect one another; we believe in abiding by the rules which have been set down over the centuries; we believe in helping the less fortunate; we believe in fighting for basic principles of freedom of religion, speech, press, assembly—to protest grievances in a lawful fashion.

Now, in truth this is what we should be able to say about our country. The basic and fundamental tenets of this Nation, as founded in our Constitution and the Bill of Rights, have their origin as much in Masonic teachings as in any other source.

Many of the dynamic leaders of our Nation at its founding, who wrote those priceless documents we know as the Constitution and the Bill of Rights—were Masons.

Masonry in turn has been influenced down through the years by the moral teachings inculcated in religion and the great moral leaders of all time.

It would seem that a fraternity and a Nation so founded and so dedicated would have no trouble of the future.

Let's face facts—Masonry is not growing—it is losing. I have been told that out of 59 grand jurisdictions represented at the last meeting of the Grand Masters of North America, 50 suffered a loss in membership during the past year. Now Florida is not one of those, but we should not delude ourselves.

Ours is such a rapidly growing State that we have managed to continue to increase in membership. But when you look at the increase in the population of the State, and the proportionate increase in our membership, you will find that we too are losing.

Young men are no longer coming into the fraternity because for some reason we do not relate to their lives. By the same token millions of young people are not adjusting to our society.

What has brought about this disrespect for law and order? What has brought about the wreckage of the home, the increasing divorce rate? What has caused the riots, the bombings, and a crime rate that makes the larger cities of this land fortresses of fear?

There are no simple answers. But the answer must lie somewhere in the realm that we are not communicating with them. Somehow we have not been able through our schools, our homes and churches, to touch these young people with those basic values which would motivate them to serve their fellow man, to be compassionate towards their fellow man, to do unto others as they would have them do unto them.

The young people of today are the most informed and intelligent of any generation in our history.

But they are the victims of a technological revolution that has swept all of us along as if in a flood. I don't have to tell you that a youngster today in the third grade, can tell you more about the makeup of the universe than you and I knew when we were in high school.

And with this knowledge and affluence have come new problems, and I submit to you that these problems are as serious as any in the history of mankind.

If I were to make a light note, I would say that the country is going to pot.

Well, it's not funny. Drug usage, particularly among the young, is growing at an astounding rate, and you know that it is not relegated to the college student, but is filtering into the ranks of our high schools and junior highs, crimes and violence have grown at a rate ten times that of our national growth average. A tremendous percentage of this crime is caused by those who are drug addicts, and the price we pay for this horror amounts to billions of dollars each year, not to mention the human misery, suffering and death that is being wreaked upon us.

We have carelessly allowed the air we breathe—and the water we drink, to become polluted, great rivers, lakes and streams have become cesspools. The air you breathe, is polluted, yet, we continue pell mell, just as did the Roman empire before its fall, and the things we never believed could happen in this land, are happening.

We may never have to use the huge arsenal of weapons we possess in a war with the Russians or Chinese. All men everywhere, white and black, brown and yellow, may simply drown in their own filth.

Population increases in some sections of the globe at a fantastic rate. Every advance in technology and food production in these lands is immediately gobbled up by thousands of new poverty stricken, disease ridden infants. They will never know a life of hope; life for them will simply be one of bare subsistence, degradation and hopelessness.

But we are often so caught up in our own lives, our own cliches and dogmas, that we refuse to acknowledge that perhaps we might be wrong ourselves, that somehow, we have contributed to the horror which has been created in our society, once a man recognizes in his own heart that he just might be wrong, and is willing to re-examine his own mind, his heart and his conscience, then perhaps we can begin to right the wrongs which seem destined to destroy our society.

Just as masons have attempted to teach

our basic principles to our new members through the centuries, so we must relate to the young people of this nation those basic and fundamental principles for which so many have given their lives and their sacred honor.

As Freemasons we believe that only those who want to join of their own free will and accord should do so. We should, therefore, not be critical of those, who for whatever reason, do not want to join us at the altar of the Holy Bible, square and compasses.

But there is much that unites us with all of those who are critical of our ancient rites, and I am fearful that we spend far too much time emphasizing that which divides us.

What I am saying about America is, that those who seek to destroy this nation and its principles, seek the destruction of masonry and our individual liberty.

When I was given this opportunity to speak to you today, I accepted with deep humility. I am proud to be a mason, proud to be able to be called a brother among you.

My father is a mason. My grandfather served as the first master of my home lodge of Blountstown. It is my profound hope that someday I will have that rare privilege given to some fathers of raising their own son in this fraternity.

There is reason for all of us to be proud that we are masons. At this very moment, over in St. Petersburg, there is an elderly lady looking out the window of our masonic home. Here in the last years of her life she is being cared for by men she will never know. She will never meet even a fraction of those who provide for her care.

My brothers, she is somebody's mother, sister, or daughter. I am sure that when this lady became the wife of a departed brother of ours, he never realized that it would be someone he never knew who accepted the responsibility for her care in her last days.

We know not where the road of life leads us. Someday, this lady could be someone very precious to us. What we have done is part of a sacred mission, which I am sure has been blessed and is blessed by the Almighty.

This year the Grand Master has said that the one thing he would like to see accomplished more than any other, is a new feeling of brotherhood and a closer working relationship between the appendant orders of masonry.

This is a laudable undertaking. For our appendant orders do so much for others. The work of the shriners in caring for literally tens of thousands of crippled children is perhaps the most well known. We do so not to gain the thanks of others—but because we follow in the path of He who said, "suffer the little children to come unto me, and forbid them not, for such is the Kingdom of Heaven."

There is so much that each individual can do. Each of us has a role to play in the broad picture being painted for us by the Supreme Architect of the Universe. An example of one brother making an impact on history for all time to come is best typified by Brother Buz Aldrin, who became the second man to set foot on the moon.

When he knelt at our altar and took upon himself the solemn and binding obligations of our degrees, I am quite certain that he did not know at that time that he would shortly earn a place in history. He now is enshrined in that list of famous brethren that predates the founding of our Nation.

It may well be that another brother will be that person who can direct this great Nation out of the darkness that seems to confront us today as a people.

There is much that we have done, yet there is so much to do. But in order for the fraternity to survive, our Nation must survive. We are tied together in a union, that is inseparable.

It pains us to see mobs rioting and looting in our cities. Buildings are burned wantonly and looters strip stores of the goods of hard-working families who have spent their entire adult life in building their business. When the looters, in their madness finish stealing everything of value, they put a torch to the building.

One of the most graphic stories I have heard concerned a black lady during the riots in Washington, D.C. She was elderly and lived in a small apartment over a television repair store. The rioters broke into the store and proceeded to strip it of everything of value.

Not content with this lawlessness, others then broke down the door of this lady's apartment, and while a helpless and aged individual sat by, the looters proceeded to carry out everything of value which she owned. I ask you, can this happen in America? It seems impossible.

Another graphic illustration I remember about the Washington riots was a young serviceman who returned home with a record of heroic service in Vietnam. The day before he arrived home, his house and all of his widowed mother's possessions were burned to the ground. A picture in the newspaper depicted him and his mother before the embers of that which had been his home. If you can put yourself in his place, you can see the individual terror, heartbreak and sorrow which our people have had to suffer.

We cannot continue to exist as a free nation unless we have law and order.

One principal problem has been our judicial system. The courts have been far too concerned about the rights of criminals than about the rights of the victims of crime.

We can pinpoint the fact that 75 per cent of the crimes are being committed by those under 21.

Hardened criminals are released on bond and time and again they commit three or four vicious crimes before they are ever tried, as interminable delays slow the wheels of justice. There is much that we could learn from the British in this regard. There, when a man is convicted by a jury of his peers, he is before the British court of criminal appeals within three weeks and a decision comes down that very day. The punishments are not as severe as some meted out in our own courts—but there is a respect for the courts which is eroding in America today.

Our prison system has become a training ground for criminals. It needs a complete and thorough overhaul, if society is not to be visited with an even greater incidence of crime and violence.

The viciousness is not now confined to the inner city, it is spreading to the suburbs and will soon have a stranglehold on small communities. We ignore this manace at the very peril of the lives and safety of our own families.

Masonry has so much to say to the world today, but we must get out of the lodge rooms to say it, and to live it. We will not reverse this horrible trend with massive legislation, but only when we in our own hearts and minds, begin to live up to those timeless principles which have been taught to us. There must be respect for law and order in this land. Certainly this is a fundamental teaching of our great fraternity. We cannot survive unless we can look upon all of our fellow men as brothers, doing unto him as we would have him do unto us. We must be willing to make those sacrifices necessary to protect our environment from the ravages of the ignorant policies of the past.

Now the message I want to communicate to you is not one of despair. Certainly we have problems. But by the same token, think of the problems which confronted George Washington at Valley Forge and as he attempted to lead this nation at its founding.

Think of the despair which Lincoln must have felt as his beloved land was torn asunder, brother fighting brother. Well, we survived and became the most powerful and affluent nation known to history. I personally believe that we have the will, and the capacity, to solve the problems which confront us if we will but face them.

Within the teachings of masonry can be found many of the truths that will lead us. We embody those principles which this nation and masonry must return to if it is to survive. As the ancient Chinese proverb has said, "A journey of a thousand miles begins with but a single step."

As Masons, as Americans, the hour is late, and the journey will not be easy. But for the sake of our nation, for our children, and for the fraternity, we dare not fail.

PEACEFUL DEMONSTRATION AT UNIVERSITY OF TEXAS

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

Mr. WHITE. Mr. Speaker, amid the many reports of violence on college campuses and in college communities recently, I believe it will be refreshing and encouraging to hear the report of a major university, in a major city, which conducted a peaceful demonstration, in an orderly manner, presented their grievances, were heard by the mayor and city officials, and cooperated with the police in maintaining order. This happened in my home city of El Paso, Tex., on May 6, 1970, when some 2,000 students from the University of Texas at El Paso, accompanied by a number of high school students, marched into downtown El Paso, held a rally voiced their opposition to the action in Cambodia and their grief over the incidents at Kent State University.

Technically, they were in violation of the law, because they had no parade permit. The El Paso Police Department could have moved into the crowd, looking for trouble. Instead, they moved in quietly, kept order with calm efficiency, and even served refreshments to the demonstrators when the day grew warm. As a result of the understanding that prevailed on both sides, the students wrote a letter of appreciation to the police, and even contributed $264.64 to the policeman's benevolent fund.

The police department, in its reply, pointed out its reasons for not enforcing the law requiring permits for such a demonstration. I believe as we study the urgent problem of building better relations with the young people who will be our leaders in a few years from now, we can all benefit from learning more of the attitude of these students, and the police department, in El Paso, Tex. I am therefore placing in the RECORD a letter with some 302 signatures addressed to Inspector Minnie of the El Paso Police Department, and a reply addressed to the students, from El Paso Chief of Police E. L. Chokiski:

THE UNIVERSITY OF TEXAS AT EL PASO,
May 6, 1970.

Inspector ROBERT E. MINNIE AND MEN,
El Paso Police Department,
El Paso, Tex.

DEAR INSPECTOR MINNIE AND MEN: We the concerned students of UTEP and of El Paso High Schools, wish to thank you for your cooperation and support of our demonstration for peace on this date. We feel this is a major step in bringing about mutual re-

spect and understanding for our respective goals. Your tactful control and your thoughtful donation of refreshments should stand as an example to be followed by other cities in coordinating municipal functions with peaceful and concerned dissent on the parts of citizens within these municipalities.

Sincerely yours,

——— ———.

(There were 302 signatures.)

MAY 7, 1970.

Mr. CALVIN O'BLACK,
The University of Texas at El Paso,
President of Student Body,
El Paso, Tex.

DEAR STUDENTS: Your very kind comments concerning Inspector Minnie and his men are a source of pleasure to us all.

Other communities with problems on their campuses could learn much from what we learned of each other during your march, which was both peaceful and meaningful.

Sometimes policemen enforce existing laws when such enforcement is not practical. This is why you were permitted to march last Wednesday in "violation"—that is, without an issued permit. We try to deal with situations as they arise, and we understood your emotions in this particular case At the same time, I want it understood that the El Paso Police Department will allow no flagrant, violent breaking of our laws.

We hadn't the time Wednesday to explain to you our total responsibilities to all citizens—including you—to enforce existing laws. Therefore we took what seemed to be the most expedient course. I am glad it turned out to be the correct one.

Policemen are humans, no more perfect than any others. But we try, conscientiously, to be better humans, and we learn from trial and error. I think Wednesday's business proved that we and you can benefit thereby.

Sincerely,

E. L. CHOKISKI,
Chief of Police.

GOLDEN EAGLE PASSPORT PROGRAM, S. 2315

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

Mr. HANNA. Mr. Speaker, on May 15, 1969, I cosponsored legislation to extend the golden eagle passport program indefinitely past its March 31, 1970, expiration date. This date has now passed and we are only now considering a Senate bill on the program, a bill that limits the extensions of the program to December 31, 1971. Although I would prefer to see the program renewed as proposed in H.R. 11381, I am speaking today in favor of S. 2315.

Many of those arguing against this bill have taken the rather narrow view that the alleged failure of the program to provide earmarked funds as set forth in the enacting legislation is sufficient to warrant termination of the program. I would like to point out, however, that oftentimes justification for any particular program such as this does not come from material, tangible profits alone. Over the years, the golden eagle passport has provided many of our citizens with an intangible yet extremely important benefit, the ready availability of a pleasant and enjoyable recreation and vacation area.

In addition, tangible, although indirect, profits have been reaped by a significant segment of our populace: retirees, pensioners, lower and middle income families. These people have been able, under this program, to enjoy at a reduced fee the healthful outdoors. Those with fixed incomes and/or large families have benefited immeasurable from this program and I do not think we should deny them this benefit.

Finally, I would like to turn to a subject which I am sure is on the minds of all my colleagues today, ecology and conservation. It seems to me that commitments to specific goals follow more naturally when vested interests in those goals develop. As has been noted elsewhere, vandalism at national parks has fallen sharply since the imposition of admission and user fees by the National Park Service. It is a logical conclusion that an expansion of the golden eagle passport program may very well serve to further a commitment on the part of the public to the preservation of the already limited national park facilities.

For these reasons and many others which time prohibits me from listing here, I am offering my wholehearted support to S. 2315.

PRESIDENTIAL WAR: THE CENTRAL ISSUE

(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, last week I introduced H.R. 17598, a bill to define Presidential authority to intervene abroad and to make war without the express consent of the Congress. There is, in my judgment, a grave constitutional question regarding the warmaking power. If the word and the intent of the Constitution on this issue are still open to the widely varying interpretations voiced in the past few weeks, it is imperative that the issue be debated and resolved. It is my hope that the bill I have sponsored will serve as the catalyst for such a discussion.

The constitutional question is most aptly treated in the May 14 issue of the Washington Post by Mr. Merlo J. Pusey, a member of the Post's editorial staff and author of the book, "The Way We Go to War." One of Pusey's suggestions follows the intent of my proposal—that the Congress should enact firm prohibitions against the dispatch of American troops to other countries without specific congressional approval.

I urge the careful consideration by all of our colleagues of Mr. Pusey's article, "Presidential War: The Central Issue," which follows:

PRESIDENTIAL WAR: THE CENTRAL ISSUE

(By Merlo J. Pusey)

It would be a pity if the serious constitutional issue underlying the current protests against the war should be lost in the cyclone of threats, anti-Nixonisms and obscenities. However clumsy they may be in articulating it, the students do have a legitimate complaint. They face the possibility of being drafted against their will for service in a presidential war.

All the talk about pigs, revolution and smashing the establishment fails to alter the fact that, in one basic particular, the dissenters are the real traditionalists. Madison and Jefferson would have understood the anger on the campuses against the dispatch of young men to war in Southeast Asia at the dictation of one powerful executive. Madison and his colleagues wrote into the Constitution a flat prohibition against such a concentration of power. Yet it now seems to be accepted as standard American practice.

President Nixon reiterated his claim to the war power the other night in his news conference. In explaining that none of his advisers was responsible for the invasion of Cambodia, he said:

"Decisions, of course, are not made by vote in the National Security Council or in the Cabinet. They are made by the President with the advise of those, and I made this decision."

The question of going to Congress for the decision or even of discussing the matter with congressional leaders appears not to have been considered. The result of the decision was to extend the war to another country. By any interpretation that may be placed upon it, this was a grave involvement for the nation. Most of our Presidents would have deemed it imperative to go to Congress for authority to take such a step.

Now the administration is resisting the attempt of the Senate Foreign Relations Committee to cut off funds for military operations in Cambodia. The committee has carefully tailored its restrictions so as not to interfere with the President's avowed intention of clearing the sanctuaries and then withdrawing the American forces. But this has met with opposition from the State Department on the broad ground that actions of the Commander in Chief should not be subject to statutory restrictions.

There are several very interesting phrases in this letter which Assistant Secretary David H. Abshire sent to the Foreign Relations Committee. He contends that Congress should not limit military spending in such a way as to "restrict the fundamental powers of the President for protection of the armed forces of the United States." The implication seems to be that the President has authority to send our armed forces anywhere in the world, for purposes which he thinks appropriate, and then to take whatever additional action he may think necessary to protect those forces. Under this reasoning, it seems, no one can do anything to stop a presidential war.

This view of the war power is not, of course, unique with the Nixon administration. President Truman made even more expansive claims to unlimited presidential power, and LBJ was not far behind. Mr. Nixon's State Department is merely mouthing what has become accepted doctrine in the executive branch. But it is an outrageous doctrine that flies into the face of the letter and spirit of the Constitution and is repugnant to the basic concepts of democracy.

There is no principle about which the founding fathers were more adamant than denial of the war power to a single executive. After extended debate they gave Congress the power to raise and support armies, to control reprisals and to declare war, which, of course, includes the power of authorizing limited war. The President was given authority to repel sudden attacks, but there is nothing in the Constitution which suggests that this can be legitimately stretched to cover military operations in support of other countries in remote corners of the world.

In a literal sense, therefore, it is the students—or at least the nonviolent majority among them—who are asserting traditional, constitutional principles. It is the State Department which is asserting a wild and unsupportable view of presidential power that imperils the future of representative government.

Somehow the country must get back to the principle that its young men will not be drafted and sent into foreign military ventures without specific authority voted by

Congress. That is a principle worth struggling for. Congress now seems to be groping its way back to an assertion of its powers, but its actions are hesitant and confused, as if it were afraid to assume the responsibility for policy-making in such vital matters of life and death.

Of course Congress is at a great disadvantage when it tries to use its spending power to cut off a presidential war for which it has recklessly appropriated funds in the past. In these circumstances, the President is always in a position to complain that the result will be to endanger our boys at the fighting fronts. Congress seems to have discovered no sound answer to that warning.

But Congress could stop presidential wars before they begin by writing into the law firm prohibitions against the building of military bases in foreign countries and the dispatch of American troops to other countries without specific congressional approval. If Congress is not willing or able to devise some means of restoring the war power to the representatives of the people, we may have to modify our system of government so that the President would become answerable to Congress for abuses of power. In the light of our Vietnam experience, it seems highly improbable that the country will long continue to tolerate unlimited power in one man to make war.

THE CAMBODIA ISSUE

(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, we in the Congress have been impressed in these past few weeks by the response of concerned citizens to the President's decision to send American troops into Cambodia. I know my colleagues share the desire to encourage communication between the public and their representatives on this very serious issue. My own office has been the scene of lively but productive discussions among students, professors, staff, constituents and this Congressman. We have not always agreed, but we have communicated.

Mr. Speaker, I have made it clear that I am not in favor of a major commitment of our ground forces in Cambodia or any other place at this time. I have called for a review of the grave constitutional questions raised by the President's action. Perhaps the Miami Herald best expressed the spirit of concerned citizens in an editorial on May 6 which concluded:

National policy cannot be determined in the streets, much less on the campuses. Yet it is not being formulated in an air of national unity promised by the national leadership. Before there are more rocks, more bullets, more dead, more tears of anger and remorse, the nation must somehow be brought to grips with itself. There is only one agency which can encourage and foster national unity, and that is a Presidency willing to re-examine policies pursued without recourse to the people's representatives and increasingly divisive of the nation itself.

Also in the spirit of these past weeks of active participatory democracy was an earlier editorial in the Herald edition of May 3 which noted:

There is everything to gain and nothing to lose by the fullest discussion of the Cambodia issue . . . This is no time for pride of place anywhere in Washington.

While we have witnessed a great outpouring of sentiment on the issue of Cambodia in recent weeks, we must not lose sight of the historical perspective. The decision to send American soldiers into Cambodia is only the most recent of a number of decisions made over many years resulting in our present involvement. John S. Knight, on May 3, in his column, "Publisher's Notebook," traced the historical development from 1946 to the present. I believe his observations are made powerful by their simple logic and truth, especially in these days of emotional rhetoric. Mr. Knight came to this sobering conclusion:

The military reasons given by the President have an appealing ring to those who still believe that in escalation lies the fruit of victory.

Despite all reassurances, the Nixon policy can only widen the war.

Mr. Speaker, I commend the full text of these editorials and Mr. Knight's column to the attention of our colleagues:

[From the Miami (Fla.) Herald, May 6, 1970]

KENT STATE'S TRAGEDY AND A BITTER LESSON

"The violent by violence fall," says a proverb of the Welsh, who know it well. This explains but it does not justify the tragic confrontation at Kent State University in Ohio where four students died under the guns of the National Guard.

The students were protesting the escalation of the Indochina war. Trouble began last Friday night when students swarmed out of downtown Kent bars, set a bonfire in the street, smashed store and bank windows and burned to the ground the building of the Army Reserve Officers Training Corps.

We are rehearsing the known facts carefully because the Kent experience has a pattern which can be fatal for the nation.

After that, Ohio National Guardsmen were moved into the area. Numerous arrests were made. The campus simmered until Monday noon when a crowd confronted the troops and began hurling rocks.

Skirmish lines formed. There was a shot. From where? Then a volley. In seconds a scene familiar from student disturbances in other parts of the country became a tragedy which has rocked the nation.

We hope that what has happened will have a sobering effect, not only on students inclined to violence but on those who must preserve law and order with arms.

Getting stoned by students is no lark, but it calls for a response short of military execution. And this response to dissent, however violent, can become a greater threat to law and order than campus rioting.

Prudent Americans will await all the facts before passing judgment on the guardsmen, who were under severe harassment. But this much is increasingly evident: young Americans basically of good motive as well as bad are becoming bitterly alienated from their own culture.

At the Oakland induction center in Northern California the other day more than half of the young men ordered to report failed to show up, and 11 per cent of those who did appear refused to serve.

This is wrong and illegal but it is a fact describing the actions not of a radical minority but of a given majority.

National policy cannot be determined in the streets, much less on the campuses. Yet it is not being formulated in the air of national unity promised by the national leadership.

Before there are more rocks, more bullets, more dead, more tears of anger and remorse, the nation somehow must be brought to grips with itself. There is only one agency which can encourage and foster national unity, and that is a Presidency willing to re-examine policies pursued without recourse to the people's representatives and increasingly divisive of the nation itself.

[From the Miami (Fla.) Herald, May 3, 1970]

PRECEDENT FOR A PRESIDENT

Both President Nixon and the Senate leadership would have been better advised had they reached privately and in concert some agreement on a "summit" meeting to discuss intervention in Cambodia.

There is a precedent, as Sen. George Aiken of Vermont has pointed out, in President Wilson's consultation 51 years ago with congressional leaders on the covenant of the League of Nations.

Mr. Nixon has been urged to meet with the Senate Foreign Relations Committee, generally a dovish outfit. He declined the invitation as such, saying that it ought to be extended also to the House Committee on Foreign Relations.

Mr. Aiken and others may forget that this was the Wilson formula as worked out by Col. Edward M. House, Mr. Wilson's adviser. The two committees met with the President on Feb. 26, 1919, Sens. Borah and Fall, two archisolationists, declining. There was a deal of shaking but no moving. The famous "Round Robin" declaration against the League of Nations followed, and it had the votes.

The issue this time is not advise and consent, a prerogative of the Senate, but consideration of a policy which may or may not require a declaration of war. In our opinion one is required if Mr. Nixon insists on pursuing his dubious and dangerous Cambodian adventure. This would require also a vote of the House.

There is everything to gain and nothing to lose by the fullest discussion of the Cambodia issue. If the Senators will not see the President along with House members, then he should see them solo. But history if not protocol dictates a "summit" of both groups. This is no time for pride of place anywhere in Washington.

[From the Miami (Fla.) Herald, May 3, 1970]

JOHN S. KNIGHT'S NOTEBOOK: GRAVE PERIL EMBODIED IN PRESIDENT'S DECISION

The President's decision to extend the Vietnam war by sending combat troops into Cambodia is fraught with great peril.

Mr. Nixon says his action is not "an invasion of Cambodia" but a necessary move designed to eliminate a major Communist staging and communications area.

The President's action is represented as a tactical maneuver to end the war more quickly. The time span is put at six to eight weeks. It could have been taken at any time during the last few years except that the United States then respected the "neutrality" of Prince Sihanouk, a Communist sympathizer and the man who once told us he would throw our foreign aid into the sea.

With Sihanouk in exile, Cambodia is controlled by Lt. Gen. Lon Nol, who heads a tiny, untried army and therefore welcomes U.S. assistance and troop invasion to prop up his cause.

Lon Nol is not necessarily the country's most popular leader. Prince Sihanouk, now in Peking, is a sponsor of a united front of Indochinese peoples. Given military support by Red China, he might return to Cambodia and cause trouble.

Should this happen, the President's plans for a quick liquidation of Communist headquarters in Cambodia could be thwarted and the war widened.

The President has acted boldly, but in our opinion, unwisely. He has not been deterred by the political risks, and that is a mark of courage.

What further tragedies will be visited upon our nation must await the onrush of developments yet unknown.

HOW IT BEGAN

I suppose one can say that our involvement in Southeast Asia began in 1946 when Harry Truman was President of the United States.

Our policy at that time was to help the French retain control of Cambodia, Laos and Vietnam, the former Associated States of Indochina. Between 1946 and 1954, the United States provided some $2 billion in aid and arms in France's struggle against the Vietminh (independence) league headed by the late Ho Chi Minh.

We chose to cast our lot with colonialism despite Franklin D. Roosevelt's admonition during World War II that the French must never be permitted to control Indochina once the war had ended.

A FRENCH BULWARK?

The decision was based on the theory that the French stood as a bulwark against communism in Southeast Asia. The United States was prepared to subsidize the French endlessly. No thought was given to the fact that certain areas of autonomy had been granted by the French to Ho Chi Minh in the Fontainebleu Agreement of 1946, and later repudiated.

No heed was paid to warnings that the tides of nationalism were running strong; that while Ho Chi Minh was indeed a Communist he also was the authentic leader of the people in their struggle for independence against the hated French.

The theory that by aiding the French we could turn back the onrush of communism was blown to bits when the forces of Ho Chi Minh crushed the French forces in the 1954 siege of Dien Bien Phu.

By that time Dwight D. Eisenhower was President. John Foster Dulles, his secretary of State and the architect of "massive retaliation," urged the President to send American airpower to Vietnam.

The then Vice President, Richard M. Nixon, in an address before the American Society of Newspaper Editors, said he favored the use of U.S. troops in Vietnam.

Wisely, and after consultations with France and Great Britain, the President declined to make this commitment.

Eisenhower's role in Vietnam is generally misunderstood. There are those who maintain that U.S. participation began in his administration. When Vietnam was divided by the Geneva Agreement of 1954 between North and South Vietnam, the United States supported the new Saigon government formed by the late Ngo Dinh Diem.

Diem, a vigorous but despotic leader, entreated the United States for more assistance. President Eisenhower, in a letter to Diem, agreed to furnish arms and technical assistance provided Diem would make meaningful land and other reforms. The requested reforms were never implemented. Eisenhower sent 685 military advisers and substantial economic aid to South Vietnam but no combat units.

JFK GETS INVOLVED

President John F. Kennedy was less prudent. Despite his having said as a senator in 1951 that "we have allied ourselves to the desperate effort of a French regime to hang on to the remnants of empire," he did commit 15,500 troops to Vietnam during his administration.

Kennedy acted upon the recommendations of Gen. Maxwell Taylor and Walt W. Rostow, who constituted his personal task force on Vietnam policy. These were the years—1962–63—when Gen. Harkins, highest army officer in Vietnam, predicted that the war would be won "within a year."

The Defense Department, headed by Robert McNamara, also announced that "the corner has definitely been turned toward victory in Vietnam."

AND THEN LBJ . . .

This state of euphoria continued with the coming to power of Lyndon Johnson. In his first State of the Union message, the new President hardly mentioned Vietnam.

In the Johnson-Goldwater campaign of 1964, Johnson repeatedly stated that "we are not going to send American boys nine or ten thousand miles away to do what Asian boys ought to be doing for themselves."

But as historian Arthur M. Schlesinger Jr. writes in "The Bitter Heritage," things became "so desperate in the early months of 1965—or so we were later told—that only the February decision to start bombing the North, followed by the commitment of American combat forces the next month, averted a total collapse."

So Johnson began to supply the American boys to do the job he had thought the Asian boys should do. The numbers doubled and doubled again and again until President Johnson had escalated the number to approximately 540,000.

Our casualties now total 317,292, our dead 41,610. And for what?

AND FINALLY NIXON

We move now to President Nixon's promise to end the war and be held accountable by the American people if he fails to accomplish that objective.

The beginnings were good with assurances against further involvement and extension of U.S. military participation.

Nixon's planned troop withdrawals from Vietnam have now reached 115,500, with a promise of 150,000 more within one year.

But in May of 1969, Secretary of State William P. Rogers assured Thailand that if the Southeast Asia Treaty Organization declined to protect an Asian member from attack, the United States was ready to provide assistance on its own.

Here we were seeing the "one more step" policy bringing us into a widening involvement.

Then in February of this year, it was Laos as James McCartney of Knight Newspapers revealed a U.S. military buildup of bombers, helicopters and American personnel of 2,150 with 830 in official U.S. government positions.

I warned at that time that President Nixon "should come clean and tell the truth about Laos, an area fraught with the same perils as Vietnam."

NOW, CAMBODIA

And now it is Cambodia, the land of the white parasol where, following the ouster of Prince Sihanouk, a toy army is making ineffectual attempts to fend off the Communists.

On Wednesday last came the ominous dispatch from Washington: "The United States announced today that it was providing combat advisers, tactical air support, medical evacuation teams and supplies to South Vietnamese troops attacking Communist bases in Cambodia."

It was explained that North Vietnamese and Viet Cong troops operating from Cambodia had "posed an increasing threat" to Americans and Allied troops in South Vietnam.

WE CANNOT "WIN"

The military reason given by the President have an appealing ring to those who still believe that in escalation lies the fruit of victory.

Despite all reassurances, the Nixon policy can only widen the war. It is a desperate gamble taken in the belief that the war may be ended more quickly by cutting the Communist supply line through Cambodia.

Ultimately, Southeast Asia will be lost to the West no matter what course we pursue.

If this be true, and I am convinced it is, why should we sacrifice countless more American lives in an area of the world where we do not belong?

ALL THE WAY, U.S.A.

(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, there is an awakening among the American people. What greater reassurance of loyalty and devotion do we need than repeated displays of patriotism from the builders—the working people of the United States? As we watch the destruction by the nonproducers, it is refreshing to behold our country's defense by the builders—the people who are the backbone of our Nation.

Mr. Speaker, I salute the "hard hats" of New York City for their timely and courageous display of loyalty and respect for their country. Their "All the Way, U.S.A." march in New York City is far more effective than the descent upon Washington of the lawyers, preachers, and educators—the parasitical class—to protest against their country.

Mr. Speaker, I include news clippings in the RECORD:

[From the Washington (D.C.) Sunday Star, May 17, 1970]

HARD HATS DISCOVER POWER

(By Duncan Spencer)

NEW YORK.—The sound of the demonstrating hard hat workers here last week was the hollow clammor of a thousand men beating the naked girders of a 30-story building with hats, hammers and heavy pieces of steel.

Their cheering swelled the howls of the street parade that screamed "Lindsay is a queer," or sang "Goodbye Lindsay."

The parading workers cheered it, and looked up through the falling ticker tape to where their fellows, yellow hats bobbing, lined the edges of the U.S. Steel Building at Broadway and Liberty Streets.

FOUND AN AUDIENCE

The blue collar workers of lower Manhattan's vast construction sites are taking to the streets in ever-increasing numbers since a brawl between some of their number and peace marchers May 8. And their simple anti-liberal, anti-Lindsay views are finding an audience they never knew they had.

The workers swarm into the financial district from Brooklyn, Queens and the Bronx each morning at 8, and they leave at 3:30, rushing down subway holes with dusty shoes and matted hair after a 6-hour day on New York's new super-skyscrapers.

But at lunchtime, riveters who make more than $5 an hour and electricians who make more than $8, and thousands of others in between, voice the frustration and rage of men who feel trapped.

The slogans they scrawl on their hats tell it all. "PIG—Pride Integrity Guts," or "Hard Hats Work Hard and Are Honest."

They believe, almost to a man, that America is swerving dangerously away from the virtues of the Horatio Alger myth, and center their fury on two of the most visible examples: "The Red Mayor" John Lindsay and the "Pinko Faggot Creeps," meaning the nation's vocal, demonstrating, largely anti-war youth.

VIEWED AS EGOTIST

Lindsay is seen as a scheming egotist who is using the office of mayor and the people of New York to further presidential ambitions. The student demonstrators, college-educated but disrespectful, they hold beneath contempt.

On Lindsay: "It's all right for people outside this city to say what a cute guy he is,

and all the dopey broads will vote for him, with his curly locks, but we gotta live with this lunatic." The speaker was Alex Kiefer, 40, a borough dweller, a demonstrator against the "pinko kids," and better spoken than most.

Kiefer stood within a hundred feet of New York's City's City Hall half an hour after a large, nonviolent group of flag-bearing marchers had circled, shouted and passed Friday.

Kiefer, not a construction worker himself, lent them his full support. "A man goes to work," he said. "Is his wife safe? Is his kid in school safe? I even know Puerto Ricans who are going back to Puerto Rico. It seems as if the whole government is controlled by people who are not the people."

On the peace protestors: "They spit on the flag," shouted a beefy hard hat, his face lumpy and strained with anger.

"We got the flag by fighting for it, and I think what the workers are doing is right, to fight." The speaker was 15-year-old Bob Pacelli, of Staten Island, whose father is a construction worker.

"MESSED UP MY SCHOOL"

"When the hippies protested, I didn't do anything," young Pacelli said, "and then they messed up my school so bad, it wasn't worth it to go to class—and I want to get into college."

There are no end of things which cause anger among the construction workers, and many of them are unique to the city. Perhaps nowhere else is so much construction work going on in one small area. The tip of Manhattan is torn by gaping foundation holes filled with steam and spattered, scrambling men as building after building rises. Thousands are employed—with higher pay as the building stretches higher—at the twin towers of the World Trade Center, the world's tallest build, now past its 60th story.

The trade center now is adorned with hundreds of flags, and crayoned with signs like "We Love Our Country."

The insolently carefree students, with their lissome girls who wear no bras, the placard carriers who dump college administrations, the politicians who seem to agree with them, all bring a dull red nodule of fury to the hard hats.

The fury comes out partly because the kids, workers know, will someday go on to something else, while they will be heaving gray rock and grinding their kneecaps in gravel forever.

DISCOVER NEW POWER

But in their newly discovered political presence, the workers may have discovered a power which they never dreamed of in a good day's work for a good day's pay. One march organizer, Dick Ganthiel, a seedy waiter who admitted to working for $1.60 an hour in a midtown burger spa, and a man who claimed proudly to be a "convicted minuteman," said there were 22 chapters of the Silent Majority Mobilization in industrial cities throughout the country.

And union leaders have been leaping aboard the movement in droves after a week of silent watching. In Friday's march, the International Longshoremen's Union was heavily represented, and workers who stood aside Friday said they did so waiting for the big, officially sanctioned march next Wednesday, which will have the blessing of more than 200 of the New York construction trade unions.

[From the Washington Post, May 10, 1970]

ABOUT 70 STUDENTS INJURED: NEW YORK OFFICIAL SAYS POLICE LET WORKERS BEAT DEMONSTRATORS

(By George Lardner, Jr.)

Manhattan's deputy borough president accused New York police yesterday of "gross negligence" for standing aside while helmeted construction workers beat up peace demonstrators near City Hall.

The official Leonard N. Cohen, said he and other bystanders repeatedly urged police to break up the violence "but they refused to do so."

Swinging their hats, fists and tools, several hundred contruction workers rushed students protesting the war Friday in New York's financial district and injured about 70 of them.

The flag-waving workers were reportedly backed up by hundreds of other pedestrians attracted by their shouts of "All the way, U.S.A. . . . Love It or Leave It."

Mayor John V. Lindsay said New York "witnessed a breakdown of the police." He said the construction workers apparently were provoked by the demonstrators who, the Mayor said, reportedly spat on an American flag and chanted obscenities.

"This verbal violence is almost as bad as physical violence," Lindsay said but added "even under those circumstances, some policeman were derelict in their duties."

Police Commissioner Howard R. Leary promised a thorough investigation.

Leary said earlier that his men were outnumbered and unable to make any arrests.

Cohen, for one, said he was prepared to dispute that. He said he and Manhattan Borough President Percy Sutton saw about 150 officers effectively block the construction workers from storming City Hall.

"It was certainly a contrast to their negligence in preventing the violence," he said in a telephone interview.

The clashes began around noon Friday outside the Federal Hall National Memorial on Wall Street where about 1,000 students had gathered in an antiwar protest. After knocking heads there, the construction workers marched uptown to City Hall and nearby Pace College.

Commissioner Leary said in his statement that his department had "no reason to anticipated major violence or disorder."

Both City Hall and the police, however, had reportedly been forewarned.

An aid to Rep. ——— (D.-N.Y.), Harriet Eisman, said she relayed a tip to City Hall on Friday morning. A construction worker who said he disagreed with the attack called police with his own warning.

The construction worker, who asked to remain anonymous for fear of his life, said even rank-and-file police officers showed they knew of the assault before the workers ever got to the federal building.

The policemen, he said, "were cheering them on along the way, shouting 'Give 'em hell, boys. Give 'em one for me' ".

At the Federal Hall National Memorial, he said, "The police simply opened ranks and let them through. Some of the officers asked, 'Where are the fellas from the Twin Towers (a nearby construction job)? All of a sudden, a couple hundred of them came marching up Broadway."

Several eyewitnesses told newsmen in New York that they saw two men in business suits apparently directing the workers. Cohen said he didn't notice them, but the attacks, he said, "did seem organized."

OFFERS TO TESTIFY

In a telegram to Mayor Lindsay and other high-ranking city officials, the deputy borough president offered to testify at any investigation that "police, from my observation stood by and negligently permitted this to happen in their presence."

At City Hall, the workmen demanded raising of the American flag that Lindsay had ordered flown at half-staff in memory of the college students slain at Kent State University earlier in the week.

It was raised, lowered, then raised again with the workers exultantly singing the Star Spangled Bannner.

"Several officers took off their hats and stood together with the construction workers who were singing," said Cohen who had just returned with Sutton from an antiwar rally at Foley Square.

Some of the helmeted workers then raced across Park Row to Pace, a commercial and business school, to pull down a peace banner hanging from the roof. It read "Vietnam, Cambodia, Kent State, What Next?" Students in the school lobby were beaten.

By this time, Cohen said, about 150 policemen had gathered on the steps of City Hall. He shouted to an officer, "I think he was a lieutenant," to send his men across the street, but got no response.

Instead, the borough official protested, other workers "were mingling with the police and some of them were laughing. The construction workers and the police had literally joined ranks."

Subsequently, the workers resumed their demonstration in front of City Hall and some "began to beat up kids, and very brutally" near the steps, Cohen recalled.

"I shrieked to the police again," he wired Lindsay, "but they didn't do anything until some youths were very seriously hit." Even then, he said, only about 15 to 20 of the 150 officers stepped in to break up the fights.

On the march to City Hall, the construction worker said, "People from the office buildings were yelling and applauding, throwing ticker tape and IBM cards out the windows and yelling, 'Good job, men. It's about time.'

"It was amazing. Like a crowd cheering the gladiators coming into the coliseum."

Some of the construction workers, he said, kept roaming the streets until late afternoon. However, "It wasn't only construction workers. One fellow made a remark, then tried to run into a bank. A guard held the revolving door closed so he couldn't get through. They left him on the sidewalk, a bloody mess.

"There were office workers in on it too. It was wild. All someone had to do was give a peace sign."

[From the Evening Star, May 12, 1970]

TRADERS PEERED, VOLUME FELL

Activity outside the New York Stock Exchange was more exciting than it was inside yesterday, so the traders spent their time looking out the windows—and volume slumped. They were watching several thousand construction workers—shown here hoisting a friend named Jerry, who works in a Wall Street district bar—demonstrate their support for President Nixon's Far East policy. The demonstrators—many wearing hard hats and carrying flags and signs—moved from Wall Street to City Hall where they expressed their dislike for Mayor John Lindsay.

LOTS OF FLAGS AND POLICE: HARD HATS MARCH IN PEACE

(By Duncan Spencer)

NEW YORK.—The construction worker "Hard Hats" marched in order and force throughout the Wall Street area yesterday without violence—mainly because there was little opposition to their two-hour parade.

More than 5,000 yellow-helmeted construction and dock workers shouted "USA—All the Way," as they circled New York's City Hall, which was surrounded by shoulder-to-shoulder police, but did not contain the object of their anger, Mayor John Lindsay. He was in Detroit.

The workers, ending their first week of making themselves thoroughly felt in this city, carried hundreds upon hundreds of American Flags of every size—from a giant 80 by 20 feet to tiny lapel pins—to emphasise the point of the protest.

GROUPS KEPT APART

"The American Flag is what it's all about," said a 300-pound worker. "We fought to put it up, now these kids are tearing it down."

Vituperation for peace demonstrators, particularly youthful ones, has been the trademark of the workers movement that has sprung up here overnight.

There was serious violence here on the street last Friday when the workers clashed with peace demonstrators and thrashed many with bare fists, 2x4s, wrenches and pieces of iron rod.

Since then, New York police have kept the two groups apart by massive and costly cordons of officers. Yesterday no more than a dozen people on the packed sidewalks during the luncheon demonstration-march raised their fingers in the "V" peace sign. Each time they did, the crowd of workers surged menacingly, shouting epithets.

But most onlookers seemed sympathetic to the marchers, who said they were standing up for traditional American virtues of patriotism and hard work.

Those few with opposing views and the courage to show them were hustled away by police. One man said officers warned him he might be killed if he provoked the crowd by making the "V" gesture.

Leaders of the march yesterday said that Wednesday the workers will be out in larger numbers than ever for a rally and march on city hall to demand Mayor Lindsay's resignation. That march, they say, has the sanction of most of New York's building trades unions.

Officials of the Silent Majority Committee, and the Silent Majority Mobilization, sponsors of a drive to get 200,000 signatures on a petition to begin the impeachment process, said more than 65,000 have signed already. The petition will go to the New York State Supreme Court, which must order public hearings if the 200,000 signatures are gathered.

A TURNING POINT?

"We're not really thinking we can impeach Lindsay," said William Sampel, 28, one of yesterday's march organizers. "But we can scare the hell out of him . . . perhaps this will be the place that this liberalism is turned around."

Many workers yesterday declined to join the march, saying they would march Wednesday with official union sanction; but all expressed support for the sometimes violent treatment they have shown peace demonstrators.

"We'll do it our way," said one worker, who refused to give his name; "we won't just beat them up, next time we'll kill them."

[From the Sunday Star, May 17, 1970]

WORKERS TO MARCH: "PENT-UP FRUSTRATION" INJECTS THREAT IN RALLY

(By Gus Constantine)

NEW YORK.—Pete Brennan, dressed in a conventional business suit instead of the traditional hard hat of his 200,000 construction workers, wore the worried look of a man about to let steam out of an overheated boiler.

On Wednesday, the hard hats plan to again take to the streets in what Brennan hopes will be a peaceful rally joined by white-collar workers and students who want to keep the schools open.

"The men want to show their support for the country, their flag and the President on Vietnam," said Brennan, head of the Building and Construction Trades Council of Greater New York.

But even as he insisted that the council "does not condone violence," he acknowledged that "pent-up frustration can explode."

ATTACK STUDENTS

That's what happened a week ago Friday when about 200 workers, wearing brown overalls and yellow and orange work helmets, attacked anti-war students demonstrating on Wall Street, brushed past policemen at City Hall to raise a flag flown at half-staff for the four slain Kent State University students and smashed windows at nearby Pace College. About 70 were injured in the melee.

Brennan, a member of the painters union, said he hopes the mass rally will "open up communications with other Americans and dampen frustrations."

But what he had to say showed how wide the communications gulf between the students and his men is.

"We stood by and tolerated the flag being burned . . . we sweated while they destroyed. Is that right, I ask you?"

"HIT A FEW PEOPLE"

Regarding the eruption last week, Brennan attributed the violence to others.

"The students heckled the men . . . so they hit a few people."

He denied published reports that the workers charged the students with crowbars.

"If they had done that, people would have been killed."

The hard hats, including Brennan and others interviewed are convinced their views are shared by the vast majority of Americans.

This is why, according to Brennan, they have invited both white-collar workers and students to join them in Wednesday's rally.

[From the Sunday Star, May 17, 1970]

ONE THOUSAND DISTRICT LAWYERS JOINING ANTIWAR RALLY

(By Robert Walters)

More than 1,000 Washington lawyers, many of them senior partners in some of the city's best law firms, will join their New York City colleagues Wednesday in a campaign "to reverse the administration's war policy in Indochina."

The Washington attorneys will meet at 12:30 p.m. at New York Avenue Presbyterian Church, 1313 New York Ave. NW, to hear a series of speakers, including Francis T. P. Plimpton, president of the Association of the Bar of the City of New York, and Sen. George McGovern, D–S.D.

Earlier that day, a large delegation of New York City lawyers—originally estimated at 200 to 300 but now numbering 1,000 or more—is scheduled to arrive in Washington for an unprecedented effort to seek an end to the war in Southeast Asia.

They will spend the day meeting with members of Congress and the Nixon administration, and that evening will have a convocation, with speakers including former Chief Justice Earl Warren.

PHILADELPHIA GROUP DUE

A smaller delegation of Philadelphia attorneys also is expected to arrive in Washington on Wednesday, and there is talk within the legal profession of expanding the effort into a continuing nationwide drive.

In addition, 20 lawyers in the Department of Health, Education and Welfare revealed plans yesterday to lobby in support of the amendments tomorrow and to ask HEW Secretary Robert H. Finch to sign a petition urging President Nixon to withdraw all U.S. troops from Southeast Asia.

Organizers of the Washington effort, expected to attract 1,000 to 1,500 lawyers, said yesterday their initial concern would be to muster support for an antiwar measure pending in the Senate, sponsored by Sens. McGovern, Mark O. Hatfield, R–Ore., and others.

That amendment expected to be considered in about a month, would deny the use of appropriated funds for U.S. military operations in Laos and Cambodia, and would permit the use of appropriated funds for U.S. military operations in Vietnam only until June 30, 1971.

In addition, the Washington lawyers plan "to provide support services—including office facilities, accommodations, appointments with congressmen and legal memoranda—for groups coming to Washington to work against the war," according to a statement.

"The group will also work on programs involving direct political action," the statement said.

DIRECT POLITICAL ACTION

"The expansion of the war in Indochina has been deeply troubling to all of us. As attorneys, we are supporting the efforts of senators, congressmen, students and others to bring the war to a prompt end."

Among the Washington attorneys participating in the effort are:

Edward Burling, senior partner in Covington & Burling; and John Douglas, a former assistant attorney general now with Covington & Burling;

John Pickering, senior partner in Wilmer, Cutler & Pickering; and Louis F. Oberdorfer, a former assistant attorney general now with Wilmer, Cutler & Pickering;

E. Barrett Prettyman Jr., a former White House Aide, and Seymour Mintz, both senior members of Hogan & Hartson;

Abe Krash, William D. Rogers and Stuart J. Land, all senior members of Arnold & Porter.

The Washington lawyers organized their anti-war effort following last week's announcement by the New York group, whose sponsors include the presidents of both the city and state bar associations; Mayor John V. Lindsay; Robert B. McKay, dean of New York University Law School; William C. Warren, retiring dean of Columbia University Law School, and Michael Sovern, dean-designate of Columbia Law School.

PELLY CALLS FOR HOUSE HEARINGS ON INDOCHINA

(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, President Nixon has given Congress a firm commitment to withdraw American troops from Cambodia by the end of next month. Meanwhile, Defense Secretary Laird has said all American offensive combat missions in Vietnam will have ended by June 30, 1971.

The Senate now is debating amendments to the Military Procurement Act to cut off financing the Vietnam war. Previously, the House of Representatives had voted not to limit the use of those funds, but it seems probable in due course that a House-Senate conference committee report on this bill could contain language intended to end U.S. combat action by a given time.

Mr. Speaker, it seems to me, looking toward House consideration of a motion to instruct its conferees, or subsequent attempts to limit the use of military appropriations in Southeast Asia, that an appropriate House committee might do well to conduct public hearings. The Members of the House have little information on which to make decisions of such great importance.

There is no doubt about it, in my mind, that the vast majority of American people want the war ended. Some of them feel the President has information not available to others on which he can be trusted to act, as he has promised to phase out the war, in the public interest. Others obviously do not share this confidence and are unwilling to allow our Commander in Chief discretion in the conduct of terminating the war.

Mr. Speaker, I have read that the military authorities, including General

Abrams, in the war zone have said the President was forced to order the attack on Cambodian sanctuaries or jeopardize the Vietnamization program before South Vietnam has the capability to stand alone. It was said the effect of not conducting the search and destroy mission would have had severe repercussions throughout Asia and would have constituted a major Communist victory. Certainly, President Nixon felt he had no other recourse other than to take the risk of a massive counterthrust by North Vietnam and at the same time to risk an outburst of antiwar sentiment at home.

Apparently, Mr. Speaker, the gamble the President took has resulted successfully as far as the war is concerned, but on the home front, it has been unsuccessful.

Mr. Speaker, as Members of the House we are going to consider many alternatives and important decisions on ending the war. I would like testimony of proponents and opponents as to the effects of the various proposals. What, for example, would be the consequence of cutting off all funds for maintaining a combat force in Vietnam by December 31, 1970. I would like to know a lot of answers to a lot of questions. Let us hear from former Secretary of Defense Clark Clifford and from former Ambassador Averill Harriman. Let us hear from General Abrams.

Mr. Speaker, I want to get our troops out of Vietnam as fast as feasible. But, in my vote I want to be able to justify my action by facts and expert advice; and not act on a popularity count arrived at by a tabulation of my protest mail. I want to act responsibly rather than by intuition.

Whether the United States should abrogate its original decision to help the South Vietnamese Government is now a moot question. In my judgment, my guess is the majority of Americans now favor a swift disengagement of our combat troops, and as such I intend to support legislation to accomplish this. But, I want to know on the best information from experts what the best way is to accomplish this and whether a specific date set by Congress is wise.

So, again I say, let us have immediate and nondilatory House hearings on which to act wisely. And, let us recognize the proper role of responsibility of the Commander in Chief and likewise the constitutional role of the Congress.

OUR PRESENCE IN CAMBODIA; SUPPORT FOR THE PRESIDENT

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

Mr. WAGGONNER. Mr. Speaker, as the debate over our presence in Cambodia gets hotter and hotter and the rhetoric louder and more irresponsible, a few responsible men and institutions have maintained their reason and sense of proportion.

While some are stopping barely short of demanding that the President be lynched and while still others are demanding that we, in the Congress, hand the Commander in Chief a dated ultimatum to surrender in Vietnam or else, a few are speaking out about the realities of the situation. Regretfully, it is too few.

Among the ones calling for calm in this agitated period is the Washington Star. In an editorial last Sunday, "The War Power: Congress Versus the President," the Star spoke of the irrational emotion and political opportunism of which some have been seized. It is an editorial worth the attention of every Member and I would like to cite it to you:

THE WAR POWER: CONGRESS VERSUS THE PRESIDENT

The current furor in and outside the Senate over funding the Cambodian operations after June 30 is larded with irrational emotion and political opportunism. Yet the issue at stake—the war-making power of Congress as opposed to the authority of the President as Commander in Chief—is real, complex and of far-reaching importance.

Paragraph 11, Section 8, Article I of the Constitution clearly allocates to Congress the right "to declare war." The problem is that the five post-World War II presidents of both parties—Truman, Eisenhower, Kennedy, Johnson and Nixon—not to speak of earlier practitioners of the fine art of gunboat diplomacy, have neatly finessed the issue by committing or keeping American troops in combat situations abroad when they felt it was in the national interest, without seeking the assent of Congress or asking for a declaration of war.

The great majority of these adventures—the 1958 landing in Lebanon and the 1965 intervention in the Dominican Republic are two recent examples—happily did not become conflicts of major significance, at least in terms of casualties abroad or political impact at home. Two others, however—the Korean "police action" and the Indochinese conflict—mushroomed into undeclared wars which resulted in the deaths of more than 75,000 Americans. The Vietnamese war, with its related conflicts in Laos and Cambodia, has divided this uneasy nation as has no other similar issue since brother took up arms against brother in the American Civil War. It is a repetition of this sort of tragedy which some senators hope to prevent through congressional control of the purse strings.

The primary difficulty lies in the definition of what involves American participation in a war. If, as Senators Cooper and Church maintain in their amendment, furnishing advisers to a friendly country (Cambodia) amounts to direct involvement, then the United States was a belligerent in the Greek civil war of 1947–49. If loss of life defines involvement, then the United States was indeed at war (with whom?) in the Dominican Republic in 1965. And yet no reasonable man would hold to either of these theses.

By the same token, this hypothetical reasonable man (so much distinguished by his apparent absence from the United States these days), would have to admit that, despite the lack of ringing calls to arms from Capitol Hill, we were at war with North Korea and Communist China in the 1950s and we have been at war, at least since 1964, with North Vietnam. In neither case could diplomats burn their official papers before asking for their passports, as was the style in a more mannered age, since we have had diplomatic relations with none of the nations which we have been fighting.

Since American Presidents have sent U.S. forces into action abroad more than 150 times without a declaration of war by Congress, the common sense of the matter, it seems to us, is that an undeclared war becomes reprehensible only when it is lost, or when it becomes politically impossible for the President to prosecute it. While such a theory obviously can be found neither in the Constitution nor in the canon of international law, it seems as demonstrable as the fall of Newton's apple. The Korean war, for instance, over a shorter period resulted in almost as many American deaths as the Indochinese fighting. Yet there was no significant popular or congressional outcry against that war. Boys who had no more desire to be shot at than today's draft dodgers in Canada went docilely if not joyfully to the war because it did not, could not, occur to them to do otherwise.

While the great majority of this generation have done the same, the situation and the ethic have altered. It is clear that, in the eyes of many Americans, the Indochinese war has become odious, partially because the government of South Vietnam is regarded by such people as unworthy (would that of Syngman Rhee has stood up to close scrutiny?) and partially because this war, like all others, involves an element of risk and inconvenience to the participants. Hence the war in a practical political sense no longer is possible, which is precisely why, we would suggest, the President is trying to end our direct involvement in it.

What some members of the Senate and House are trying to do now is to reassert an atrophied congressional prerogative, which understandably is dear to members of Congress, at the expense of the implied powers of the President as Commander in Chief, which equally understandably is a popular thesis with occupants of the White House. The Supreme Court has been commendably wary of trying to delineate the line between the Executive and Legislative powers.

The trouble is that the world has changed since the founding fathers wrote the Constitution. In illustration, the same paragraph which authorizes Congress to declare war grants it the right to issue "letters of marque and reprisal," which authorized private entrepreneurs to engage in naval warfare for their own profit. Very few letters of marque have been granted in recent years.

In effect, in an era of instant mass communications and push-button warfare, the senators are resting their constitutional case on a document forged to deal with contingencies in the age of sail. The founding fathers were wise men but they were not prophets. Only a lunatic in the 18th Century could have predicted the world in which we live today. The problem, then, is to interpret the Constitution to deal with the world as it is, not as it was or as we might wish it to be. It happens to be an extremely dangerous world.

We cannot believe it is the intention of Congress—or the wish of the people—to restrict the President's ability to protect the lives of American troops in Vietnam. The point is not whether they *should* be there; the point is that they *are* there, despite what we believe to be Mr. Nixon's sincere desire to bring them home as rapidly as possible. On this basis alone, the Cooper-Church amendment, which would outlaw any future operations by U.S. troops in Cambodia after June 30 and ban virtually all aid to that country, is wrong and ought to be defeated. We hope that no more American expeditions will be necessary, but we would support them if we felt they would save the lives of American soliders who might otherwise die in Vietnam.

As to the larger question of future undeclared wars, we noted in these columns a few days ago that the alternative to an undeclared war often is not peace but a declared war. Given the temper of the times, President Johnson almost certainly could have obtained a declaration of war against North Vietnam at the time of the Tonkin Gulf incident.

It would be useful—most of all to presidents—to have constitutional provision for some exigency short of war. But such does not exist and there is little chance of creat-

ing one. Any president's practical need for popular political support for his policies, doubled with the infinite capacity of Congress to make life miserable for the Chief Executive, seems to us to provide an adequate curb on the presidential powers.

In the end, despite the Constitution, power belongs to him who is willing and able to exercise it. Presidents of both parties have sent troops into foreign countries primarily because Congress has been unwilling or unable to act. If congressional action were necessary before a solitary Marine could land, there would be much talk, few casualties and fewer freedoms, in this country and the world.

It seems to us that the Senate would do better to support the President in his efforts to extricate us quickly and honorably from a war which almost everyone agrees, probably including most of those who to their credit have had the courage to fight it, has lasted too long.

Likewise, Mr. Speaker, I would like to call to the attention of the House an editorial which appeared in the San Diego Union on Wednesday, May 6, "President Must Have a Free Hand." Together, these two pieces should be instrumental in cooling down the rhetoric, as the President has called for. I hope it has that effect. The article follows:

DESPITE SENATORS' RHETORIC, PRESIDENT MUST HAVE FREE HAND

An accusation by the Senate Foreign Relations Committee that the President is "taking over" the war and treaty-making powers constitutionally entrusted to the Congress must be marked down as propaganda in its war on the White House.

The committee knows better.

With the blessing of its chairman, Sen. J. William Fulbright, the committee approved the following resolution on Aug. 7, 1964:

"The Congress approves and supports the determination of the President, as commander-in-chief, to take all necessary measures to prevent further aggression (in Vietnam).

"Consonant with the Constitution of the United States and the charter of the United Nations, and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is therefore prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

This is exactly what we are doing in Southeast Asia today as we help South Vietnam resist aggression by Communists.

The question of the fine line dividing congressional and executive authority is not new.

Abraham Lincoln as president had little choice but to respond immediately in May of 1861 when Ft. Sumter was attacked in the first shot of the Civil War. Americans shot back at Pearl Harbor even without waiting for the President to act.

The Truman Doctrine of aid to Turkey and Greece was instituted without prior approval of the Senate. Marines went to the assistance of Lebanon in 1958 at that country's request and again to the Dominican Republic in 1965. President Kennedy did not wait for Congress in the Cuban crisis of 1962.

Treaties commit this nation to the defense of 42 other nations. These include 21 in our own hemisphere under the Treaty of Rio; 14 European Nations under the North Atlantic Treaty Organization and seven Asian nations under SEATO. We also have mutual or cooperation treaties with Nationalist China, Japan, the Philippines and Korea. Executive policy statements oblige us to defend a number of countries and we have a commitment to some form of collective defense to 126 others under the United Nations charter.

We simply cannot, as Sen. Mike Mansfield naively suggests, "do away with all these powers . . . clear the table and start from scratch."

To do so would abdicate our responsibilities as a world leader and abandon our essential credibility as a member of the community of nations.

However, this is long-range and academic. In the immediate sense, the President as commander-in-chief of the armed forces has moved to protect the lives of Americans threatened on the battlefield.

Would the Foreign Relations Committee desire the responsibility for the lives of these men? What would they propose to do?

TIME TO KEEP IT COOL

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

Mr. RANDALL. Mr. Speaker, so much has been said as a result of the Cambodian incursion and the resulting student disturbances that I overlooked an editorial of almost 2 weeks ago from one of the good papers in our congressional district.

The point of the editorial is that in all of our discussions about Cambodia it is time for less emotionalism. The admonition of the editorial holds true when we have to discuss the very controversial student demonstrations. It is a time for all of us to be careful what we say. When I say all of us that includes the President, the Vice President, Members of the Senate, and all the Members of the House of Representatives, including myself.

As the editorial so ably suggests, why can we not hold our emotional fire for the next 2 months? By then the facts will either show the merit of the move into Cambodia or the lack of it. Then will be time enough to talk about reprisals in the up coming elections.

I commend the distinguished editorial writer, George Scruton of the Sedalia Democrat, for the thought at the conclusion of his editorial when he says:

Accentuating our passion for criticism in times of critical decisions only bolsters the Communists' solidarity.

The editorial follows:

(By George Scruton)

TIME TO KEEP IT COOL

If public reaction will become so adverse to President Nixon's policy to eliminate the Communist sanctuary in Cambodia, we can't understand the reason for all the wailing and weeping of the Democratic Congressmen in Washington.

If the President has made a mistake, the Democrats will be in political clover this fall, a potential development that alarms a Republican Senator, George Aiken of Vermont, and others.

This political consequence was evaluated by the President before his decision to have the Communist key control center wiped out. He chose to risk it and rise above self-interest and political considerations, even if it meant to him serving only one term as President.

An initial reaction came from Edmund Muskie, Democrat Senator from Maine. He said he was terribly disturbed and concerned about Mr. Nixon's remarks, adding that "the President has decided to seek a military method of ending this war rather than a negotiated method."

That's about as asinine a remark as any that have surfaced during the initial period of overemotionalism expressed by political bigwigs.

The negotiating method with the Communists, as Senator Muskie well knows, is about as fruitful as a frost-bitten apple tree. The U.S. has been negotiating Vietnam peace in Paris for several years to no purpose except to hold expensive ludicrous sessions. In Korea the same silly so-called peace dialogues have been going on so long the participants could have grown beards longer than Rip Van Winkle's.

Negotiation! Fiddlesticks, Mr. Muskie.

The most level-headed comment has come from Hugh Scott, Pennsylvania, Senate Republican leader: "There has never been a time when it is more important to hold one's emotional fire and to trust the President who alone has all the facts."

Why don't we leave it at that for the next two months and give the President a chance to either prove his astuteness or lack of it. There will be time enough, then, for preparing any political reprisals in the upcoming elections if this appears to be necessary.

Accentuating our passion for criticism of the nation's leader in times of critical decisions only bolsters the Communists' solidarity.

Won't we ever learn not to play into their hands?

VOLUNTEER FIREMEN

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

Mr. MILLER of Ohio. Mr. Speaker, as one of the cosponsors of House Joint Resolution 1175, I wish to express my appreciation to the House of Representatives which recently passed legislation authorizing the President to designate the week of September 19–26, 1970, as National Volunteer Fireman's Week.

In my judgment, the volunteer fireman is one of the most necessary public servants. Benjamin Franklin founded the first volunteer fire department in Philadelphia in 1736. Out of the 24,000 fire departments in existence today, 22,000 depend on the services of volunteers. There are 1 million volunteer firemen as opposed to 200,000 who are full-time firemen. These brave men, who willingly risk their lives in the public interest, have for too long not been accorded the recognition they so rightfully deserve. It is my sincere hope that this action by the Congress will rectify that oversight.

At a time when volunteering has about gone out of fashion, these individuals are all the more deserving of our acclaim. It is sometimes thought that the local volunteer fire department consists of men whose chief function it is to play checkers at the firehouse and to parade on Memorial Day. In actuality, these men come from all walks of life—salesmen, lawyers, carpenters, shopkeepers, office workers, engineers—men who uncomplainingly roll out of bed in the middle of the night. Without volunteer firemen, it is inconceivable that we could have cut the Nation's fire loss per $100 of combustible property from $2.10 at the beginning of the century to 59 cents in 1967.

This, then, is the true account of our amateur elite, the men who sacrifice their time, and sometimes their lives, in the unending battle against fire. When a volunteer fireman is asked why he gives up hours of paid working time to handle

brush fires or gets up on a freezing night to walk into a blazing inferno, his reply will most often be "because somebody has to." That may be as close as a volunteer fireman will come to baring his soul.

When five volunteer firemen were killed recently in a fire near Ridgefield, N.J., the Reverend William Henzlik wrote in a letter of condolence:

> When men give themselves, even to their lifeblood, to protect others, they are in the deepest sense acting out, rather than talking about, the Christian command to be their brother's keeper.

Mr. Speaker, I am personally very aware of the contribution of the volunteer fireman since much of the fire protection in my district is provided by these dedicated men. They personify the call for direct involvement in community affairs by volunteers. I urge the Senate to concur with the action of the House in the very near future.

TAKE PRIDE IN AMERICA

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

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The United States is the world's largest producer of kerosene. In 1966 the United States produced 12,987,000 metric tons of kerosene compared to 5,126,000 metric tons produced by Japan, the second-ranked nation.

REASON—NOT REFLEX

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

Mr. MILLER of Ohio. Mr. Speaker, with the increasing intensity of demonstrations being evidenced on our college campuses, I would like to address myself this afternoon to this very serious problem and to appeal to the students of our Nation's universities to practice reason, not reflex. If there is to be meaningful dialog, there has to be a meaningful effort on the part of all concerned to foster an atmosphere in which such exchange can take place.

Bricks and bats are the arms of anarchists, suppression and repression the tools of totalitarians. Both are repulsive and abhorrent to common understanding. The challenge of chaos only courts counter challenge. Neither serves the ends desired.

I urge all involved in the campus disorders to reflect on their actions and to pursue a purposeful path of nonviolent dissent.

If the educational community is going to significantly contribute to the correction of our society's problems, it can only do so in an environment of reason and responsibility. Our schools and universities are the very foundation of our freedoms and the hope for tomorrow. The violence to undermine these cherished institutions serves no one.

CRAMER INTRODUCES BILL TO REQUIRE CORPS OF ENGINEERS TO PRESERVE ENVIRONMENT

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

Mr. CRAMER. Mr. Speaker, I am introducing a bill today to require the Corps of Engineers to protect the environment in all public works projects.

As senior Republican on the House Public Works Committee, I am particularly concerned about Florida's $200 million cross-State barge canal which conservationists charge will do irreparable damage to the environment if allowed to continue. The project may be held up pending studies by the Department of Interior.

If Interior recommends measures that will protect and enhance the environment, the Corps of Engineers does not have the authority to make the necessary expenditures to carry out the recommendations. My bill would give the corps the spending authority to preserve our natural resources from damage in any projects.

My bill would require the corps to help preserve the environment. The corps has come under heavy fire in recent years for carrying out public works projects with apparent disregard to the impact on the surrounding environment.

At a recent Public Works hearing, I told corps officials: "Like it or not, conservation is here and you're going to have to deal with it."

My amendment to the Fish and Wildlife Coordination Act would allow the corps to deny a permit for dredging, filling or similar projects if Interior or other departments feel the work would damage fish and wildlife resources. The corps now lacks authority to deny a permit solely on the basis of damage to natural resources.

My latest proposal could affect all new projects and modifications of existing projects, such as the cross-State barge canal.

I believe, that if the canal is going to be completed, it should be built in a way that will protect and even enhance the environment. I realize my bill will add to the cost of this and other projects, but I can think of no better investment than to preserve our natural resources for our children and our children's children to enjoy.

Under the new measure, the cost of protecting and preserving the environment would be programed into the total cost of all corps projects so that the Interior environmental control recommendations can be carried out.

This bill dovetails with the Nixon administration's determination to preserve America's great natural resources, and eliminate air and water pollution throughout the Nation.

The struggle to preserve our environment involves all Americans, including the Federal Government and the Corps of Engineers.

The text of my bill follows:

H.R. 17661

A bill to require the Secretary of the Army to consider environmental benefits and their costs in making certain determinations with respect to water resources development projects

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army acting through the Chief of Engineers and the head of any other Federal department, agency, or instrumentality, determining the benefits and the costs of any new or modification of existing water resources development project in accordance with section 1 of the Act of June 22, 1936, 49 Stat. 1570, 33 U.S.C. 701a, or in accordance with any other provision of law requiring such determination, shall take into consideration in making such determination all of the benefits including, but not limited to, those benefits that may accrue by prevention of the degradation of the environment or the ecology as well as those benefits that may accrue from the enhancement of the environment or ecology, and shall also take into consideration the estimated costs of obtaining such benefits.

CRAMER SEEKS TO PROTECT STUDENT RIGHTS

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

Mr. CRAMER. Mr. Speaker, in light of the recent disorders and tragic deaths on some of the college campuses of America, I feel it is long past time for serious consideration of the Student Antiviolence Act of 1969 (H.R. 13261).

Introduced on July 31, 1969, by myself and 16 of my colleagues, this legislation would protect the rights of the vast majority, the law-abiding students, to an education without fear of violence or intimidation. It would do much to restore peace to our troubled campuses by putting the revolutionary leaders out of business.

Specifically, the Student Antiviolence Act would allow the serious student who finds himself barred from his classroom to appeal to the Attorney General's Office for an injunction.

America's law-abiding, hard-working, and responsible citizens have been termed the "silent majority." Now we must recognize the silent student who asks only for a meaningful education without fear of violence or disruption.

In my home State of Florida, I am proud to note, two law students were able to force restoration of classes at the University of Miami by appealing to the State courts. The Student Antiviolence Act would provide a further avenue for legal recourse.

The militant minority seeks to gain its ends not by reason and persuasion but by mob rule and violence. They cannot be allowed to succeed. The law-abiding majority of American students must be provided with a legal shield to protect them from violence and intimidation.

This bill would amend the 1968 Civil Rights Act which protects from violence

those seeking to exercise their civil rights. The Student Antiviolence Act would assure the civil rights of students to a meaningful education.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FLYNT (at the request of Mr. RODINO), for today, on account of official business.

Mr. PEPPER (at the request of Mr. RODINO), for today, on account of official business.

Mr. JONES of Tennessee (at the request of Mr. BLANTON), for today, on account of official business.

Mr. PATTEN (at the request of Mr. ALBERT), for today, on account of official business.

SPECIAL ORDERS GRANTED

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

Mr. PATMAN for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mrs. HECKLER of Massachusetts), to revise and extend their remarks and to include extraneous matter to:)

Mr. POFF, today, for 10 minutes.

Mr. HOSMER, today, for 10 minutes.

Mr. CONTE, today, for 10 minutes.

Mr. RHODES, today, for 10 minutes.

(The following Members (at the request of Mr. O'NEAL of Georgia) and to revise and extend their remarks and include extraneous matter:)

Mr. REUSS, for 30 minutes, today.

Mr. GONZALEZ, for 10 minutes today.

EXTENSION OF REMARKS

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

Mr. SIKES in five instances and to include extraneous matter.

Mr. ICHORD and to include extraneous matter.

Mr. SHRIVER immediately following the reading of the Journal.

Mr. ROGERS of Colorado (at the request of Mr. CELLER) in the body of the RECORD.

Mr. RANDALL and to include extraneous matter.

(The following Members (at the request of Mrs. HECKLER of Massachusetts) and to include extraneous matter:)

Mr. CONTE.

Mr. WYATT.

Mr. HOGAN.

Mr. HALPERN.

Mr. SCHWENGEL.

Mr. BRAY in three instances.

Mr. LANGEN.

Mr. CEDERBERG.

Mr. STEIGER of Wisconsin in two instances.

Mr. DUNCAN in two instances.

Mr. BLACKBURN in two instances.

Mr. GUDE.

Mr. RHODES.

Mr. SCHERLE.

Mr. CARTER.

Mr. ANDERSON of Illinois in two instances.

Mr. FOREMAN in three instances.

Mr. WYMAN in two instances.

Mr. HAMMERSCHMIDT in two instances.

Mr. DON H. CLAUSEN in three instances.

Mr. MICHEL.

Mr. NELSEN in three instances.

Mr. CUNNINGHAM in three instances.

Mr. ROBISON.

Mr. STANTON.

Mr. QUIE in two instances.

Mr. DEL CLAWSON.

Mr. DERWINSKI in three instances.

Mr. SCOTT.

Mr. COLLIER.

Mr. BROCK in two instances.

(The following Members (at the request of Mr. O'NEAL of Georgia) and to include extraneous matter:)

Mr. JACOBS.

Mr. LONG of Maryland.

Mr. MATSUNAGA in two instances.

Mr. RARICK in three instances.

Mr. OBEY in 12 instances.

Mr. EVINS of Tennessee in three instances.

Mr. EDWARDS of California in three instances.

Mr. DANIEL of Virginia.

Mr. RODINO.

Mr. GONZALEZ in two instances.

Mr. GRIFFIN.

Mr. FRASER in eight instances.

Mr. FRIEDEL in two instances.

Mr. FISHER in four instances.

Mr. HATHAWAY in two instances.

Mr. DINGELL in two instances.

Mr. FALLON in two instances.

Mr. CAREY in two instances.

Mr. BURKE of Massachusetts.

Mr. FOUNTAIN.

Mr. KLUCZYNSKI.

Mr. ZABLOCKI in two instances.

Mr. WRIGHT in two instances.

Mr. HAGAN in two instances.

Mr. ALEXANDER.

Mr. TIERNAN.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 759. An act to declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, Calif.; to the Committee on Interior and Insular Affairs.

S. 786. An act to grant all minerals, including coal, oil, and gas, on certain lands on the Fort Belknap Indian Reservation, Mont., to certain Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 886. An act to convey certain land of the United States to the Inter-Tribal Council, Inc., Miami, Okla.; to the Committee on Interior and Insular Affairs.

S. 3102. An act to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the act; to the Committee on Merchant Marine and Fisheries.

S. 3337. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Yakima Tribes in Indian Claims Commission dockets numbered 47–A, 162, and consolidated 47 and 164, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3387. An act to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes; to the Committee on Agriculture.

S. 3564. An act to amend the Federal Youth Corrections Act (18 U.S.C. 5005 et seq.) to permit examiners to conduct interviews with youth offenders; to the Committee on the Judiciary.

S.J. Res. 196. Joint resolution increasing the authorization for college housing debt service grants for fiscal year 1971; to the Committee on Banking and Currency.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 780. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon, and for other purposes; and

H.R. 14465. An act to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on May 15, 1970, present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H.R. 14465. To provide for the expansion and improvement of the Nation's airport, and airway system, for the imposition of airport and airway user charges, and for other purposes; and

H.J. Res. 1232. Making further continuing appropriations for the fiscal year 1970, and for other purposes.

ADJOURNMENT

Mr. O'NEAL of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 19, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2061. A letter from the Assistant Secretary of State for Congressional Relations; transmitting copies of a Presidential determination authorizing military grant assistance to an economically developed

country, pursuant to the provisions of section 614(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2062. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to eliminate the requirement for quadrennial physical examinations for members of the Fleet Reserve and Fleet Marine Corps Reserve; to the Committee on Armed Services.

2063. A letter from the Chairman, Indian Claims Commission, transmitting a report on the final conclusion in docket No. 158, *the Sac and Fox Tribe of Indians of Oklahoma, et al.*, docket No. 209, *the Iowa Tribe of the Iowa reservation of Kansas and Nebraska, et. al.*, docket No. 231, *the Sac and Fox Tribe of Indians of Oklahoma, et al., consolidated, plaintiffs vs. the United States of America, defendant*, pursuant to the provisions of the Indian Claims Commission Act, as amended; to the Committee on Interior and Insular Affairs.

2064. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to include certain officers and employees of the General Services Administration within the provisions of the United States Code relating to assaults upon, and homicides of, certain officers and employees of the United States as constituting a crime; to the Committee on the Judiciary.

2065. A letter from the Commissoner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classifications, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

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:

[*Submitted May 15, 1970*]

Mr. FALLON: Committee on Public Works. H.R. 15712. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971 (Rept. No. 91–1097). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services. H.R. 17604. A bill to authorize certain construction at military installations, and for other purposes (Rept. No. 91–1098). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted May 18, 1970*]

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 12860. A bill to establish the Ford's Theatre National Historical Site, and for other purposes (Rept. No. 91–1099). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 1021. Resolution for consideration of House Joint Resolution 1117, joint resolution to establish a Joint Committee on Environment and Technology. (Rept. No. 91–1100). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 1022. Waiving points of order against H.R. 17550, a bill to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes (Rept. No. 91–1101). Referred to the House Calendar.

Mr. MILLS: Committee on Ways and Means. H.R. 6049. A bill to amend the definition of "metal bearing ores" in the Tariff Schedules of the United States; with an amendment (Rept. No. 91–1102). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 9183. A bill to amend the Tariff Schedules of the United States to provide that imported articles which are exported and thereafter reimported to the United States for failure to meet sample or specifications shall, in certain instances, be entered free of duty upon such reimportation; with an amendment (Rept. No. 91–1103). 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. BERRY (for himself and Mr. REIFEL):

H.R. 17653. A bill to amend section 122 of title 28 of the United States Code to transfer certain counties to the central division of the judicial district of South Dakota; to the Committee on the Judiciary.

By Mr. COLMER (for himself, Mr. SISK, Mr. BOLLING, Mr. YOUNG, Mr. SMITH of California, Mr. LATTA, Mr. MADDEN, Mr. DELANEY, Mr. O'NEILL of Massachusetts, Mr. PEPPER, Mr. MATSUNAGA, Mr. ANDERSON of Tennessee, Mr. ANDERSON of Illinois, Mr. MARTIN, and Mr. QUILLEN):

H.R. 17654. A bill to improve the operation of the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules.

By Mr. BIAGGI:

H.R. 17655. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder, to provide for the determination of insured status and average monthly wage on the same basis for men as for women, to equalize eligibility requirements for wife's husband's, widow's, and widower's benefits, and to provide benefits for dependent parents of individuals entitled to old-age or disability benefits; to the Committee on Ways and Means.

By Mr. BLACKBURN:

H.R. 17656. A bill to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs; to the Committee on Public Works.

By Mr. BLANTON (for himself and Mr. Moss):

H.R. 17657. A bill to amend the Federal Trade Commission Act to prohibit certain unfair sales practices in the copper industry; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNES of Wisconsin:

H.R. 17658. A bill to provide floor stock refunds in the case of cement mixers; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN:

H.R. 17659. A bill to provide additional penalties for the use of firearms in the commission of certain crimes of violence; to the Committee on the Judiciary.

H.R. 17660. A bill to establish a commission to study and recommend a set of laws governing the usage, customs, and laws relating to the flag of the United States; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 17661. A bill to require the Secretary of the Army to consider environmental benefits and their costs in making certain determinations with respect to water resources development projects; to the Committee on Public Works.

By Mr. DADDARIO:

H.R. 17662. A bill to amend the National Labor Relations Act, as amended, to amend the definition of "employee" to include certain agricultural employees, and to permit certain provisions in agreements between agricultural employers and employees; to the Committee on Education and Labor.

By Mr. EDWARDS of California:

H.R. 17663. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. FULTON of Tennessee:

H.R. 17664. A bill to provide for orderly trade in glycine; to the Committee on Ways and Means.

H.R. 17665. A bill to create a special tariff provision for imported glycine and related products; to the Committee on Ways and Means.

By Mr. GALLAGHER:

H.R. 17666. A bill to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes; to the Committee on Science and Astronautics.

By Mr. GUDE:

H.R. 17667. A bill to authorize the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact to establish a multistate authority to operate the Washington-Baltimore metropolitan area's airports, and for other purposes; to the Committee on the District of Columbia.

By Mr. HELSTOSKI:

H.R. 17668. A bill to provide for drug abuse and drug dependency prevention, treatment and rehabilitation; to the Committee on Interstate and Foreign Commerce.

By Mr. KUYKENDALL:

H.R. 17669. A bill to direct the Secretary of Commerce to determine whether or not commercial shortages of hardwood logs exist, and to prohibit the export of logs found to be in short supply; to the Committee on Interstate and Foreign Commerce.

H.R. 17670. A bill to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other major diseases and conditions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LANGEN:

H.R. 17671. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed; to the Committee on Ways and Means.

By Mr. McCLURE:

H.R. 17672. A bill to amend the Antidumping Act, 1921, as amended; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 17673. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

H.R. 17674. A bill to provide for a Pacific Medical Center in Hawaii; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSEN:

H.R. 17675. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Government Operations.

H.R. 17676. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 17677. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 17678. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 17679. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. PATMAN (for himself and Mr. PODELL):

H.R. 17680. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. PERKINS:

H.R. 17681. A bill to extend for 5 additional years the authorization for programs under the Elementary and Secondary Education Act of 1965, and related programs; to the Committee on Education and Labor.

By Mr. POLLOCK:

H.R. 17682. A bill directing the Secretary of the Army to review certain reports concerning the improvement of waterborne commerce in the southcentral region of Alaska and to report to Congress thereon; to the Committee on Public Works.

H.R. 17683. A bill directing the Secretary of the Army to review certain reports concerning Cook Inlet and its tributaries in Alaska and to report to Congress thereon; to the Committee on Public Works.

By Mr. RODINO:

H.R. 17684. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. SCHERLE:

H.R. 17685. A bill for the relief of certain cities and towns in Iowa and the State of Iowa; to the Committee on the Judiciary.

By Mr. WOLFF (for himself, Mr. ADDABBO, Mr. DADDARIO, Mr. MOORHEAD, Mr. OTTINGER, Mr. PODELL, and Mr. RYAN):

H.R. 17686. A bill to prohibit the use of any nuclear weapon in Southeast Asia unless Congress first approves such use; to the Committee on Armed Services.

By Mr. CARTER:

H.J. Res. 1236. Joint resolution to authorize the President to designate the third Sunday in June of each year as Father's Day; to the Committee on Judiciary.

By Mr. HANLEY:

H. Con. Res. 619. Concurrent resolution expressing the sense of the Congress with respect to the establishment of a United Nations international supervisory force for the purpose of establishing a cease fire in Indochina to aid efforts toward a political solution of current hostilities; to the Committee on Foreign Affairs.

By Mr. FULTON of Pennsylvania (for himself, and Mr. JOHNSON of Pennsylvania):

H. Con. Res. 620. Concurrent resolution expressing the sense of Congress that the question of the maintenance of the neutrality and territorial integrity of Cambodia and the human rights of the Cambodian people be referred to the Security Council of the United Nations; to the Committee on Foreign Affairs.

By Mr. POLLOCK:

H. Con. Res. 621. Concurrent resolution expressing the sense of Congress regarding the conflict in Southeast Asia and the exercise of constitutional authority in matters affecting grave national decisions of war and peace; to the Committee on Rules.

By Mr. WILLIAM D. FORD:

H. Res. 1023. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. RIEGLE (for himself, Mr. FRIEDEL, and Mr. CHARLES H. WILSON):

H. Res. 1024. Resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. RIEGLE (for himself, Mr. FRASER, and Mr. MATSUNAGA):

H. Res. 1025. A resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. RYAN:

H. Res. 1026. A resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. SCHERLE:

H. Res. 1027. A resolution providing for the reference of the bill (H.R. 17685) to the Court of Claims; to the Committee on the Judiciary.

By Mr. WIDNALL:

H. Res. 1028. A resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 17687. A bill for the relief of Mrs. Concepcion Garcia Balauro; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 17688. A bill for the relief of Richard W. Yantis; to the Committee on the Judiciary.

By Mr. JARMAN:

H.R. 17689. A bill for the relief of Lester H. Sherman; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 17690. A bill to authorize the Secretary of Commerce to sell the MV *Chestatee;* to the Committee on the Merchant Marine and Fisheries.

By Mr. THOMPSON of Georgia:

H.R. 17691. A bill for the relief of Mohammad Ghazi, doctor of medicine; to the Committee on the Judiciary.

MEMORIALS

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

382. By the SPEAKER: A memorial of the Legislature of the State of California, relative to Federal participation in feasibility level studies for the Salton Sea; to the Committee on Appropriations.

383. Also, a memorial of the Legislature of the State of New York, relative to increasing the hourly minimum wage; to the Committee on Education and Labor.

384. Also, a memorial of the Legislature of the State of Florida, relative to American prisoners of war held captive by North Vietnam; to the Committee on Foreign Affairs.

385. Also, a memorial of the Legislature of the State of Hawaii, relative to U.S. activities in Laos; to the Committee on Foreign Affairs.

386. Also, a memorial of the Legislature of the State of Hawaii, relative to a proposed amendment to the Constitution of the United States to preserve the reciprocal immunities of tax exemption; to the Committee on the Judiciary.

387. Also, a memorial of the Legislature of the State of Alaska, relative to the imminent invasion of North Pacific salmon fisheries by South Korea; to the Committee on Merchant Marine and Fisheries.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

482. By Mr. BROWN of California. Petition of faculty, students, and staff of the University of California, Riverside, relative to American military policy in Southeast Asia; to the Committee on Foreign Affairs.

483. Also, petition of National Committee for Responsible Representation, Cornell University, Ithaca, N.Y., relative to conduct of the President and military policy in Southeast Asia; to the Committee on Judiciary.

484. By the SPEAKER: Petition of the Senate of the Academic Council of Stanford University, Stanford, Calif., relative to the war in Indochina; to the Committee on Foreign Affairs.

485. Also, petition of Henry Stoner, York, Pa., relative to declaring a National Day of Mourning; to the Committee on the Judiciary.

486. Also, petition of the City Commission, Fort Lauderdale, Fla., relative to designating Cape Kennedy as the operational base for the space shuttle system; to the Committee on Science and Astronautics.

SENATE—*Monday, May 18, 1970*

The Senate met at 12 o'clock noon and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

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

Our Father God, from whom all thoughts of truth and peace proceed, all the ways of our need lead us to Thee. We are grateful for this reverent pause amid the stresses and strains of our daily duties when we open our hearts and minds to the invasion of Thy spirit. Wilt Thou monitor our thoughts and actions this day. Make us instruments for doing Thy will, overruling our fallible judgments and using our best efforts for the shaping of a new world. Give us the vision, the wisdom, and the courage that will make for both justice and lasting peace, through Him in whose will is our peace. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate.