care—on the keeping of people well rather than making them well after illness has struck. Such a change, however, promises to be evolutionary rather than revolutionary.

Secretary Finch of the Department of Health, Education, and Welfare described the likely course of change this way: "I can see an increasing reliance on prepaid group medical practice where you pay a fixed sum for total medical care by a team of doctors and specialists."

The evolution could take the course of:

Group practice: Instead of an individual doctor operating his own practice, groups of doctors would pool their professional and techological resources to provide a wide range of health care, and at a lower overhead cost.

Preventive care: Medical assistants and technicans would be assigned more and more of the health testing duties, involving the chemical and electrical tests necessary for the doctor's examination and diagnosis. This would leave the doctors free to handle true sick care and to treat disorders that show up in periodic checkups, and could be handled on a community-wide basis.

Prepayment: Pass group practice savings on to patients through set, prepaid annual premiums which would eventually eliminate itemized billing for each treatment as well as third-party payment.

It is not surprising, then, that proposals are being made to revamp the present medical system. The plans vary widely in cost, coverage, financing, extent of government participation, and administration. The AMA has proposed a voluntary system, with private insurance companies acting as insurers and using tax credits for financing. The national health insurance proposal would be compulsory, with a combination of private insurance companies and the Federal government as insurees, and using payroll taxes and Federal revenues for financing. The costs vary from $15 billion to $60 billion.

The enactment of either of these plans, or any combination of them, without changes in the underlying system of delivery of health care, would only feed the problem of rising costs.

Whatever we do, we must focus on a health care system which utilizes and distributes medical manpower properly and efficiently, and which concentrates on keeping people healthy rather than on making them well.

HOUSE OF REPRESENTATIVES—*Tuesday, June 16, 1970*

The House met at 12 o'clock noon.

Rev. Lawrence V. Bradley, Jr., Curtis Baptist Church, Augusta, Ga., offered the following prayer:

Eternal God, our Heavenly Father: As this august body convenes this day, we pay homage to Thee, sovereign of all nations; and ask Thy divine benedictions.

Thy servants, here assembled, have been chosen to speak for the citizens of this great land—do Thou indue them with the spirit, the zeal, the courage, and the faith of our forefathers that their deliberations may strengthen the foundations of our beloved Republic in its domestic and international affairs.

Be Thou, our Father, with the President of these United States. Enable him with divine wisdom to meet the problems of our day that will result in the well-being of all mankind.

These blessings we ask in Jesus' name. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

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

S. 1732. An act to designate certain lands in the Craters of the Moon National Monument in Idaho as wilderness.

WELCOME TO REV. LAWRENCE V. BRADLEY, JR.

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

Mr. STEPHENS. Mr. Speaker and ladies and gentlemen of the House, I want to call attention to the fact that our Chaplain for today is Dr. Lawrence Bradley of the Curtis Baptist Church in Augusta, Ga.

This church, founded in downtown Augusta in 1876, celebrated its 94th year of service in January of this year. It has the largest Baptist membership outside of Atlanta and is the third largest in Georgia. Dr. Bradley accepted the pastorate in 1960 and during the last 10 years has seen the membership almost double in size and its building programs and property values grow to nearly two and a half million dollars.

It is a pleasure for me to welcome him here from my district. Dr. Bradley, I hope you will enjoy being with us today. We welcome Mrs. Bradley, too.

CONFERENCE REPORT ON S. 743, TOUCHET DIVISION, WALLA WALLA PROJECT, OREGON-WASHINGTON

Mr. ASPINALL submitted the following conference report and statement on the bill (S. 743) to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet Division, Walla Walla project, Oregon-Washington, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 91–1196)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the Bill (S. 743) to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the language inserted by the House amendment insert the following:

"SEC. 6 (a) There are hereby authorized to be appropriated to the United States Fish and Wildlife Service, for transfer to the Bureau of Reclamation, such sums as may be required to cover separable and joint construction costs of the Touchet Division, Walla-Walla project, allocable to the enhancement of anadromous fish as determined by cost allocation studies comparable to those set forth in House Document Numbered 155, Eighty-ninth Congress, second session.

"(b) There are authorized to be appropriated to the Bureau of Reclamation for construction of the works involved in the Touchet Division $22,774,000 (January 1969 prices), less the amounts authorized by subsection (a) of this section.

"(c) The total sums authorized to be appropriated by subsection (a) and subsection (b) of this section shall be plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes, and, in addition thereto, such sums as may be required to operate and maintain such division: *Provided*, That funds appropriated pursuant to the authority contained in subsection (b) of this section shall be expended only if the amount thereof is increased in any given fiscal year by a proportionate amount appropriated pursuant to subsection (a) of this section."

And the House agree to the same.

WAYNE N. ASPINALL,
HAROLD T. JOHNSON,
THOMAS S. FOLEY,
CRAIG HOSMER,
LAURENCE J. BURTON,
Managers on the Part of the House.

HENRY M. JACKSON,
FRANK CHURCH,
FRANK E. MOSS,
GORDON ALLOTT,
LEN B. JORDAN,
Managers on the Part of the Senate.

STATEMENT

The Managers on the part of the House on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 743, to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes, submit this statement in explanation of the actions recommended and adopted in the accompanying conference report.

House amendment No. 1 corrects a spelling error. The conferees agreed to the amendment.

House amendment No. 2 designated the Bureau of Sport Fisheries and Wildlife as the agency authorized to secure appropriations to cover the anadromous fish enhancement costs of the project. The conferees changed the designation from "Bureau of Sport Fisheries and Wildlife" to "United States Fish and Wildlife Service." They agreed that the policy objectives of the House language might be accomplished with less budgetary disruption to other fish and wildlife programs if the appropriations were to be requested by the broader administrative entity.

WAYNE N. ASPINALL,
HAROLD T. JOHNSON,
THOMAS S. FOLEY,
CRAIG HOSMER,
L. J. BURTON,
Managers on the Part of the House.

CONFERENCE REPORT ON S. 2062, ACREAGE LIMITATION PROVISIONS OF FEDERAL RECLAMATION LAW

Mr. ASPINALL submitted the following conference report and statement on the bill (S. 2062) to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–1197)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2062) to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its disagreement to the amendment of the House numbered 1.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the language stricken by the House amendment insert the following:

"SEC. 3. Lessees of irrigable lands owned by States, political subdivisions, and agencies thereof which are held to be subject to the acreage limitation provisions of Federal reclamation law and for which recordable contracts to sell have not been made may receive project water for a period not to exceed twenty-five years from the date of approval of this Act subject to the same acreage limitation provisions of Federal reclamation law as private land owners."

And the House agree to the same.

WAYNE N. ASPINALL,
HAROLD T. JOHNSON,
THOMAS S. FOLEY,
CRAIG HOSMER,
JAMES A. MCCLURE,
Managers on the Part of the House.

HENRY M. JACKSON,
FRANK CHURCH,
FRANK E. MOSS,
GORDON ALLOTT,
LEN B. JORDAN,
Managers on the Part of the Senate.

STATEMENT

The Managers on the part of the House on the disagreeing votes of the two Houses on the amendments of the House to the bill, S. 2062, to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes, submit this statement in explanation of the actions recommended and adopted in the accompanying conference report.

House amendment No. 1 is applicable to those few projects where water can be delivered to excess lands if the water user pays interest on the portion of the irrigation investment that is attributed to the excess lands. The amendment would permit the delivery of water to State-owned excess lands without the payment of interest. The conferees agreed to the amendment.

House amendment No. 2 deleted a provision of the bill which authorized the Secretary of the Interior to deliver water to lessees of State-owned lands under the acreage limitation provisions that apply to privately owned lands. The House amendment reflected the view that water service to State-owned lands for lease to individual operators was not wholly in keeping with the basic purposes of the reclamation program. The amendment adopted by the Committee of Conference allows the lessees of not to exceed 160 acres of State-owned lands to receive water for a period of 25 years from the date the bill is approved by the President. This arrangement will lessen the impact of immediate forced divestiture on state programs dependent upon income from State lands and permit an orderly and deliberate program to be developed for disposal of State-owned lands to private owners. The House managers hope and believe that such divestiture programs will be developed and implemented.

WAYNE N. ASPINALL,
HAROLD T. JOHNSON,
THOMAS S. FOLEY,
CRAIG HOSMER,
JAMES A. MCCLURE,
Managers on the Part of the House.

SPECIAL MILK PROGRAM FOR CHILDREN

Mr. POAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5554) to provide a special milk program for children, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 7, strike out "$125,000,000" and insert "$120,000,000."

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AMENDING THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937 TO AUTHORIZE PRODUCTION RESEARCH UNDER MARKETING AGREEMENT AND ORDER PROGRAMS

Mr. POAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 14810) to amend section 602(3) and section 608c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to authorize production research under marketing Agreement Act of 1937, as amended, so as to authorize production research under marketing agreement and order programs, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, lines 3 and 4, strike out "Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 674; 50 Stat. 249)," and insert "Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation (7 U.S.C. 601; 48 Stat. 31),".

Page 1, line 6, strike out "602(3)" and insert "2(3)".

Page 1, line 8, strike out all after "section" over to and including "(6) (I)," " in line 1 on page 2 and insert "8c(6)(I)," ".

Page 2, line 3, strike out "608c(6)" and insert "8c(6)".

Page 2, line 9, strike out "provision" and insert "proviso."

Amend the title so as to read: "An Act to amend section 2(3) and section 8c(6) (I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, so as to authorize production research under marketing agreement and order programs."

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PRIVATE CALENDAR

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

JOSE LUIS CALLEJA-PEREZ

The Clerk called the bill (H.R. 1747) for the relief of Jose Luis Calleja-Perez.

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

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

There was no objection.

DR. ANTHONY S. MASTRIAN

The Clerk called the bill (H.R. 15760) for the relief of Dr. Anthony S. Mastrian.

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

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

There was no objection.

MRS. MARGARET M. McNELLIS

The Clerk called the bill (H.R. 8573) for the relief of Mrs. Margaret M. McNellis.

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

H.R. 8573

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Margaret M. McNellis, of Waterbury, Connecticut, the sum of $10,900 certified to him by the Secretary of Health, Education, and Welfare as provided in section 3 of this Act in full settlement of all her claims against the United States arising out of misrepresentations made to her daughter by personnel of the United States Public Health Service concerning Mrs. McNellis' eligibility for medical care in civilian facilities under chapter 55 of title 10, United States Code, following an accident on September 24, 1966.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike "of $10,000" and insert "certified to him by the Secretary of Health, Education, and Welfare as provided in Section 3 of this Act".

Page 2, after line 11, add the following:

"SEC. 3. Upon application made within six months of the effective date of the Act, the Secretary of Health, Education, and Welfare shall determine the amount representing the charges for services in the period from September 24, 1966 through April 1967 that would otherwise be payable under the Public Health Service program for civilian medical care had the said Mrs. Margaret M. McNellis been an eligible beneficiary under the provisions of chapter 55 of title 10, United States Code, and the Secretary of Health, Education, and Welfare shall certify the amount so determined to the Secretary of the Treasury for payment as provided in section 1 of this Act. The amount paid under the authority of this Act, shall not include any amounts paid or reimbursed through insurance by reason of the same hospitalization."

The committee amendments were agreed to.

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.

ATKINSON, HASERICK & CO., INC.

The Clerk called the bill (H.R. 10534) for the relief of Atkinson, Haserick & Co., Inc.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

CERTAIN RETIRED OFFICERS OF THE ARMY, NAVY, AND AIR FORCE

The Clerk called the bill (H.R. 13676) for the relief of certain retired officers of the Army, Navy, and Air Force.

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

H.R. 13676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of funds not otherwise appropriated, to each individual named in section 2 of this Act the sum opposite his name. The sum stated is to constitute full satisfaction of each named individual's claim for unpaid retired pay accruing subsequent to his return to an inactive status on a retired list of an armed force after May 31, 1942, and before the settlement of a claim filed with the General Accounting Office under the Act of April 14, 1966, Public Law 89-395 (80 Stat. 120).

SEC. 2. The claimants under this Act and the amount due each are as follows:

Name of Claimant:	Amount
Major Charles F. Frizzel, United States Army (retired)	$5,805.67
Mrs. Grace D. Harrington, designated beneficiary and widow of Colonel James B. Harrington, United States Army (retired)	2,247.94
Major Oliver Holden, United States Army (retired)	6,304.93
Commander Frank G. Kutz, United States Navy (retired)	9,496.11
Commander Charles E. Lofgren, United States Navy (retired)	16,376.11

With the following committee amendments:

Page 2, following line 4; strike "Frizzel" and insert "Frizzell, Jr." and add the following section at the end of the bill:

"SEC. 3. No part of each amount appropriated in this act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

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.

CLAUDE G. HANSEN

The Clerk called the bill (H.R. 13807) for the relief of Claude G. Hansen.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

MRS. ELEANOR D. MORGAN

The Clerk called the bill (H.R. 9497) for the relief of Mrs. Eleanor D. Morgan.

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

H.R. 9497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Eleanor D. Morgan, of 17 Orchard Street, Angola, New York, the sum of $14,000, in full settlement of her claims against the United States for the death benefits payable to her as the designated beneficiary of her husband (the late G. David Morgan, an alien employee of the Virgin Islands Corporation at the time of his death on March 29, 1964) under certificate of insurance erroneously issued to him under the Federal Employees' Group Life Insurance Act of 1954 due to administrative error and without knowledge on his part that he was ineligible for insurance coverage under such Act by reason of his status as a noncitizen employee of the United States whose post of duty was not in a State or the District of Columbia. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary not withstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon convicton thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, after "$14,000," insert "less the amounts of any insurance premiums previously refunded,".

The committee amendment was agreed to.

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.

JOHN R. GOSNELL

The Clerk called the bill (H.R. 13469) for the relief of John R. Gosnell.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

REVERSIONARY INTEREST OF UNITED STATES IN McNARY DAM TOWNSITE, UMATILLA COUNTY, OREG.

The Clerk called the bill (H.R. 13601) to release and convey the reversionary interest of the United States in certain real property known as the McNary Dam Townsite, Umatilla County, Oreg.

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

H.R. 13601

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the reversionary interest of the United States in that tract of land comprising 344.15 acres, more or less, known as the McNary Dam Townsite, lying in sections 10, 11, 14, and 15, township 5 north, range 28 east, Willamette meridian, Umatilla County, Oregon, heretofore conveyed by the United States to the Confederated Tribes of Umatilla Reservation in Oregon and reconveyed by the tribes to Robert and Marcia Schultz and William and Lynette Schultz under authority of the Act of August 28, 1957 (71 Stat. 468), is hereby released and conveyed to the owners of record.

With the following committee amendment:

Page 2, line 2, strike out "record," and insert in lieu thereof: "record, such release and conveyance to be effective upon the proof of payment of $50,800 to the Treasury of the United States."

The committee amendment was agreed to.

The bill was ordered to be engrosed 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 Private Calendar.

CALL OF THE HOUSE

Mr. GROSS. 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. 170]

Addabbo	Bush	Corman
Berry	Cabell	Cowger
Blackburn	Carey	Cramer
Brademas	Celler	Daddario
Brock	Chappell	Dawson
Broomfield	Clark	Dellenback
Buchanan	Clay	Diggs
Burton, Utah	Conyers	Erlenborn

Esch	Landrum	Reid, N.Y.
Farbstein	Long, La.	Reifel
Findley	McCarthy	Rooney, N.Y.
Flowers	McClory	Roudebush
Flynt	McClure	Ruppe
Frey	McKneally	Satterfield
Gallagher	McMillan	Schadeberg
Gaydos	Madden	Scheuer
Gilbert	Mathias	Schneebeli
Goldwater	Meskill	Schwengel
Gray	Minshall	Smith, N.Y.
Green, Pa.	Murphy, N.Y.	Springer
Gubser	Nedzi	Stafford
Hagan	O'Neal, Ga.	Steed
Halpern	Ottinger	Steiger, Ariz.
Hamilton	Passman	Stratton
Harrington	Pelly	Whitten
Hastings	Pike	Wilson,
Hébert	Pollock	Charles H.
Jacobs	Powell	Wolff
Kirwan	Rarick	Wydler

The SPEAKER. On this rollcall 343 Members have answered to their names, a quorum.

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

POSTAL REORGANIZATION AND SALARY ADJUSTMENT ACT OF 1970

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1077 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1077

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment in the nature of a substitute recommended by the Committee on Post Office and Civil Service now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. It shall also be in order to consider without the intervention of any point of order the text of the bill H.R. 17966 as a substitute for the said committee amendment. At the conclusion of the consideration of H.R. 17070 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the minority, to the very able and distinguished gentleman from California (Mr. SMITH); pending which I yield myself such time as I may consume.

Mr. Speaker, this is a rule making in order the consideration of the bill, H.R. 17070, reported by the Committee on Post Office and Civil Service.

This is the highly controversial postal reform bill. This bill and the companion bill have been around for a long time. There is a great demand throughout the country for some reform of the postal service, and this is largely based upon the fact that the postal service has been running in the red to the tune of billions of dollars every year in spite of the continual increase of postal rates. The Department is still running in the red. On the other hand, the postal service, the service rendered by that Department, has been going down almost continuously. So there has been a great demand over the country, in the Congress, in the administration, and in the previous administration to do something about this situation.

I recall, and I am sure the House will also, that last year, or during the last administration, rather, the then Postmaster General requested that the Congress do something about reorganizing the Department, and recommended in general something in the nature of what your Post Office Committee has come up with. I should like to have the attention of the gentleman who may be more familiar with this subject than I am.

The Committee on Post Office and Civil Service has labored now for more than a year and has come up with this bill. Frankly, I do not know whether I can support the bill or not. I am supporting this rule because I am for the objective that is sought here—postal reform. I do not handle a rule that I do not favor. But I am making the reservation that unless certain amendments are adopted, I shall vote against the bill in the final analysis.

Mr. Speaker, there have been substantial differences, and understandably so, in the Committee on Post Office and Civil Service. They have had two or three tie votes down there when it looked like a bill was going to be reported; certainly it was one or more. So when your Committee on Rules heard the application for a rule to bring this bill to the floor, it also heard from certain members of that committee who desired to offer a substitute for the bill. Since there were certain provisions in the original bill—to be exact, 19 provisions—that would be subject to a point of order, the committee saw fit to waive points of order against the committee bill, and when it came to a question of the request to make in order the substitute bill sponsored by certain members of that committee, we found that it was necessary also to waive points of order against that substitute, because it was mostly the committee bill with minor exceptions.

Mr. Speaker, as one Member of this House who is interested in the objective of postal reform, I advocate the adoption of this rule, and I am not going to be too concerned about the continuous difference of opinion within that committee.

I repeat what I stated in the beginning, that this matter of postal reform has been kicked around here for two administrations. I am taking the same position that both of them took: That there ought to be some postal reform. I have a great deal of respect as well as considerable affection for the former Postmaster General, Mr. Larry O'Brien. He advocated this. I recall he sent a committee to see me to talk to me about it. They favored it, and I favored it, and I am favoring it today. I also have affection and the highest regard for the present Postmaster General, Mr. Blount.

Now I understand by the grapevine, and later by the recorded word, that this division in the committee has exercised itself again and certain members have now circulated the House membership asking that the rule be voted down. That is the privilege of the House. If the House sees fit to vote the rule down, or, prior to that, to vote down the previous question, that is the business of the House.

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

Mr. COLMER. Yes, I yield to my friend from Iowa—always.

Mr. GROSS. I thank the gentleman for yielding.

Of course the issue is not one of voting the rule down. The issue is one of voting down the previous question, so that the rule may be amended to provide for consideration of the bill by the committee without regard to the bill which was introduced in Congress only last Monday and never had the slightest consideration by the committee. That is the issue.

Mr. COLMER. I never like to find myself in disagreement with my friend from Iowa. I thought I said that. Maybe I did not amplify it as much as the gentleman did.

I said it was up to the House to vote down the rule or the previous question, and, of course, it follows that if we vote down the previous question, then we can amend the rule. Of course, we can also prolong the debate on this highly controversial matter for another week, because the Members are going to have, even as it is now set up, possibly a week's consideration.

Somewhere along the line we are going to have to meet this question, and the Committee on Rules saw fit to simplify the matter by making in order the substitute and waiving points of order.

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

Mr. COLMER. I ask the gentleman to pardon me. I have several requests for time, but I would be forced to yield to the gentleman, and I hope he will make it very brief.

Mr. CUNNINGHAM. Mr. Speaker, first of all in my 14 years here, this is the first time I have ever heard the chairman of the Rules Committee say this is a very controversial bill, and he cannot support it. I think that is editorializing before we have ever gotten into the bill.

As I recall being in the Rules Committee, the Rules Committee had a hilarious time when they had the gentleman from New York (Mr. DULSKI) up there. I tell the Members, this is no hilarious time to be taking up this bill. We have a very serious situation on our hands, and we ought not to be laughing about it.

As far as the substitute is concerned, it is not a last-minute substitute. We tried this very maneuver in the Post Office Committee, and we lost by a vote of 13 to 13.

Mr. COLMER. I did not quite get the

import of all the gentleman's statement or question, if there was a question. However, I certainly do not regard this as a laughing matter. It is most serious and I hope the House will treat it as such.

Mr. SMITH of California. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, before starting on House Resolution 1077 I should like to make a brief mention about tomorrow in connection with House Resolution 914. I do not believe I have to speak out of order, because it is a resolution out of the Rules Committee.

It is programed first for tomorrow, Mr. Speaker. House Resolution 914 provides for agreeing to the Senate amendments to the voting rights bill.

The reason I make this statement is that we will have only 1 hour of debate, 30 minutes for the majority side and 30 minutes for the minority side. I already have requests for about 2 hours of time, and there is not any way to stretch 30 minutes into 2 hours of time.

Mr. Speaker, I want to make a suggestion, and very kindly so, that perhaps some of the Members could speak under the 1-minute rule tomorrow, and perhaps we could have some of those very gracious McCormack minutes, so that some of the Members could get their remarks in the RECORD that way, because there will not be sufficient time to yield 2 hours in 30 minutes.

On the rule before us today, House Resolution 1077, Mr. Speaker, as stated by the distinguished chairman of the Rules Committee, it provides for 4 hours of debate and it makes the committee substitute in order because it is an amendment in the nature of a substitute. It also makes in order H.R. 17966 as a substitute, and it waives points of order against both bills.

The reason there is a general waiver of points of order is that we were informed there were possibly as many as 19 different parts of H.R. 17070 involved on points of order—appropriation of funds, transfers, and other parts therein—so to attempt to work out all those 19 points in this instance would be a little difficult. We saw no reason why we should not waive all points of order on both the bills.

I am a little confused as to the letter which I have just received, signed by a number of distinguished members of the Committee on Post Office and Civil Service, having to do with voting down the previous question. As I understand the parliamentary situation, H.R. 17070 will be subject to amendment at any point throughout the bill, as will the other bill which we have made in order, H.R. 17966. Every Member will have an opportunity to work his will on every section of the bill.

Mr. WILLIAM D. FORD. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Michigan. I have a lot of requests for time.

Mr. WILLIAM D. FORD. Do I correctly understand the gentleman to say that he believes, in supporting this rule, the effect of the rule would be that we could amend the committee bill at any point?

Mr. SMITH of California. That is right; as it comes up.

Mr. WILLIAM D. FORD. If the gentleman will pose that as a parliamentary inquiry, to the Parliamentarian, I believe he will discover that is not the case. If he has been misled into supporting this rule because he believed that to be the parliamentary situation perhaps the gentleman in the well would like to change his position now and join us in opposing this rule. That is not the parliamentary situation, and it is dishonest to suggest to the House it is.

PARLIAMENTARY INQUIRY

Mr. SMITH of California. Mr. Speaker, may I present a parliamentary inquiry at this time?

The SPEAKER pro tempore (Mr. ALBERT). The gentleman will state his parliamentary inquiry.

Mr. SMITH of California. In connection with H.R. 17070, which the Rules Committee has made in order as a committee substitute for the original committee bill, which was stricken out, and against which bill points of order are to be waived, and in addition in connection with H.R. 17966, which has been made in order as a substitute, waiving points of order, my understanding of the parliamentary situation is, if we do not get into the third degree where we are stopped, that when H.R. 17966 is offered as a substitute it will be open to amendment as we go through the bill.

The SPEAKER pro tempore (Mr. ALBERT). It will be open to amendment at any point.

Mr. SMITH of California. It is my understanding if we have an amendment pending on that bill, which is one amendment, we can also have an amendment pending on the original bill if it applies to the same section or same part of the bill. In other words, we are not precluded from amending H.R. 17070 until we completely take care of H.R. 17966 and the Committee rises and you vote on that. We can amend in the Committee of the Whole H.R. 17070.

The SPEAKER pro tempore. If the Chair correctly understands the gentleman, the answer to it is that the Udall substitute can be offered as an amendment to section 1. Other amendments can be offered to section 1 of the committee amendment, but no other amendments can be offered beyond section 1 to the committee amendment.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. SMITH of California. I yield for a parliamentary inquiry.

Mr. GERALD R. FORD. Is it not accurate to say, however, that if the Udall-Derwinski substitute, H.R. 17966, is defeated in the Committee of the Whole, then any other part of H.R. 17070 is open for amendment at any point?

The SPEAKER pro tempore. In that event, the Committee of the Whole would go back and read the committee amendment as an original bill, in which case each section would be open for amendment as it was read.

Mr. SMITH of California. May I say, if I have made a misstatement to the House on my understanding of the parliamentary procedure, then I am very sorry, but my understanding has been in situations like this that both of these bills in the nature of an amendment to a substitute could be perfected. That is my understanding of the situation, and I think you will have every opportunity for everybody to work their will to perfect the committee substitute and the other substitute in due time.

Mr. WILLIAM D. FORD. Will the gentleman yield for a parliamentary inquiry?

Mr. SMITH of California. I yield to the gentleman.

Mr. WILLIAM D. FORD. You see, it will not work that way because the instant that the first sentence is read, then Mr. UDALL can ask for recognition and offer his substitute. The first section is nothing except that it recites we ought to do something about the Post Office Department. Then we will be privileged to amend that first section as frequently as we would like to, but we cannot do anything with the substantive parts of the committee bill or offer any amendment to it.

The only part of it that will be open to amendment once Mr. UDALL offers his substitute is the perfunctory preamble to the amendment.

Mr. SMITH of California. The gentleman will agree with me that in due time you will have the opportunity appropriately to perfect H.R. 17070.

Mr. WILLIAM D. FORD. No, we will not, because once the Udall substitute has been perfected and we vote on it it is the end of the ball game.

Mr. SMITH of California. Not if it loses.

Mr. WILLIAM D. FORD. Well, that is right.

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

Mr. SMITH of California. I yield to the gentleman.

Mr. GERALD R. FORD. The procedure that is recommended by this rule is not extraordinary. It is the typical and the usual procedure. Oftentimes whether we get a rule or whether we do not get a rule, someone will offer a substitute as soon as the enacting clause has been read, and under the procedure that we follow time after time the Committee of the Whole works its will on that substitute and then the substitute as amended or not amended is voted up or down. Then, if it is voted down, the Committee of the Whole has a full opportunity to work its will on the committee bill as recommended and carry it forward under the rule.

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

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

Mr. SMITH of California. Mr. Speaker, how much time have I used? I think maybe I had better finish my statement first.

The SPEAKER pro tempore. The gentleman has consumed 8½ minutes.

Mr. SMITH of California. Maybe I had better finish my statement, and then I will yield for all of these inquiries in whatever time I have left, but I would like to cover the bill if I may. I studied

the parliamentary situation and made inquiry. Apparently something has arisen to alter the situation. What it is I do not know. However, I certainly did not intend to mislead any Member. My explanation was my understanding of the situation.

Mr. Speaker, I would like to review these two bills as they appear to me.

Now, the first bill, as I understand it, H.R. 17070, is designed to convert the present Post Office Department into an independent agency within the executive branch of the Government.

Second, to provide a system of collective bargaining and binding arbitration with respect to labor-management relations.

Third, to increase by a further 8 percent the pay of postal workers retroactive to April 16, 1970.

Now, Mr. Speaker, our present postal system is not keeping pace with the Nation's needs. Mail volume continues to increase, and for various reasons employer-employee relations are not good, with the result that last year the Department experienced a personnel turnover of some 25 percent.

The Post Office Department has been operating at a substantial deficit on an annual basis. This year it is estimated to be $1,400,000,000.

Now, in March a postal workers' strike developed at a number of cities around the country.

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman from California has expired.

Mr. SMITH of California. Mr. Speaker, I yield myself 5 additional minutes.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 additional minutes.

Mr. SMITH of California. The unions after returning to work and representatives of the Department—the unions representing the employees, the AFL–CIO, reached an agreement on a program of postal reform to be recommended to the Congress. The first portion of this is already law, Public Law 91–231. It provided for the 6-percent pay increase for all Federal employees retroactive to last December 27.

The remainder of the agreement was in the form of proposed legislation and was submitted to Congress by President Nixon on April 16.

H.R. 17070 is the result of hearings held on that legislation and represents the work done by the Post Office and Civil Service Committee on this same legislation over the last year and a half.

Mr. Speaker, title I of the bill deals with the reform and reorganization of the Post Office Department. To replace the current departmental structure, the bill proposes to create an independent agency known as the U.S. Postal Service within the executive branch. Also abolished is the Cabinet-level position of the Postmaster General.

The new Postal Service is headed by an 11-member Commission with 9-year staggered terms provided for. Nine members will be appointed by the President with the consent of the Senate. These members will, in turn, select a 10th member and he will be designated as the Postmaster General. The 10 members will then designate an 11th member who will be the Deputy Postmaster General and these last two will have the responsibility of the day-to-day management and operation of this new Postal Service.

Employees of the Post Office Department are automatically transferred to and they become employees of the new Postal Service. Compensation, benefits, and so forth applicable prior to the transfer are carried over intact and will continue to apply until changed by the Service.

The Postal Service is authorized to borrow and issue obligations up to $10 billion for capital improvement expenditures. The net increase in any one year may not exceed $1.5 billion. The Treasury is authorized to purchase a total of up to $2 billion in Postal Service obligations. Obligations sold publicly would not be guaranteed by the full faith and credit of the United States unless the President later determines that such action would be in the public interest.

The bill requires the Postal Service to become self-sustaining—eliminating the postal deficit—by January 1, 1978. Rates on each class of mail are to meet costs, but existing rates remain in effect until they are changed.

Rate-setting procedures are provided in the bill which will remove the matter from direct congressional control, although a veto is retained. The Postal Service will have broad powers to manage, administer, and operate the system of mail delivery without coming to the Congress for authorization to proceed upon any course of action.

Title II of the bill provides for an 8-percent pay increase for all postal employees, retroactive to April 16, 1970. In this instance I believe the other bill which has been introduced makes it retroactive to May 16, a later date. According to the original agreement entered into between the Government and the unions it would as set forth in that agreement provide for an 8-percent pay increase for employees of the Post Office Department effective as of the date when this enabling legislation becomes law.

So there is a difference as to the time when the 8-percent increase will become effective. This provision violates part, as I mentioned, of the earlier agreement, and the other title provides for collective bargaining procedures, binding arbitration on matters on which no resolution can be negotiated.

The right to strike is not granted to postal employees. However, provisions are made in general bringing postal employees under the National Labor Relations Act for postal unions to negotiate for a union shop. If such agreements are reached all postal employees would either have to join a union or leave their job. The only exception would be that of an employee who is a member of a church whose established teachings would oppose a requirement of this type.

Finally, the bill provides for wage schedules under which employees will reach the maximum pay step in their grade after 8 years of satisfactory work, rather than the 21 years which is now required.

H.R. 17966 differs in some 11, 12, or 13 different provisions, and they have been set forth by the gentleman from Arizona (Mr. UDALL) in his views, and I will not go into them in detail.

The SPEAKER pro tempore. The gentleman from California has consumed 15 minutes.

Mr. SMITH of California. Mr. Speaker, I yield myself 4 additional minutes.

Mr. Speaker, in my opinion we need postal reform. I have supported postal reform for a long period of time. I think the employees are definitely entitled to an 8-percent salary increase, and I think this compression should be done by reducing it to 8 years.

Whether we should go as far as either of these bills contemplate presents quite a problem to me. For instance, just let me consider a couple of different sections. Let us take section 853, which appears on page 244 of the committee bill. This has to do with making agreements with public carriers for the transfer of mail. But in this particular instance in my opinion it could cause considerable damage to scheduled airlines.

For example, there are scheduled airlines, private airlines schedules that have to make certain routes, and they have to make those certain routes or trips as, for instance, from New York to California, three times a day—that is an example of one particular airline that I know.

If the Postmaster General can make a contract with a nonscheduled airline at a cheaper rate, and then cause that scheduled carrier to lose business, it is going to be difficult for them to keep their schedules going. One bill states that it can be turned down if it is not in the public interest, that is H.R. 17070. H.R. 17966 says it can be turned down if it is not compensatory to the contracting carrier. Witnesses, including the chairman of the Committee on Interstate and Foreign Commerce, testified against this section.

I would like to see section 853 stricken from both measures.

On compulsory unionism, that presents a very serious problem to me. I do not personally approve of compulsory unionism.

One bill on the rate increase, H.R. 17070, gives Congress, either House of the Congress, a right to veto on a majority vote within a certain number of days. The so-called Udall substitute makes that a two-thirds vote of either House within a certain period of time. Now, a two-thirds vote may go pretty far in a rate change.

Another has to do with negotiations on a national basis, and in the other bill it will permit negotiations on a local or area basis.

In any event, Mr. Speaker, I do hope that we can pass appropriate postal reform legislation, because it is long overdue. And I support the adoption of the rule.

Now, Mr. Speaker, I will be glad to

yield to those gentlemen who wanted to be heard.

Mr. CUNNINGHAM. Mr. Speaker, would the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Nebraska (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, the gentleman mentioned at the conclusion of his remarks compulsory unionism.

Can the gentleman cite one section in the bill that provides for compulsory unionism?

Mr. SMITH of California. It is my conclusion, based upon the negotiations, that the negotiations will be done in one bill on a national basis, and they will be done in another bill on an area-wide basis, and if the unions are agreed to in either instance an individual in that particular area will have to join the union or lose his job.

Mr. CUNNINGHAM. There is nothing in this bill that has to do with compulsory unionism.

Mr. SMITH of California. That is my interpretation of the bill, and that is the way I read it. The gentleman may argue his way, but that is the way I view it.

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

Mr. SMITH of California. I yield to the gentleman.

Mr. CORBETT. I simply want to say to the House the reason I am going to vote against the previous question is simply a timesaving device, along with some other good points—but we could go all through the business of amending the Udall substitute and then, if it is defeated, we have to go all through the business of amending the committee reported bill. It is because I think we should not have to go up and down the hill twice that I would like to see the rule.

I definitely want the rule. I join the gentleman from California in saying that I want the rule and I want postal reform, but I do not want it based on a bill which has never been before the committee.

Mr. SMITH of California. On the other hand, may I say to the gentleman that in printing H.R. 17966, all Members have had an opportunity to read what that proposal is, intact in one bill, without 19 or 20 amendments which you know will be offered on the floor.

Mr. CORBETT. But they are all going to be offered, in fact, in one way or shape or other and I am making the prediction right now that if the substitute is perfected and then defeated, we are going to have to go into the whole question again and have the Udall bill which will have to have the separate amendments.

Mr. SMITH of California. It will still save time in the long run.

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

Mr. SMITH of California. I yield to the gentleman.

Mr. DERWINSKI. I would ask that at least one point be made clear for the record.

Repeated references have been made in the Committee on Rules and again here on the floor that the substitute has never been considered by the full committee. That is a total misstatement of fact.

Everything in the substitute was considered on numerous occasions by the full Committee on Post Office and Civil Service. I just want to make the record absolutely clear. I am sure no one will challenge me directly when I say that everything in the substitute was debated in the full Committee on Post Office and Civil Service.

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

Mr. SMITH of California. I yield to the gentleman.

Mr. GROSS. That is not correct, and I challenge that gentleman's statement. I will take the gentleman from Illinois around the corner when and if we have some time and show him provisions in the substitute that are not contained in the committee bill.

If the gentleman wants to take a look at it, I have it right here.

Mr. DERWINSKI. I will agree with the gentleman that the individual commas and sentences and individual words might not have appeared—but every issue—every issue involved in the substitute was thoroughly debated in committee. There is no new subject matter in the substitute.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, the Udall-Derwinski substitute bill was introduced only last Monday in the House of Representatives, and there was not a copy available until Tuesday of last week. I do not think the Members of the House are going to spend this afternoon reading and trying to digest a 160-page bill, nor should they be expected to. I suggest that borders on the ridiculous.

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

Mr. SMITH of California. I yield to to the gentleman from California.

Mr. HANNA. I can see in the first paragraph of the resolution waiving all points of order—all points of order are waived against the bill, the committee amendments or the substitute.

Am I correct in noting that there are substantial differences in the points of order which could be raised against the substitute as compared to the points of order which could be raised if we were taking the committee bill?

Mr. SMITH of California. I think there are some differences, but basically many of them—most of them apply to the stamp, transfer of funds, appropriations, and so on which are in both bills, and I do not see any problem in waiving points of order.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from California has consumed 22 minutes.

Mr. COLMER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. DULSKI), chairman of the full Committee on Post Office and Civil Service.

Mr. DULSKI. Mr. Speaker, as I told the Committee on Rules when I requested a rule on H.R. 17070, I support the bill as it came from our committee. I asked that the bill, as reported, be considered as original text for the purpose of amendment.

The rule now pending goes beyond my request and makes another bill in order which could thwart the bill of my committee. For that reason, I oppose the extension of the rule to the second bill.

I believe we should revert to my original request for an open rule with 4 hours of general debate and waiving points of order.

Accordingly, I urge that the previous question be voted down so that the rule can be amended.

If the previous question is voted down, I shall offer the appropriate amendment to make consideration of our committee amendment to H.R. 17070 in order.

I am supported in this proposal by at least 15 other Members of the Post Office and Civil Service Committee, on both sides of the aisle, who have joined me in an open letter to the entire membership of the House.

Copies of the letter are available to all Members.

The letter is as follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C., June 16, 1970.

DEAR COLLEAGUE: The undersigned Members of the Post Office and Civil Service Committee strenuously object to the Rule proposed for debate of the Postal Reform Bill.

The permission granted by the Rule to introduce the Udall Substitute as an amendment and waiving points of order thereto is contrary to the desires of a majority of the Committee.

Our Committee worked eighteen months to produce the Committee Bill, H.R. 17070, and we believe it should be considered as the prime vehicle for debate.

We believe that orderly and responsible procedures would permit proceeding with the Committee Bill and permitting it to be amended in the usual course of debate.

We strongly urge a "No" vote on the previous question on the Rule.

Sincerely yours,

THADDEUS J. DULSKI, Chairman; ROBERT J. CORBETT, Ranking Minority Member, DAVID N. HENDERSON, ARNOLD OLSEN, DOMINICK V. DANIELS, ROBERT N. C. NIX, JAMES M. HANLEY, JEROME R. WALDIE, RICHARD C. WHITE, WILLIAM D. FORD, GRAHAM PURCELL, FRANK BRASCO, ROBERT TIERNAN, H. R. GROSS, WILLIAM I. SCOTT, JAMES A. MCCLURE, DONALD E. LUKENS, LAWRENCE J. HOGAN.

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

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

Mr. DERWINSKI. I would suggest a clarification. Would not the gentleman agree that it is not the entire committee that stands behind the bill as presented, that the various votes were 12 to 12, 13 to 13?

Mr. WILLIAM D. FORD. Mr. Speaker, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. The chairman has not asserted that the 18 members of the committee who signed the letter that has been circulated here this morning agree on any specific amendment. In fact, the gentleman from Iowa (Mr. GROSS) and I could not be further apart on half the amendments that will be considered on the floor. But Mr. GROSS

and I are in complete agreement, and 18 out of the 26 members of that committee are in complete agreement that the procedure that has been brought to this floor by the Rules Committee is not in keeping with the best interests of anybody who has an amendment to propose to this legislation, whether he is conservative, liberal, Democrat, or Republican. All we are trying to do, the 18 of us, is to guarantee that everyone has a fair shot and an individual vote on that particular part of the bill that he thinks is most important.

Mr. DULSKI. The gentleman is implying that there is something in the rule that would prevent amendments to the substitute, and that just is not so.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. GERALD R. FORD.)

Mr. GERALD R. FORD. Mr. Speaker, the rule provides that points of order should be waived for both H.R. 17070 and H.R. 17966. This is the only way in which both proposals can be considered on an equal basis. If the previous question is defeated an amendment to the rule will be offered which will change the ground rules. This amendment to the rule will make the committee bill in order with points of order waived. No equal concession will be granted to H.R. 17966.

I, therefore, urge an aye vote on the previous question.

As to H.R. 17070 and H.R. 17966, how do we differentiate, or how can we differentiate? They should be treated alike.

Mr. WILLIAM D. FORD. Can the gentleman cite to me a single precedent in this House for having a substitute by the minority members of the committee brought to the floor with points of order against that substitute waived in advance? Is there one single precedent for this action?

We are not asking for a special rule. All we are asking is that this rule be treated the same way as thousands of bills that have preceded it which have come to this floor.

Mr. GERALD R. FORD. Mr. Speaker, I refuse to yield further.

What the gentleman wants is a special rule for H.R. 17070, and he will not accord the same rule to the bill that was defeated in the committee by a 12-to-12 vote. That is not an overwhelming defeat for any legislation in any committee. I happen to think the two bills ought to have precisely the same consideration. I cannot understand exactly why the gentleman is opposed to that.

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

Mr. GERALD R. FORD. Surely. I yield to the gentleman from New York.

Mr. DULSKI. Mr. Speaker, there is not a Member of this House who has more affection than I have for the gentleman from Michigan, the distinguished minority leader. I asked for waiver of points of order only because of the many problems that would otherwise arise on this legislation. We feel that the position of the majority of the committee, as expressed in the reported bill, should have full consideration in floor debate. That is the only thing we are asking for.

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman from Michigan has expired.

Mr. SMITH of California. I yield the gentleman 1 additional minute.

Mr. GERALD R. FORD. Mr. Speaker, I can recognize the requirement because of the complexity of the bill for waiving points of order on H.R. 17070, but I cannot for the life of me, on the basis of equity and fairness, understand why the gentleman objects to a substitute, which was defeated by a 12-to-12 vote in the committee, not having exactly the same consideration. I do not understand the gentleman's point of view.

PARLIAMENTARY INQUIRY

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume, and I make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SMITH of California. Mr. Speaker, on H.R. 17966, the so-called Udall substitute, that is in my understanding one amendment in the nature of a substitute. If any part of that bill is not germane or subject to a point of order, would not the entire H.R. 17966 be subject to a point of order if points of order are not waived against it? That was my understanding of the situation.

The SPEAKER pro tempore. The gentleman has correctly stated the rule. Should points of order not be waived, then if any part of the amendment is not in order, the entire amendment is not in order.

Mr. SMITH of California. Mr. Speaker, I thank the Chair. That is one of the reasons why the House ought to know that if we do not waive points of order against the Udall bill, it goes out shortly after it is started to be read.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, as we get into the debate of this bill, I think there is something more than postal reform involved and that we have to keep it uppermost in our minds. It has been alluded to previously but let me emphasize that there is a provision in this bill for compulsory unionism. Naturally, the parties would go through the collective bargaining process, but the end result would be a union shop for the postal department. I do not think there is anybody in this Chamber so naive as to believe that a union shop would not result. This would mean that postal employees with 15 or 20 years' service, who object to joining a union on other than religious grounds, would be forced to join the union and pay tribute against his wishes or lose his job. I do not believe this would be treating these workers fairly. They have given too many years of their lives to be treated in this manner. How do they feel about it? To my knowledge, I have not had a single postal worker in my district contact me in support of this provision.

If the Post Office Department becomes a union shop and the labor leaders get the control they will have under such a provision, can anyone say that the unions representing other departments of this Government will not demand the same rights? Can any one imagine what would happen if the right of a union shop was granted to the Department of Defense? What would happen if we had a union shop in HEW and they walked off the job or had a sick-out about the time the checks were to go out to the millions of Americans who receive and depend upon them every month? I know the proponents of this section will hurriedly point out that the no-strike provision of the law will remain in effect. This is true but from a practical standpoint this now means nothing. In fact, one of the heads of a postal union has announced that we either pass this bill this week as they want it or his members will go on strike next week. So, let us be realistic. If the Post Office Department becomes a union shop and the other departments of Government get the same—and they will certainly be pressing for it—we could have strike after strike in very department of Government. What would happen to our Government? We would have utter choas and instead of being a strong Government, it would become a weakling overnight with a few labor leaders wielding more control over Government workers than the Government itself. Is this what you want? I certainly don't want to see this happen and I know you do not either.

We have had a strong form of government—of the people, by the people, and for the people—and we want to keep it that way. This question is far different from one in private industry and I would think that our union leaders would be content with keeping the union shop in the private sector where it belongs. Everyone knows that unions have no power without the strike weapon. We have seen how this weapon has weakened the governments of other nations. This cannot—it must not—happen here.

I know the union people would like to have this provision. However, they are loyal Americans interested in preserving our Government. I suggest that they give up this provision and to the possible effect it could have on this great Nation of ours.

Even though I am for postal reform and for the 8-percent pay increase for postal workers and related benefits, I will be forced to vote against the bill unless this compulsory union provision is stricken.

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

Mr. LATTA. I yield to the gentleman from North Carolina.

Mr. HENDERSON. I commend the gentleman for his statement. He is absolutely right.

The surest way we can get this action is to amend the committee bill, not the substitute that would be made in order by the rule. We should have a separate vote when we go back in the House, to lock it into the legislation in the House of Representatives and hope the other body will follow our action.

I commend the gentleman.

Mr. COLMER. Mr. Speaker, I yield 3 minutes to the gentleman from Montana (Mr. OLSEN).

PARLIAMENTARY INQUIRY

Mr. OLSEN. Mr. Speaker, I should like to have attention while I make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. OLSEN. The parliamentary inquiry is: If the Udall bill is passed by the Committee of the Whole and we go into the House and then the Udall bill is voted down in the House, is it correct that the only thing left we would have would be the original Blount bill, the original H.R. 17070?

The SPEAKER pro tempore. In response to the inquiry, the committee amendment in the nature of a substitute would immediately be under consideration. Of course, it would not be subject to amendment.

Mr. OLSEN. That is something I wanted to get straight, that the committee bill as amended would not be subject to amendment.

The SPEAKER pro tempore. The previous question having been ordered, it would not be subject to amendment.

Mr. OLSEN. So, Mr. Speaker, Members who have amendments to the committee bill, who want to amend H.R. 17070, should give attention to the fact that they will not have an opportunity to amend it if the Udall substitute is defeated in the House.

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

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

Mr. PUCINSKI. Is it not true that the statement made by the gentleman from Ohio (Mr. LATTA) could not be dealt with in this House if the previous question is voted up?

Mr. OLSEN. The proposition of the gentleman from Ohio (Mr. LATTA) could not be considered at all under that kind of circumstance. I am talking again if the Udall bill got beat in the House after coming out of the Committee of the Whole. Then this House would have no opportunity to perfect the committee bill.

The best situation is that we take up the Dulski committee bill and let the House work its will on that bill. Then Mr. UDALL and Mr. DERWINSKI can come forth with their amendments, as they did in the committee. Let them come again before this House and the Committee of the Whole with their several amendments. The bill is open for amendment at any point. Everybody can work on the committee bill, as amended by the committee. That is what we would all work on. It would be subject to amendment by every Member.

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

Mr. OLSEN. I yield to the gentleman from Virginia.

Mr. SCOTT. I thank the gentleman for yielding.

I rise only to point out to the membership of the House that what the gentleman from Montana has just said about voting "nay" on the previous question is the opinion of a majority of our House Committee on Post Office and Civil Service on both sides of the aisle.

Mr. OLSEN. On both sides of the aisle.

Mr. SCOTT. And let the House or the Committee of the Whole work its will on the measure that has been adopted in the committee.

Mr. OLSEN. Yes.

Mr. SCOTT. I have considerable reservation about this bill, but I still believe it is the committee bill that we should use as a vehicle to consider for debate and amendment.

Mr. OLSEN. And we should vote down the previous question on the rule.

Mr. COLMER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. SISK).

Mr. SISK. Mr. Speaker, I think we have evidence today that once in a while our Committee on Rules does make mistakes. At least in this humble Member's opinion we did in this case. But I think we are faced now with the issue, and, of course, my understanding is that an opportunity will be given to vote down the previous question and go back to the committee bill, which was this particular Member's position at the very beginning.

I have great respect for my good friend, the gentleman from Michigan (Mr. GERALD R. FORD), the minority leader, and I can understand his position in support of the administration's package. I suppose to that extent Mr. UDALL and Mr. DERWINSKI also represent a different view.

Mr. Speaker, let me simply say that this whole matter has been somewhat controversial and there has been a good deal of trouble due to mistakes made by a variety of people. As has often been said, any time you talk you are prone to make a mistake, and maybe I am making a mistake right now being here in the well on this occasion, but I would briefly like to set the record straight in line with an implication that I heard was made in one of the local newspapers. I have apparently been listed as a member of the National Right To Work Committee. I call it the "National Right To Starve Committee." Anyway, there is some implication there that I am supporting their position, and I want to make the record amply clear, as I thought I had in the Committee on Rules, that I have long supported the repeal of section 14(b) of the Taft-Hartley Act. I happen to be proud to be from a State that does not have the so-called right to starve provisions. Therefore, I am not a supporter of the National Right To Work Committee. I would hope that the people who are carrying the ball for this committee might realize that this is not the way to win friends and influence people.

Mr. BRASCO. Mr. Speaker will the gentleman yield?

Mr. SISK. I will be glad to yield to the gentleman briefly.

Mr. BRASCO. What I wanted to say to the gentleman from Arizona (Mr. UDALL) and the gentleman from Illinois (Mr. DERWINSKI), both of whom I have great respect for as peacemakers, is that after the great consternation they have caused on the floor of the House I would suggest that they withdraw their substitute and then we could proceed orderly on the bill that the House Post Office and Civil Service Committee voted out, giving them the full and complete opportunity to amend the bill, as any Member has the right to do.

Mr. COLMER. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Speaker, postal reform is an emotional issue, and I think you can see it here today. We fought it out in the Post Office and Civil Service Committee and we had a series of ties and other close votes. People feel very strongly on both sides of the aisle. But let me make clear what we are doing here today.

We should remember how we got in this situation? There was a strike and the President of the United States and seven unions representing close to 600,000 postal employees, over 85 percent of the postal employees, sat down and negotiated a complete postal reform package, including an 8-percent pay raise. The committee had the right to modify or to accept this, and the committee modified it and modified it rather drastically. The vote in the committee on my substitute was a 12 to 12 tie.

All we are proposing to do in the substitute bill, H.R. 17966, is to let the President of the United States and the Postmaster General and the AFL–CIO unions who negotiated this package have an up or down vote on their package. Ordinarily, I would have the right to offer this substitute without a special rule. I could get up and offer a substitute for the whole package. But our situation is complicated by points of order. So, in this rule we are saying to the President of the United States and to the unions, "You have a right to have your package voted on. If it is an outrageous package, it will be voted down and we can go back to the committee bill and work on that bill."

But let us be very clear. The clerks and letter carriers of this country—and I do not think anyone is here who has not talked to them—they ask for this rule; they wrote a letter to the Rules Committee and said, "Will you please give us a rule so our package can be voted on as a package, and not as a series of amendments with points of order being involved," and if this package is a bad package vote it down. If it is a good package, vote it up and a vote "no." A "no" vote on the previous question is a vote of "no" against the clerks and letter carriers of the United States, as well as against the President of the United States.

You are saying to them, you should not have the right to have your package considered as a package.

I regret that my colleagues on the committee feel that there is something outrageous about it. But I say again, I could offer this amendment without a rule if it were not for the problem of the points of order. The courtesy of waiving points of order in a complicated bill has been extended to the committee substitute.

Therefore, it only seems fair in this situation that we have the privilege of offering under the same conditions the package, the package that was agreed to in these negotiations by the President and the workers, and have it considered as a package.

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

Mr. UDALL. Yes, I yield to the gentleman.

Mr. OLSEN. But to no other substitute is there such a waiver given, but only to you and DERWINSKI?

Mr. UDALL. That is right.

Mr. OLSEN. It was only printed last Monday, and we saw it Tuesday in the Rules Committee.

Mr. UDALL. However, every principle contained in the substitute was voted on and debated in the committee time after time.

Mr. OLSEN. But there was not a vote on the entire package.

Mr. UDALL. Mr. Speaker, we are facing a deadline. We are threatened by a strike by the carriers if we do not pass the bill by Friday, and we are threatened by a strike if we do pass a bill. So let us get on with it and make some choices.

Mr. SMITH of California. Mr. Speaker, I yield the last minute on our side to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I should merely like to say that I supported this rule in the Rules Committee, and I have not heard anything here on the floor this afternoon that would change my mind and cause me to vote against the previous question. We felt that we were offering you this substitute as something that was clearly germane to the jurisdiction of the Post Office and Civil Service Committee. Moreover, as the gentleman from Arizona (Mr. UDALL) made abundantly clear, the substitute is simply the agreement that was reached on the 16th of April between the seven unions and the Postmaster General of the United States.

It might be stated again, in view of the remark which was made by the gentleman from North Carolina (Mr. HENDERSON) that any amendment he intended to offer to the committee bill can be offered to this substitute bill as well.

So, Mr. Speaker, those who want to vote in the Committee of the Whole on an amendment sometimes referred to as the compulsory unionism amendment, will have an opportunity to do so.

Therefore, Mr. Speaker, I think the rule ought to be supported, and that the previous question ought to be adopted.

Mr. COLMER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have heard an awful lot of debate on this rule. There is nothing unusual about this situation. It should not be necessary to restate it again, but I want to restate it again for the purpose of emphasis.

This is a liberal rule. It goes beyond the ordinary open rule and makes in order a substitute bill which has been the subject of controversy in the legislative committee.

Now, what is involved in it? The able and distinguished and lovable chairman of the Committee on Post Office and Civil Service says that if you adopt this rule making this amendment an order, the committee bill goes down the drain. It does not do any such thing.

As the gentleman from Arizona so well pointed out, and the gentleman from Michigan, the minority leader, so well pointed out, and as I have tried to point out in the beginning, this is simply an amendment to the bill in the nature of a substitute.

Now, quickly, when this amendment is offered as a substitute it is in order to offer any germane amendments.

Again, it would not have been necessary to make the bill as a substitute in order had it not been for the points of order that could have been raised against it which also could have been raised against the committee bill. So we gave one the same treatment as we gave the other.

Now, if you vote the rule down—and it will not have been the first time one has been voted down, and frankly I hope it will not be the last time we will vote one down, because this is the opportunity for the House to work its will I shall shed no tears—but I am trying to emphasize to you here that there is nothing out of the ordinary about this situation. It has been done hundreds of times here before. And, as I say, it would not have been necessary had it not been because of the points of order.

I urge the adoption of the rule.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and a division (demanded by Mr. COLMER) there were—ayes 69, noes 103.

Mr. SMITH of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 139, nays 219, not voting 71, as follows:

[Roll No. 171]

YEAS—139

Abernethy	Cunningham	Langen
Adair	Davis, Wis.	Lloyd
Alexander	Dennis	Lujan
Anderson, Ill.	Derwinski	McCloskey
Anderson, Tenn.	Donohue	McCulloch
Andrews, Ala.	Dowdy	McDade
Arends	Dwyer	McEwen
Aspinall	Eckhardt	MacGregor
Ayres	Edwards, Ala.	Mahon
Belcher	Esch	Mailliard
Bell, Calif.	Evins, Tenn.	Martin
Betts	Fascell	Matsunaga
Bevill	Fish	May
Biester	Foley	Mayne
Boland	Ford, Gerald R.	Meeds
Bolling	Frelinghuysen	Michel
Bow	Fulton, Pa.	Mills
Bray	Gibbons	Mizell
Broomfield	Green, Oreg.	Mollohan
Brotzman	Gude	Montgomery
Brown, Mich.	Hammer-schmidt	Moorhead
Brown, Ohio	Hansen, Idaho	Morse
Broyhill, N.C.	Harvey	Mosher
Burlison, Mo.	Hathaway	Myers
Button	Heckler, Mass.	Nelsen
Byrnes, Wis.	Hicks	Obey
Camp	Horton	O'Neill, Mass.
Cederberg	Hosmer	Patten
Chamberlain	Howard	Pepper
Clausen, Don H.	Hutchinson	Pettis
Colmer	Johnson, Pa.	Philbin
Conable	Keith	Pike
Conte	King	Pirnie
Coughlin	Kleppe	Poff
	Kuykendall	Pollock
		Quie
Quillen	Smith, N.Y.	Widnall
Railsback	Springer	Wiggins
Reid, Ill.	Stafford	Wilson, Bob
Rhodes	Stanton	Wold
Riegle	Steiger, Wis.	Wyatt
Robison	Teague, Calif.	Wylie
Rogers, Colo.	Thompson, Ga.	Wyman
Roth	Thomson, Wis.	Young
Sandman	Udall	Zion
Sebelius	Vander Jagt	Zwach
Shriver	Watts	
Smith, Calif.	Whalen	

NAYS—219

Abbitt	Fulton, Tenn.	Natcher
Adams	Fuqua	Nichols
Albert	Galifianakis	Nix
Anderson, Calif.	Gallagher	O'Hara
Andrews, N. Dak.	Garmatz	O'Konski
Annunzio	Gettys	Olsen
Ashbrook	Giaimo	Patman
Ashley	Goldwater	Perkins
Baring	Gonzalez	Pickle
Barrett	Goodling	Poage
Bennett	Gray	Podell
Biaggi	Green, Pa.	Preyer, N.C.
Bingham	Griffin	Price, Ill.
Blackburn	Griffiths	Price, Tex.
Blanton	Gross	Pucinski
Blatnik	Grover	Purcell
Boggs	Haley	Randall
Brasco	Hall	Rees
Brinkley	Hanley	Reid, N.Y.
Brooks	Hanna	Reuss
Brown, Calif.	Hansen, Wash.	Rivers
Broyhill, Va.	Harrington	Roberts
Burke, Fla.	Harsha	Rodino
Burke, Mass.	Hawkins	Roe
Burleson, Tex.	Hays	Rogers, Fla.
Burton, Calif.	Hechler, W. Va.	Rooney, Pa.
Byrne, Pa.	Helstoski	Rosenthal
Cabell	Henderson	Rostenkowski
Caffery	Hogan	Roybal
Carter	Holifield	Ruth
Casey	Hull	Ryan
Chisholm	Hungate	St Germain
Clancy	Hunt	Satterfield
Clark	Ichord	Saylor
Clawson, Del	Jarman	Schadeberg
Cleveland	Johnson, Calif.	Scherle
Cohelan	Jonas	Scott
Collier	Jones, Ala.	Shipley
Collins	Jones, N.C.	Sikes
Corbett	Jones, Tenn.	Sisk
Crane	Karth	Skubitz
Culver	Kastenmeier	Slack
Daniel, Va.	Kazen	Smith, Iowa
Daniels, N.J.	Kee	Snyder
Davis, Ga.	Kluczynski	Staggers
de la Garza	Koch	Stephens
Delaney	Kyl	Stokes
Denney	Kyros	Stubblefield
Dent	Landgrebe	Stuckey
Devine	Landrum	Sullivan
Dickinson	Latta	Symington
Dingell	Leggett	Talcott
Dorn	Lennon	Taylor
Downing	Long, Md.	Teague, Tex.
Dulski	Lowenstein	Thompson, N.J.
Duncan	Lukens	Tiernan
Edmondson	McClure	Tunney
Edwards, Calif.	McDonald, Mich.	Ullman
Edwards, La.	McFall	Van Deerlin
Eilberg	Macdonald, Mass.	Vanik
Eshleman	Mann	Vigorito
Evans, Colo.	Marsh	Waggonner
Fallon	Melcher	Waldie
Feighan	Mikva	Wampler
Fisher	Miller, Calif.	Watkins
Flood	Miller, Ohio	Watson
Flynt	Minish	Whalley
Ford, William D.	Mink	White
Foreman	Mize	Whitehurst
Fountain	Monagan	Williams
Fraser	Morgan	Winn
Friedel	Moss	Wright
	Murphy, Ill.	Yates
		Zablocki

NOT VOTING—71

Addabbo	Cramer	Hamilton
Beall, Md.	Daddario	Hastings
Berry	Dawson	Hébert
Brademas	Dellenback	Jacobs
Brock	Diggs	Kirwan
Buchanan	Erlenborn	Long, La.
Burton, Utah	Farbstein	McCarthy
Bush	Findley	McClory
Carey	Flowers	McKneally
Celler	Frey	McMillan
Chappell	Gaydos	Madden
Clay	Gilbert	Mathias
Conyers	Gubser	Meskill
Corman	Hagan	Minshall
Cowger	Halpern	Morton

Murphy, N.Y.	Reifel	Stratton
Nedzi	Rooney, N.Y.	Taft
O'Neal, Ga.	Roudebush	Weicker
Ottinger	Ruppe	Whitten
Passman	Scheuer	Wilson,
Pelly	Schneebeli	Charles H.
Powell	Schwengel	Wolff
Pryor, Ark.	Steed	Wydler
Rarick	Steiger, Ariz.	Yatron

So the previous question was not ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Morton for, with Mr. Passman against.
Mr. Gubser for, with Mr. Hébert against.
Mr. Erlenborn for, with Mr. Wydler against.
Mr. McKneally for, with Mr. Farbstein against.
Mr. Reifel for, with Mr. Rooney of New York against.
Mr. McClory for, with Mr. Gilbert against.
Mr. Steiger of Arizona for, with Mr. Murphy of New York, against.
Mr. Hastings for, with Mr. Cowger against.
Mr. Berry for, with Mr. Halpern against.

Until further notice:

Mr. Flowers with Mr. Brock.
Mr. O'Neal of Georgia with Mr. Buchanan.
Mr. Charles H. Wilson with Mr. Dellenback.
Mr. McMillan with Mr. Cramer.
Mr. Chappell with Mr. Frey.
Mr. Addabbo with Mr. Findley.
Mr. Steed with Mr. Pelly.
Mr. Stratton with Mr. Meskill.
Mr. Corman with Mr. Mathias.
Mr. Celler with Mr. Beall of Maryland.
Mr. Gaydos with Mr. Schneebeli.
Mr. Yatron with Mr. Ruppe.
Mr. Whitten with Mr. Burton of Utah.
Mr. Daddario with Mr. Bush.
Mr. Brademas with Mr. Weicker.
Mr. Madden with Mr. Taft.
Mr. Hamilton with Mr. Schwengel.
Mr. Wolff with Mr. Roudebush.
Mr. Pryor of Arkansas with Mr. Minshall.
Mr. Clay and Mr. McCarthy.
Mr. Hagan with Mr. Long of Louisiana.
Mr. Scheuer with Mr. Diggs.
Mr. Conyers with Mr. Kirwan.
Mr. Nedzi with Mr. Powell.
Mr. Carey with Mr. Rarick.
Mr. Jacobs with Mr. Ottinger.

Mr. PHILBIN and Mrs. HECKLER of Massachusetts changed their votes from "nay" to "yea."

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

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DULSKI

Mr. DULSKI. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DULSKI: On page 2, strike out the sentence beginning in line 6 down through the period in line 9, which reads as follows: "It shall also be in order to consider without the intervention of any point of order the text of the bill H.R. 17966 as a substitute for the said committee amendment."

The SPEAKER. The question is on the amendment offered by the gentleman from New York (Mr. DULSKI).

The amendment was agreed to.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DULSKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17070, with Mr. PRICE of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York (Mr. DULSKI) will be recognized for 2 hours and the gentleman from Pennsylvania (Mr. CORBETT) will be recognized for 2 hours.

The Chair recognizes the gentleman from New York (Mr. DULSKI).

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

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

Mr. DULSKI. I am happy to yield to my colleague.

Mr. ARENDS. Will the gentleman from New York tell us whether it is hoped to complete general debate on this bill this afternoon?

Mr. DULSKI. That is our intention.

Mr. Chairman, we are beginning to debate today—at long last—the matter of postal reform. The bill before us is H.R. 17070.

No subject has had more intensive and prolonged consideration by our Committee on Post Office and Civil Service than postal reorganization.

Before I proceed further in a discussion of the bill, I want to pay sincere tribute to the members of my committee for their patience and diligence for nearly 14 months of public hearings and executive sessions.

Since this subject cut across our pattern of subcommittees, it was considered from the beginning by the full committee. Needless to say, it is rare that a subject is so comprehensive that it starts out under the jurisdiction of the full committee.

Actually, the matter of postal reorganization has been uppermost in my mind, and in the minds of many of my colleagues, since I became chairman in January 1967.

THE CHICAGO BREAKDOWN

It was just 3 months earlier that the Post Office Department had gone through the worst crisis in postal service in our history with the breakdown in the operation of the Chicago Post Office.

Within a few weeks after I took office as chairman, the then Postmaster General, Lawrence F. O'Brien, recommended that his job be abolished and that the Post Office Department be converted into a Government corporation.

As a result of Mr. O'Brien's recommendation, President Johnson appointed a Presidential commission headed by Frederick R. Kappel, former head of the American Telephone & Telegraph Co., to study the postal service and report upon the desirability of a transfer to a Government corporation.

For 3 years there has been discussion and debate.

Even the bill that we bring before you today does not come with the unanimous support of our committee. It was ordered reported on a vote of 13 to 10. Nor does it have the support of the administration.

H.R. 4—REORGANIZATION PLAN

When the 91st Congress convened a year ago last January, I introduced H.R. 4—at that time the most comprehensive postal reform proposal ever put into legislative language in our history.

H.R. 4 provided for a reorganization of the Post Office Department, rather than conversion of the Department into another entity. I believe this approach was well founded—and it had considerable support, but not enough votes.

The executive branch, under both parties, has expressed its strong preference for the complete conversion of the postal service into an independent organization, whether it be a Government agency or a public corporation.

The bill before us today, H.R. 17070, proposes the creation of an independent establishment within the executive branch of the Government—but apart from the Cabinet. This establishment is to be known as the U.S. Postal Service.

MANAGEMENT NEEDS FLEXIBILITY

There is, and will continue to be, debate over what we should mean by postal reform. My own feeling is that the management responsible for operating the U.S. Postal Service—under whatever form—must have freedom of operation.

This is particularly necessary in the financing of postal operations at all levels. Further, management must have flexibility to make changes in its procedures, in order to deal with the volume of mail in the postal system today.

H.R. 17070 would give the new management of the Postal Service such authority and responsibility while yet permitting Congress to maintain the necessary oversight on this one public service which is closer to the people than any other.

The measure before us represents a compromise and, therefore, does not completely satisfy anyone. However, I am convinced that we must proceed with postal reform and the bill before us is a long step in the right direction.

RIGID POSITION OF DEPARTMENT

One of the greatest frustrations for me and for members of my committee in this Congress has been the rigid position of the Postmaster General as to the details of the new postal organization. His rigid position is in contrast, perhaps ironically, to the more fluid position of President Nixon and the White House staff.

In any legislative matter of this massive scope, it is essential that there be give and take. Our committee has thrashed this measure over time and again, and actually has reported two completely separate bills to the House.

On April 8, after months of tedious consideration of this subject, the committee reported H.R. 4, the measure which I originally introduced in January 1969. However, the bill was amended

in the final executive session by a complete substitute.

I might explain here that while the measure was officially reported in April, the committee actually completed its action prior to the Easter recess and prior to the crippling work stoppage which occurred in March.

COULD HAVE AVOIDED STRIKE

In connection with that work stoppage in March. I would like to observe that there really was no necessity for the postal workers to be required to express their unhappiness with the progress of postal pay legislation in this fashion.

Last October the House approved H.R. 13000, which would have provided the postal workers a pay raise retroactive to October. The House acted in the face of a veto threat announced on the House floor by the minority leader. The bill died because of refusal in the other body to confer in any meaningful way.

It is little wonder that postal workers walked out from many of the Nation's major post offices in March.

In seeking settlement of the walkout, the administration agreed to sit down in unprecedented collective bargaining with the seven postal craft unions. Pointedly excluded from the negotiations were the two industrial unions.

FIRST PAY RAISE IS LAW

One result of the negotiations downtown was the President's recommendation, sent to the Congress on April 6, 1970, for an immediate retroactive 6 percent pay raise for all Federal employees—not just postal workers. This was enacted by Public Law 91-231.

Additionally, the administration at that time agreed to support another pay raise—of 8 percent—for postal workers, plus "compression" of time required for employees to reach their top salary steps. The 8-percent raise was to be effective upon enactment of a postal reform measure, the details of which were to be worked out within a few days.

This agreement was formalized on April 16, 1970. On that same day I introduced H.R. 17070, to implement the agreement, since I felt that it should be submitted to the House and to our committee for prompt consideration. The bill was cosponsored by Mr. CORBETT, Mr. UDALL, and Mr. DERWINSKI.

CALLED HEARINGS IMMEDIATELY

I called hearings immediately, during which the Postmaster General and the various labor organizations were heard in order to let them explain the measure which they jointly recommended.

Our committee then embarked upon a strenuous new schedule of executive sessions to analyze H.R. 17070 and amend it where necessary. The result of those executive sessions is the bill now before you.

If further proof is needed of the complexity of this matter, I would simply refer you to the extensive series of hearings which were held by the Committee on Rules last week in order simply to permit this bill to be brought to the floor today.

In requesting a rule, I asked for no special concessions except for the waiver of points of order on technical matters and the omission of the otherwise mandatory double printing of title 39 of the United States Code.

SUMMARY OF H.R. 17070

We now have before us a postal reform measure which is truly a committee bill, worked out in a responsible spirit of compromise by the Committee on Post Office and Civil Service.

The committee bill provides a sound legislative foundation, with appropriate guidelines, for a new, dynamic, and flexible postal system.

The bill gives well-balanced attention to the needs of both management and employees, and establishes modern practices which should be available to both in the interest of a better postal service.

The Post Office Department is replaced by a non-Cabinet independent Government agency—the U.S. Postal Service.

Policy control is vested in an 11-member "Commission on Postal Costs and Revenues," with functions similar to those of a board of directors. One of the members will be the Postmaster General, who will be the operating head of the Postal Service.

RESPONSIBLE FOR GIVING SERVICE

The new Postal Service is responsible for providing efficient and economical mail service, at reasonable rates, to all parts of the United States. In general, these are the requirements for service now imposed on the Post Office Department.

The bill continues existing law with respect to penalty and franked mail, Armed Forces mailing privileges, nonmailable matter, and prohibition of pandering advertisements in the mails.

The outmoded and generally unsatisfactory transportation provisions of existing law long have interfered with the fully effective use of present-day transportation facilities for movement of the mails.

The bill corrects this situation in one of its major improvements. The Postal Service is granted broader discretion than the Department now has—subject to reasonable guidelines—to contract for the transportation of mail by virtually all types of carriers by surface, air, and water.

FINANCE MOST CRITICIAL PROBLEM

When I introduced H.R. 4 on January 3, 1969, I cited finance as the most critical postal problem and said that we must provide updated business-type postal financing.

Our committee deliberations proved the accuracy of that statement. Accordingly, the bill provides a new system of financing under two key policy measures.

A true revolving fund is set up in the Treasury, available without fiscal year limitation, to carry out the purposes, functions, and powers of the new Postal Service.

All revenues, receipts, and money borrowed by the Service will be deposited in the fund and will be available for use.

FUNDS FOR MODERNIZATION

The Postal Service is given access to funds for modernization consistent with practices long proved effective in private enterprise. The Service is authorized to borrow money and to issue and sell such obligations as are necessary for its activities, subject to a maximum of $10 billion in total obligations outstanding at any one time.

Borrowings in any one fiscal year may not be increased by more than $1.5 billion for capital improvements or $500 million for operating expenses.

In response to criticism of the tremendous annual postal deficits, the administration proposed—and the bill requires—that the new Postal Service be generally self-supporting by January 1, 1978.

During the interim period, there will be a "public service" allowance of 10 percent of operating costs the first year, which will decline by 2 percent each year over the next 4 years.

PROCEDURE ON RATES

Postal rate changes will be recommended by the Postal Service, after hearings and other proceedings by a Postal Rate Board. Rate changes are subject to veto by a majority vote of either House within 90 days after they are submitted to the Congress.

At this point, I will turn to the important labor-management provisions.

Present postal employees will automatically transfer to the new Postal Service, with existing pay and benefits as minimums. Civil service retirement, compensation for work injuries, and veterans' preference will be continued. The employees will work under a "postal career service," outside the competitive civil service rules and regulations.

Salaries will be maintained on a local prevailing "area wage" basis, with minimum salary differentials for supervisors.

COLLECTIVE BARGAINING SET

Once the new Postal Service takes over, pay, fringe benefits, and conditions of employment will be fixed by collective bargaining between management and the recognized postal unions.

Bargaining units will be determined by the National Labor Relations Board.

The bill also includes an ironclad prohibition against political or other improper influence in appointments, promotions, and assignments of postal personnel.

Labor-management agreements in effect on date of enactment will continue to be recognized.

The Postal Service will be required to deduct regular initiation fees, dues, and assessments of recognized employee organizations when authorized by the individual employees.

LABOR-MANAGEMENT IN SUMMARY

In summary, the labor-management program is in line with practices in the private sector under the National Labor Relations Act except that there will be no right to strike.

Under section 14(b) of that act, of course, a "union shop" cannot be imposed in any State which has a "right-to-work" law.

Finally, in a most critical provision to implement the negotiated agreement, the bill grants postal employees an 8-percent pay raise retroactive to April 18, 1970.

Also, management and the recognized unions must establish, through collective bargaining, a plan for employees to advance to their top pay steps in 8 years, instead of the 21 years now required.

SUPPORT BILL AS REPORTED

Mr. Chairman, I support H.R. 17070 as reported from our committee. I make no apologies for the fact that it differs in some respects from the measure agreed upon by the negotiators downtown.

As chairman of the Post Office and Civil Service Committee and as a Member of the House I consider it is my job to legislate—that is, to write legislation. I do not feel that I was elected to be a rubberstamp for anyone.

I listen to all sides and I would be violating my trust if I did not. The Members of my committee have done likewise and I am proud of them. They have exercised their right and responsibility in making changes in this bill in various instances.

Although the bill carries my name, I did not close the door to changes in committee. I do not do so now. There is too much at stake here for the American people who want and deserve the best possible postal service.

MEANING OF POSTAL REFORM

I mentioned earlier that the subject of postal reform has been a prime topic of concern since I became committee chairman nearly 3½ years ago. I think it is important to realize that postal reform is a broad term—it means different things to different people.

To the average American it means mail service—efficient and prompt handling and delivery of letters and parcels as well as other services.

To the businessman, it means vital mail service in his everyday operations. To many businessmen, it is a major item of operation and expense.

To the mailers, it means their bread and butter—their method of getting their product to the customer.

To postal workers, it means their livelihood, their working conditions.

To postal management, it means the authority to operate the postal service efficiently and economically, with freedom of financing, choice of modes of transportation, opportunities for modernization and for variations in service to meet changing needs.

REFORM NECESSARY, OVERDUE

I believe that postal reorganization is not only necessary, but long overdue. No one regrets more than I do that our committee deliberations have stretched out so long. I do not think the delay was necessary. We could have done the job faster with a little better cooperation from the Postmaster General and his staff.

Mr. Chairman, the bill before us will accomplish postal reform. It is the proposal hammered out by our committee after many months of study and debate.

While my original approach was different, I feel no hesitancy in supporting the version now before the House.

I recognize the concern of some of my colleagues about certain details of the bill. I reserve the right to consider on the merits any amendments which are presented under the 5-minute rule.

At the risk of repetition, I say again, our postal service needs reorganization. I would not go so far as to predict a crisis, tomorrow, next month or next year. But we must provide the tools—financial and managerial—to effect the major reorganization the American public demands.

In this light, I urge support of H.R. 17070.

Mr. CUNNINGHAM. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Sixty-four Members are present, not a quorum. The Clerk will call the roll.

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

[Roll No. 172]

Addabbo	Gilbert	Ottinger
Alexander	Hagan	Pelly
Barrett	Halpern	Pettis
Beall, Md.	Hamilton	Pollock
Bell, Calif.	Harsha	Powell
Berry	Hébert	Pryor, Ark.
Bolling	Holifield	Rarick
Brademas	Horton	Reifel
Brock	Jacobs	Rooney, N.Y.
Buchanan	Kastenmeier	Rosenthal
Burton, Utah	Kirwan	Roudebush
Bush	Long, La.	Ruppe
Carey	McCarthy	St Germain
Celler	McClory	Scheuer
Chappell	McEwen	Schneebeli
Clark	McMillan	Schwengel
Clay	Macdonald, Mass.	Shipley
Conyers	Madden	Smith, Calif.
Corman	Mailliard	Springer
Cowger	Mathias	Steed
Cramer	May	Steiger, Ariz.
Daddario	Meskill	Stokes
Dawson	Mikva	Stratton
Dellenback	Miller, Calif.	Stuckey
Edwards, Calif.	Mink	Taft
Erlenborn	Minshall	Vander Jagt
Evins, Tenn.	Morton	Weicker
Farbstein	Murphy, N.Y.	Whitten
Findley	Nedzi	Wilson, Charles H.
Flowers	Olsen	Wolff
Frey	O'Neal, Ga.	Wydler
Gaydos		

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17070, and finding itself without a quorum, he had directed the roll to be called, when 334 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. CORBETT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the chairman of our committee, the distinguished gentleman from New York, has reviewed the main features of this bill very well. I want to take this occasion to compliment him on the very excellent job he did of steering this complex legislation through our committee despite some harassment and annoyances and what amounted to filibustering at times. He did an excellent job, and he deserves the commendation of the House.

In regard to my own feeling toward the bill, it is a very mixed reaction I have. Fundamentally, one main issue which has not been mentioned here is the fact that this postal reform bill sets forth in no uncertain language that the Post Office is a business and it ought to be self-sustaining by 1978.

There are many who have felt over the years, and who still feel, that the post office service is the finest service that our Government provides.

As we look down the road, if we are going to make the Post Office a self-sustaining business by 1978 two things seem inevitable: first, that rates will have to go up very high; second, that some services must be curtailed. This is not good.

We speak only of the deficit in the Post Office Department. We do not speak of deficits in all the other departments of Government, few if any of which do as much good for the citizens of our country.

Now, then, there is a hue and cry for postal reform. It is just possible that we are going to be passing a bill which primarily has a good title and may work great hardships in the future. So I believe if this bill is amended, I will tend to support every amendment which tends to keep our options open.

For example, I understand that the gentleman from Montana (Mr. OLSEN) is going to submit an amendment to keep the public service allowance at 10 percent rather than have it go down to zero in 1978. Obviously, when this Congress votes a preferential rate for any class of service, the Congress has voted it and it should be paid for out of the Treasury and not by the users of the mail. I submit the most obvious example of that. We come in here and, in our collective judgment, say we should have free mail for the blind. Why in the world should that be charged to the users of the mail any more than when we give preferential rates to the Crippled Children's Fund, to Boys Town, to church publications, and all the rest? I am going to support that amendment very vigorously.

Likewise, I am going to oppose very vigorously anything which is going to take away from this Congress the right to review rate increases. This bill which is presently before us provides that we follow the reorganization procedure, and if either House by a majority vote vetoes a rate recommendation, the veto stands.

So as we go through the amending procedure tomorrow, and the next day I am going to urge all of you to support those amendments which allow us to keep our options open. The Congress will be in session long after we are gone, and if things are wrong with this very far-reaching plan, then we can correct them with ease. However, we tend to write too much into the bill, which is a final decision, or at least is for the predictable future.

With that I am going to close as I began by saying that I have mixed feelings about this bill. I am going to support it, but with the passage of time, I will want to watch very closely to see how it is working, whether the experiment is detrimental to the welfare of the country and detrimental to our postal service or whether it is the good thing that people have promised it will be.

Again I say, as we go through the amending process tomorrow and Thursday, we should be very careful that we do not write into it things that tie our hands for the indefinite future.

Mr. DULSKI. Mr. Chairman, I yield 12 minutes to the gentleman from North Carolina (Mr. HENDERSON).

Mr. HENDERSON. Mr. Chairman, I rise in support of those basic objectives and the basic provisions of H.R. 17070.

I want to commend the chairman of our full committee (Mr. DULSKI) for the outstanding leadership he afforded our committee through the many months of consideration of this complicated legislation. I commend him on his courageous leadership afforded us at times that have been the most difficult we have ever encountered in our full committee.

I am especially appreciative of the remarks made by the ranking minority member, the gentleman from Pennsylvania (Mr. CORBETT) in his salute to our chairman and I commend the gentleman and the Members on his side of the aisle for the manner in which they have approached this most difficult problem.

Mr. Chairman, I take this opportunity to state my reservations about the provisions of section 222, the labor-management section.

The House Post Office and Civil Service Committee has labored long and hard over this issue of postal reform and we have considered several approaches. The approach of H.R. 17070 represents something of a compromise between the initial recommendation by this administration and the preceding administration for a public corporation operating under the Public Corporations Act, and the postal employees and their organizations who initially held out for retention of the Cabinet level Post Office Department with some internal reforms.

I am sure that everyone who sat through the long hours of hearings we held, recognizes the need for some changes in the postal service, which will take the Postmaster General out of the President's Cabinet, in order to guarantee continuity of management—with tenure based on performance and not politics; that would give management the authority to set postal rates upon the recommendation of a panel of expert rate commissioners with such rates subject to congressional vote; to give management greater flexibility in the labor-management field; and give management borrowing authority to raise capital to accomplish needed postal modernization and reforms.

Our chairman knows, the Postmaster General knows, and the leaders of the employee groups know that I have been intensely interested in this entire matter and have supported meaningful reform when the chips were down.

Many of them also know, however, that as chairman of the Subcommittee on Manpower Utilization and Civil Service, I have expressed misgivings about extending to Federal civil service employees all of the labor-management provisions of the National Labor Relations Act including the Taft-Hartley and Landrum-Griffin Acts.

While the bill specifically prohibits the employees from having the right to strike we do permit negotiations in areas where we have never had negotiations before, with binding arbitration as the final authority—not the postal officials or the Congress.

Particularly distressing to me is the fact that the bill, as it is now before us, would make it possible for the postal unions and the postal authority to negotiate agreement for a union shop, or the creation of a union shop could be brought into being by a decision of an arbitration board.

In either instance, it would result in a situation where a Federal civil service employee has to join and pay dues to a union or lose his job.

This is absolutely and completely contrary to the concept of freedom to choose which all Federal employees have historically enjoyed.

In Executive Order 10988, a landmark document issued by President Kennedy setting out basic policy for labor-management relations in the Federal service, the following statement appeared:

> Each employee . . . have the right, freely and without fear of penalty or reprisal to form, join, and assist a labor organization or to refrain from such activity, and each employee shall be protected in the exercise of this right.

That Executive order was continued in force and effect by President Johnson and replaced by Executive Order 11491 issued by President Nixon containing the same language.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I am delighted to yield to my friend, the gentleman from Texas.

Mr. POAGE. Just as a matter of record, does the gentleman understand that his amendment as now written would protect a man in his right not to pay dues to a labor organization if he did not want to?

Mr. HENDERSON. I am delighted that the gentleman asked the question because it is my understanding that the language of the Executive order has been interpreted that way, and by merely taking the language from the Executive order, no member would have to join or pay dues, initiation fees, or assessments.

The Postmaster General and others have suggested that right to work is not an issue in the postal reform bill. I have no wish to argue semantics and "right to work" is their phrase, not mine. I want to make it absolutely clear, however, so that no Member will possibly fail to understand it, that if we pass the bill reported by the committee, H.R. 17070, we will have created the mechanism whereby a union shop can come into existence under the existing laws, and the provisions of the Executive order which have the force of law.

At present there is no possibility whatever of the union shop in the Federal service coming into existence.

Others have suggested that since the postal authority under this bill would become a separate entity that postal employees will no longer be Federal employees, and that, therefore, you could justify an extension of most labor-management provisions, including compulsory unionization to the new situation. But let me make it clear that in this bill, H.R. 17070, no postal corporation is formed. There is no new legal entity outside of the executive branch covering the employees, and the postal authority would retain civil service status like all other Federal employees, in addition to the new provisions of the labor-management section of either of the bills.

Some of the most responsible public organizations in this country, who have been in the forefront of the fight for meangingful postal reform, support me completely in my position that there is no need or justification in the postal reform bill for compulsory unionism.

I refer to such organizations as the U.S. Chamber of Commerce, of which the Postmaster General is a past president; the American Association of General Contractors, of which I understand the Postmaster General is or has been a member; the National Association of Manufacturers, the American Farm Bureau Federation, and many others.

Mr. Chairman, many of the most highly respected newspaper editors and columnists in the Nation have recognized this unjustified and unnecessary provision in the bill, and have expressed their opinion that it will not serve the public interest.

I have included some of the editorials from the papers over the country in the RECORD in the past few days.

Finally, Mr. Chairman, let me say again that I recognize the need for postal reform and support the basic provisions of the bill under consideration and believe that this House in working its will will bring about meaningful reform, but I can see absolutely no justification for including compulsory unionism in the package.

I want to urge all Members to support the amendment that I will offer in the Committee of the Whole to guarantee all Federal employees their right to join or to refrain from joining such as they now have, and have always enjoyed.

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

Mr. CORBETT. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa (Mr. GROSS) who is a member of the committee.

Mr. GROSS. Mr. Chairman, with nearly 22 years of service on the House Committee on Post Office and Civil Service, which is charged with the responsibility for legislation affecting the Post Office Department, I am fully aware that numerous problem areas do exist in the giant postal network, and that a degree of modernization and streamlining is necessary for this system to cope adequately with our present-day needs.

For the past few years I have introduced my own legislation which I felt would bring necessary improvements to the postal structure.

When our committee took up the thorny problem of postal reform the last year, I was greatly encouraged. I attended practically all of the hearings and almost all of the extensive executive sessions that continued over a period of many months.

I had hoped, therefore, at long last to be able to come here today and give enthusiastic support to the fruits of these long endeavors. Unfortunately, this is not the case. I cannot in good conscience support either the committee substitute or the proposed Udall–Derwinski substitute which can now be offered piecemeal to the Committee of the Whole.

It is my considered opinion that each

of these substitutes propose cures for the problems of the postal service which go far beyond the real needs and, if enacted, could seriously alter the concept of the postal service as the American people desire it to be.

In our initial deliberations on this subject, the committee deliberately isolated the real problems in the Post Office Department and proposed specific and meaningful cures for each problem. We altered the organizational structure effectively, eliminated politics, provided management continuity and flexibility, modernized the archaic provisions of existing law dealing with transportation and labor and management relations, and set up a realistic system of financing.

However, it seemed that this logical step-by-step approach to problem solving was unacceptable downtown where the total reform theory was being pushed.

With Mr. Blount, the Postmaster General, he has demanded his version of postal reform, almost on an all or nothing basis—take it or leave it.

Consequently, as our distinguished chairman so aptly stated before the Committee on Rules, each time the committee seemed to be reaching a conclusion, another substitute embracing total reform was forced upon the committee.

By my count, we here today are dealing with the sixth or seventh of such substitutes. One sometimes wonders where the original went.

There is one so-called postal reform bill, H.R. 4, reported out of the Committee on Post Office and Civil Service on April 8 of this year that is still somewhere in orbit between the Committee on Post Office and Civil Service and the Committee on Rules.

Mr. CUNNINGHAM. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Forty-nine Members are present, not a quorum. The Clerk will call the roll.

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

[Roll No. 173]

Abbitt	Fallon	Nedzi
Addabbo	Farbstein	O'Neal, Ga.
Alexander	Findley	Ottinger
Ashley	Flowers	Pelly
Ayres	Frey	Pollock
Barrett	Gaydos	Powell
Berry	Gilbert	Rarick
Blackburn	Gubser	Rees
Boland	Hagan	Reifel
Bolling	Halpern	Rooney, N.Y.
Brademas	Hamilton	Roudebush
Brock	Hanna	Ruppe
Buchanan	Hébert	Scheuer
Burton, Utah	Holifield	Schneebeli
Bush	Ichord	Schwengel
Celler	Jacobs	Smith, Calif.
Chamberlain	Jarman	Springer
Chappell	Keith	Steiger, Ariz.
Clark	Kirwan	Stokes
Clay	Landrum	Stratton
Conyers	Langen	Taft
Corman	Long, La.	Thompson, Ga.
Cowger	McCarthy	Thompson, N.J.
Cramer	McClory	Weicker
Daddario	McMillan	Whitten
Dawson	Madden	Widnall
Dellenback	Mathias	Wilson, Charles H.
Dingell	May	Wolff
Dwyer	Meskill	Wydler
Erlenborn	Minshall	
Evins, Tenn.	Murphy, N.Y.	

Accordingly the Committee rose; and the Speaker having resumed the chair Mr. PRICE of Illinois, Chairman of the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17070, and finding itself without a quorum, he had directed the roll to be called, when 338 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from Iowa (Mr. GROSS) had 6 minutes remaining. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I oppose the so-called packages of total postal reform because I sincerely and earnestly believe that both of them are bad for the American people.

Any change, for the sake of making a drastic impact, can be exteremly dangerous national policy. There is simply no justification for us here to try to fool the American public into thinking that the creation of an "independent establishment" with almost unlimited powers will, in itself, result in increased efficiency, greater economies, and better postal service.

The American people want, and they need, better postal service and they will not get it under any such offering as the Blount-Meany-Udall-Derwinski version of so-called total postal reform.

I shall not attempt to enumerate in specific detail all of the reasons why I consider this legislation totally unacceptable. However, there are several important items that need emphasizing.

First of all, this legislation completely and effectively removes the operating head of the most vital of all Federal Government services from any possible control by the people or by the people's elected representatives.

The new Postmaster General, the absolute czar of the Postal Service, would be selected and serve at the pleasure of a politically oriented commission of nine persons. This Postal Service czar, commanding one of the biggest monopolies, would be unique in the annals of American Government. He would be accountable to no elected representative of the people—not to the President and not to the Congress.

I might add, incidentally, that this Commission will be an expensive one, because the salaries of members of the Commission are based on $10,000 a year plus $300 a day when in session, plus expenses. In other words, if this Commission is in session only 182 days in a year, at the rate of $300 a day, plus the $10,000 base, each member would be paid $64,600, plus expenses. That is a better salary scale than that provided the members of the U.S. Cabinet.

The postal service as a vital public service, will cease to exist. The only thing that can reasonably be expected after this legislation is enacted is that postal rates will go higher and higher and postal services will be less and less.

Already there is circulating downtown, in the higher echelons of the Post Office Department, a so-called 5-year plan to be put into effect as soon as this legislation is enacted. This plan, consisting of 12 or 13 "strategems"—and I would point out that Webster defines a "strategem" as a maneuver to deceive—would eliminate all Saturday delivery and window service, consolidate existing postal facilities, curtail mail delivery service to colleges and universities, curtail parcel post service, reduce clerical hours, discontinue air taxi service, discontinue airlift of first-class mail, and many other services as we now know them.

It is certainly evident that from any objective, professional, or philosophical point of view, the public service concept of the postal service which has been carefully developed by Congress over a period of many, many years, will be completely subverted by the enactment of the legislation now before us.

Probably the most publicized objectionable feature of this legislation is that which permits compulsory unionism for the first time in our history in the Federal Government. While I am opposed to compulsory unionism on any basis, it is certainly much more repugnant when applied to employment with the Federal Government.

Over the years, by law and by administrative and judicial action, all barriers—race, religion, age, sex, ideological beliefs, and so forth—have been removed between an American citizen and the privilege of working for his Government. But this bill paves the way for union membership as a rigid condition of Federal employment, and as Mr. George Meany, president of the AFL–CIO, testified before the committee, "This bill is only a beginning."

He indicated that he hoped to be back before the committee urging the enactment of similar legislation for all civilian workers in the Federal Government.

Mr. Chairman, as I indicated earlier, time simply does not permit me to recite in specific line-by-line detail the many defects in this legislation, such as removing all postal employees from the competitive civil service, removing residency requirements for postmasters, and, in fact, permitting complete abolishment of the position of postmaster, the open door for personal patronage and cronyism, and complete abdication of congressional controls.

If this legislation is enacted without amendment, you may have in Iowa or Texas or any other State, a postmaster from Philadelphia or New York, or from Alaska or Hawaii.

It would be my suggestion, Mr. Chairman, that we grant postal employees the pay raise to which they are entitled and that we return to the committee the so-called postal reform substitute. I, for one, so intend to vote.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

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

Mr. ROSENTHAL. Mr. Chairman, I rise in support of H.R. 17070. This legis-

lation is long overdue to correct the inequities under which our Nation's dedicated postal employees have labored for many years. In addition, the bill contains provisions which will streamline the operation of the post office and make it better equipped to handle the huge increase in mail volume that is expected to occur in ensuing years.

I am particularly pleased about the wage provisions in the measure. The 8-percent increase on top of the previous 6-percent salary hike gives the postal employee's a more realistic compensation with which to counter modern day inflationary pressures. The provisions for retroactive pay to April 1 and regional differentials will help to eliminate the special hardships that New York postal workers have experienced as a result of being exposed to virtually the highest cost of living in the Nation.

The concept of a quasi-governmental organization approved by the committee seems to give the postal service enough autonomy to operate more effectively, while assuring congressional review through the powers to set appropriations for the postal service and to veto rate changes.

I believe that bringing postal employees under the provisions of the Taft-Hartley Act is a healthy change. There is no reason why they should not have the same protection—and opportunities—as workers in private industry. There are sufficient safeguards against public employee strikes and enough flexibility in the provisions to refute the charge of compulsory unionism. No union shop can be instituted if a State has right-to-work laws, and the postal service is only under an obligation to bargain for a union shop, not agree to it.

In addition, I oppose any amendment which would eliminate smaller postal unions by granting recognition only to collective bargaining organizations on the basis of national election strength. Such a law would disband the National Postal Union and the National Alliance of Postal and Federal Employees, both of whose members have no desire to be absorbed by the larger ACL–CIO craft unions. Workers should have a right to choose whom they want to represent them in labor-management negotiations.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. STAFFORD. Mr. Chairman, it has just come to my attention that my name was attached to a full-page advertisement which was run in yesterday's Washington Evening Star by the National Right To Work Committee in connection with the postal reform bill which we are now considering.

I, frankly, have not determined how I shall vote on the particular section of this bill which was the subject of the advertisement. As I have told Vermont constituents repeatedly over the last several weeks, I will want to listen to the debate on the floor specifically about this matter before making a final determination as to how I shall vote.

But, whether I shall finally agree with the object of this advertisement or not, I strongly deplore the unauthorized use of my name in any advertisement of any nature, and I bitterly resent the action taken in this instance by the National Right To Work Committee.

Mr. MIZE. Mr. Chairman, there has been much controversy over the so-called right-to-work issue in connection with the pending postal reform legislation.

It is a tragedy that this issue had to arise, for this Nation needs few things more than meaningful postal reform.

Presidents of both political parties have strongly supported postal reform. Postmasters General have supported plans which would remove them from the Cabinet. Postal workers, by and large, have supported legislation which would modernize and improve their service to the people. Most Members of Congress have articulated positions in favor of removing the Post Office from politics, and putting it on a paying, professional basis where it belongs.

The legislation before the House today reflects a compromise negotiated for improvement of the postal service between representatives of the administration and representatives of the postal workers unions. It is an imaginative and forward looking bill; it incorporates many of the recommendations of the Kappel Commission and would go far in solving some of the most crippling problems associated with our 18th-century postal department in 20th-century America.

For the most part, this legislation deserves wholehearted support, and the Committee on Post Office and Civil Service is to be congratulated for its forthright action in bringing the legislative version of the negotiated compromise to the floor of the House.

RIGHT TO WORK FOR FEDERAL EMPLOYEES

If the legislation before the House is enacted, the Post Office Department will be henceforth called the U.S. Postal Service. Its organizational structure will look, for all the world, like that of a major corporation. The Service will have its "Board of Directors" acting under another name, it will have its "President and Chief Executive Officer," and its workers will have the power to collectively bargain for wage rates and fringe benefits.

But these workers, though they will hold positions with some appurtenances of jobs in the private sector, will remain Federal employees.

Their retirement benefits will be administered by the Civil Service. They will have no right, as public employees, to strike. The Veteran's Preference Act will still apply in selecting candidates for employment in the Service. Employees will be protected under the Federal Workman's Compensation Act, and they will have the right to transfer, upon enactment of the reform bill, to other branches of the Federal Government to the extent possible.

In fact, Mr. Chairman, the new U.S. Postal Service, under the legislation before us, will be "in the executive branch of the Government."

All these considerations have led me to conclude that employees of the U.S. Postal Service under this bill would be Federal employees just like their counterparts in State or DOD or the Veterans' Administration. Perhaps my conclusion is self-evident and without need of proof, but it becomes important when we consider certain relevant provisions of the postal reform bill.

The bill provides that the general labor law of the United States, that is the general labor law governing relations between management and labor in the private sector, will apply to the postal service—except that postal employees will be without the right to strike.

Thus, for the first time in history, Federal employees will have an opportunity to collectively bargain with management for a union or agency shop, at least in those States without so-called "right-to-work" laws.

Now, Mr. Chairman, I was one of the strongest supporters of "right to work" when that constitutional provision was adopted in my State by vote of the people. I believe "right to work" has been instrumental in the industrial development of Kansas and other areas where the union shop is prohibited by State law.

After careful reading of the committee report on postal reform, I am confident that the legislative history is sufficiently clear to protect U.S. Postal Service employees working in Kansas and the other 18 "right-to-work" States from compulsory unionism.

I am gratified, of course, that Kansas postal workers will be protected from compulsory unionism—but Mr. Chairman, that is not the point. This legislation has national implications, and thus, must be considered on a national basis.

PLATFORM AND EXECUTIVE ORDER

The Republican platform of 1968, upon which a Republican was successfully elected President, and upon which I ran for this office, stated:

> We pledge to protect Federal employees in the exercise of their right freely and without fear of penalty or reprisal to form, join, or assist any employee organization or to refrain from any such activities.

Further, President Nixon's Executive Order No. 11491 states in section 1(a):

> Each [Federal] Employee has the right, freely and without fear of penalty or reprisal, to form, join and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right.

These covenants with Federal employees, Mr. Chairman, are not particularly difficult to understand. They are commonly termed "right-to-work" provisions, for they guarantee an employee the right to continue to work without being forced to join any employee organization of any kind—particularly an organization which collects dues from its members.

Since the compromise for postal reform negotiated between the administration and postal unions permits employees of the service in 31 States to bargain collectively for the union shop—it is in plain violation of the President's platform and the President's Executive order.

Now, I personally do not think that the President should consider himself

"bound" by any agreement worked out between the Postmaster General and the postal unions. He is the President of all the people, and in this particular instance, it is particularly relevant to point out that he is the President of those quarter million postal workers not now in unions.

Their interests must be protected in the future, just as they have been protected in the past by the Executive orders of President Kennedy and President Johnson.

Mr. Chairman, I hold it the duty of this House to approve the Henderson amendment guaranteeing "freedom of choice" for postal employees. I hold it the duty of the conferees to insist on "freedom of choice" or "right to work" for postal service employees in any future conference with the other body.

I urge all Members to support the Henderson amendment and approve it, then promptly pass the Postal Reform Act by an overwhelming margin. The Nation needs postal reform now—with the right to work guaranteed to all postal employees.

THE TIME FOR FEDERAL FREEDOM OF CHOICE IS NOW

Mr. Chairman, the events of the moment convince me—more than ever—that this session of Congress is an appropriate time to enact the Federal employees Freedom of Choice Act which I had the honor to cosponsor. This bill would guarantee "right to work" to all Federal employees, including postal employees, and would codify the Executive order that we have seen abrogated in the postal reform proposals of the administration and the unions.

Perhaps the only way that Federal employees can be kept free from compulsory unionism in non-right-to-work States is through enactment of this legislation. I urge the Committee on Post Office and Civil Service to consider the bill I have cosponsored, H.R. 2741, on its merits. Failing House action, I urge concerned Senators to append a Federal freedom of choice provision protecting all Federal employees on this legislation when it is considered in the other body.

Mr. HENDERSON. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. NIX).

Mr. NIX. Mr. Chairman, I rise in support of the committee amendment to H.R. 17070. It is a bill that will provide the best possible postal reform and, at the same time, be eminently fair to all postal employees.

I am well aware of the "agreement" negotiated by the Postmaster General and several of the unions. The committee amendment is a major improvement over that "negotiated" plan.

If that negotiated agreement were to become law, it would totally destroy two of the very finest employee unions—the National Postal Union and the National Alliance of Postal and Federal Employees. They are the so-called industrial unions.

It is to the eternal credit of the great Committee on Post Office and Civil Service that it rejected such an inequitable proposition.

Mr. Chairman, as indicated by the distinguished chairman of the committee, all employee unions—whether craft or industrial—will be on an equal footing, under our bill, in seeking recognition to represent various units of employees.

I urge my colleagues to support these provisions, which are in subchapter 2, beginning on page 187, and to vote down any amendments which would endanger the industrial unions I mentioned earlier.

Mr. Chairman, I urge the support of everyone in the House for this most worthwhile legislation.

Mr. CORBETT. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. DERWINSKI), a member of the committee.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from New York.

Mr. REID of New York. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 17070, the Postal Reorganization and Salary Adjustment Act of 1970.

There is no question but that the postal service in this country is far below what every American has a right to expect from the most technologically advanced nation on the globe. The delays and uncertainties of mail service make business difficult to transact and cause personal hardship and inconvenience. In fact, the remarkable thing is the service that is provided by the letter carriers in spite of the system, not because of it.

The many handicaps that prevent the Post Office from rendering efficient service arise from different sources: Some emanate from outmoded legislative, personnel, and budgetary policies that bear little relevance to the seventh decade of the 20th century. Others place unnecessary restrictions on the ability of the Post Office to procure transportation and other services at reasonable and competitive prices.

But perhaps most important of all to an efficient postal service is the morale of the men and women who operate and manage it and who are responsible for seeing that the mail actually gets in the right mailbox. Letter carriers and clerks, until the most recent 6-percent pay increase, earned annual salaries well below those of police and firemen in many major cities. In most urban areas, their wages are still below what is necessary to maintain a family without holding a second job. Equally, conditions in many post office buildings are less than adequate, with air conditioning lacking in the summer and heating unreliable in the winter.

The restructuring of the Post Office into the U.S. Postal Service, as proposed in this bill, freed of political pressures and eventually to become self-sustaining, is a most essential step and one which I heartily endorse. A businesslike financial policy, free from dependence on the congressional appropriations process, and a realistic ratemaking policy, again free from dependence on congressional action, will do much to make the service fiscally sound and operationally efficient.

H.R. 17070 recognizes, as well, the importance of modern relations between post office management and post office employees. Chief among these provisions is the 8-percent pay increase for all postal employees. I am especially pleased that the House bill makes this increase retroactive to the first pay period after April 16, 1970, as postal workers have already waited too long for action on this measure. This is essential.

In addition, the bill requires prompt commencement of collective bargaining on wages, hours, and working conditions and stipulates that any resulting agreement must provide a wage schedule under which postal employees will reach the maximum pay step for their respective labor grades after not more than 8 years of satisfactory service in such grades. This will eliminate the reprehensible 20-year wait which some postal employees must now endure before they are entitled to maximum pay and the delay in promotions on merit.

Mr. Chairman, the committee bill is certainly not perfect and some provisions seem to me to be not entirely concerned with the public interest. For example, the committee bill provides that the benefits of free or reduced mail will continue only if and to the extent that the Congress appropriates the revenue forgone by the free or reduced rates. This will work a serious—if not fatal—hardship on many libraries and educational institutions which now enjoy low rates which are unzoned. The entire interlibrary network is based on these low rates. A library in Westchester County, for instance, now pays 7 cents postage to borrow a 2-pound book from another library in Boston. If it had to pay regular fourth class zoned parcel post, the charge would be 60 cents. It would seem that if the postage for books goes up, the funds will have to come from moneys earmarked for the purchase of books—and there is little enough of that already. I understand that the gentleman from New York (Mr. BUTTON), offered an amendment in committee to deal with this situation. While it was defeated, I am hopeful that another attempt will be made on the floor.

In a larger sense, however, enactment of some postal reorganization legislation is essential without delay—in the public interest and in the interest of postal employees who have long waited for the benefits in this measure.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

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

Mr. HOGAN. Mr. Chairman, I associate myself with the remarks of the gentleman from Pennsylvania.

Mr. HOGAN. Mr. Chairman, I deplore the negotiated agreement between the Post Office Department and the craft unions to limit those unions eligible for designation as a collective bargaining unit to "national craft units, such as those previously recognized under Executive Order 10988."

Inasmuch as the Department and the craft unions are well aware of the fact that the memberships of the National Postal Union and the National Alliance of Postal and Federal Employees and several other independent postal unions do not follow craft lines, this can only be

interpreted as an attempt to put these unions out of business. This would be the effect of such a provision.

I am pleased that the members of the committee have taken steps to insure that no existing postal employee union would be put out of business. I favor no one union over another, and I feel very strongly that the Federal Government should not be a party to any "deal" which will result in favored or exclusive treatment for any union over another, particularly to the extent of liquidating a union and denying its members the opportunity to belong to the union of their choice.

Mr. DERWINSKI. Mr. Chairman, if there are any other Members who would like to revise and extend at this point, they are welcome to do so. I suggest quite seriously though that they reconsider, especially all the comments of supporting the final version of the bill, since given the mood of the House indicated by the start we have this afternoon, it may well be we will not recognize the bill when we are finished. Then many of those who have said they will support it will be voting against it, and many who have said they will oppose it will be converted and will vote "yea." I think we have a real can of worms before us.

The facts of life are that we have before us postal reform legislation, although one would not know it from the direction the various issues are taking.

When we speak of postal reform, I believe we do so in recognition that there are things drastically wrong with the postal service, and unless we truly reform it, we will be merely spinning our wheels. We cannot have patchwork reform of the present postal department. It is too far shot for that. We had better have legitimate postal reform, or we will betray the public.

We could pass a bill and label it postal reform, but unless it is workable, it will not provide the service the general public needs.

Let us for a moment consider the problems involved in the Post Office Department.

First, the Post Office Department is underfunded because the Congress has not provided the Department with the financing it needs to bring about new facilities, automation, the up-to-date technology to move a great volume of mail. The reason why Congress will not give them proper funding is that it is not as glamorous to invest sums in the Post Office as it is to invest in programs sponsored by HEW, by HUD, by the Space Agency, by the Environmental Agency, or in other glamorous programs of the day, so the Post Office will continue to be shortchanged.

The second problem in the Post Office Department is that the morale of the employees is almost nonexistent, for two reasons. First, it is because, for reasons beyond my understanding, in some areas of the country the Post Office Department has been turned into a semi-social agency, and they have let the bars down on the qualifications of some of the personnel they are hiring, and as a result they have in too many instances inadequate personnel who cannot meet the obligations they face.

Second, there is not really an effective personnel promotion system in the present Department. Too many Post Office employees start and finish their careers in the very spot they commenced. As a result, there is not the incentive to work their way up the ladder. They have not an incentive to produce better.

When we add to this the fact that the basic structure of the Post Office is more attuned to the 19th century than to the 21st century, which we are rapidly approaching, and take a look at the archaic departmental structure, at the lack of incentive affecting employees, at the lack of financing by Congress, at the growing volume of mail, at a shifting population which makes it difficult for the Post Office to adjust to in terms of facilities, we see there is a monstrous problem.

If we are to reform, how should we do it? We thought we could do it with this legislation. Now, I am beginning to doubt it.

The first thing we obviously have to do is to solve the problem of employee morale. The bill has an 8-percent pay raise, which would temporarily solve the problem—temporarily. The only way we are really going to develop the type of spirit and morale postal employees should have, service mail users and customers could use, is to provide a vehicle for promotion, to take the dead hand of politics off the Post Office Department, to give the young clerk or carrier the vision of working his way up to the top. We can only do that by legitimate total postal reform, not patchwork.

Second, we must have a self-financed operation, since Congress will not provide the funds they need for the Post Office to be self-financing. Again, it has to be free from the dead hand of Congress on rates—rates often artificial because of the unique pressures brought to bear on the Post Office Committees of the House and Senate.

We have to give the administrators of the Post Office the management flexibility to use funds and to use personnel in a way to more effectively speed the mail.

If we could produce a reform bill that would provide financing, that would provide encouragement for employees, and would provide management flexibility, then we would be serving the country. If we do not provide that, if we paste a reform label on the bill, we will do nothing.

I do not know what the mood of the House will be tomorrow, but we will be offering some amendments to try to make this bill meet the real standards of postal reform.

One of the amendments will take the form of taking the supervisor organizations, which under the committee bill are in effect labor unions, and giving them a relationship to management that they should have. It is absolutely ludicrous to think of operating the Post Office Department when you have supervisors, with the professional heads of their organization here in Washington with a union mentality, rather than taking the part of management as they should be.

Another item they will have to straighten out is the date of the pay bill, because this involves a solemn agreement between the AFL–CIO—Mr. George Meany and other key officials—and the Postmaster General. So we will have to give credence to their agreement in some form in an amendment tomorrow.

In addition, we will have to provide amendments to make the rate structure meaningful to see that the Congress really takes its hands off the Department in terms of rates and politics.

If we do all of this, we may have postal reform.

I would like to suggest to the House, that indirectly we could perform a great service for the country if we passed a meaningful postal reform bill by Thursday. It is my understanding that the other body will agree to stop their rambling on foreign affairs long enough to pass their version of postal reform. Then we could go to conference and perhaps by the time we take our Fourth of July break we will have a postal reform bill that the President would accept.

I reemphasize that we have a chance here to demonstrate real legislative leadership in the House. Let us make this a legitimate postal reform bill and when tomorrow comes and we offer amendments we will give every one of you gentlemen a chance to rally around the flag of a meaningful, lasting, and overdue postal reform bill.

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

Mr. DERWINSKI. I yield to the gentleman.

Mr. GROSS. Who is this "we" that the gentleman is talking about who will be given these wonderful and glorious opportunities?

Mr. DERWINSKI. I was hoping that even the gentleman from Iowa would get "reform" religion by tomorrow.

Mr. GROSS. I thank the gentleman.

Mr. HENDERSON. Mr. Chairman, I yield 7 minutes to the gentleman from New York (Mr. HANLEY).

Mr. HANLEY. Mr. Chairman, back in April of 1967, I, like others on this committee, was elated by the pronouncement of the then Postmaster General, Larry O'Brien, who in public pronouncement suggested total reorganization of our Nation's postal system. As a member of this committee for the past 5 years or so it did not take too long to recognize the ills prevalent in this system. In my judgment, I could only observe that it has been traditionally treated as a stepchild of Government, that is this U.S. postal service. I have to charge the responsibility in major degree to the Congress for its failure to fund this agency. It is inconceivable to think, for instance, that a period of 25 years elapsed during which we did not construct one post office throughout this great Nation, from the 1930's through to the 1950's. Just imagine what would have happened to any business or industry in the private sector where regardless of the expanded volume of mail we were not providing any new facilities for that period of time.

As I observed it, there were only a few basics that needed to be treated to put this system on the right track.

Initially, it needed money. It needed the necessary capital investment to update the plant in order to take advantage

of the scientific and technological know-how that is available in this day and age. But we have been consistently reluctant to do that. Up until just a few short years ago we did not even have a research and development program in our Nation's postal system. Yet, here we are talking about the largest industry in the world, an industry that employs in excess of 780,000 people, the largest user of transportation in the world, a system that develops volume in excess of 200 million pieces of mail every work day of each week of the year, a volume of mail that is equaled only by all other nations in the world. In other words, put them all together and they do not quite produce the volume of mail that this Nation will produce on a day-to-day basis. Yet, we have not seen fit to make the necessary investment.

Mr. Chairman, we talk about appropriations for the alleviation of these conditions but it has consistently been like pulling teeth. And, there are other problems inherent in the system, such as the political sensitivity that has traditionally prevailed.

Beyond that, in my judgment much has been left to desire with respect to the cost ascertainment procedure of our Nation's postal system.

So, Mr. Chairman, I basically feel that, in order to get to the root of the problem, give it the necessary money for capital investment, rid it of any semblance of political activity or sensitivity and provide it with the objective ratemaking commission that it needs so badly.

These, I believe, are the three basics. And, if it were not for the dedication of our Nation's postal personnel, it would have fallen apart long ago, long ago.

So, Mr. Chairman, as we look back through these past 3 years and in particular the last year or so when the initial postal reform bill was introduced, which I cosponsored, I thought for the first time in the history of our Nation we were hopefully going to focus attention that would result in a total reorganization of this system.

Mr. Chairman, it has been described as the chief artery of our Nation's commerce. For anyone who doubts that description, I believe the recent work stoppage proved that point. Had that work stoppage prevailed for just a couple of more days, in all probability the activity on Wall Street would have had to come to a halt, banking institutions across the Nation would have been forced to close their doors and in the space of just a few days the stoppage of that system would have produced chaos, and just about totally closed down our Nation's commerce.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENDERSON. Mr. Chairman, I yield 3 additional minutes to the gentleman from New York.

Mr. HANLEY. Mr. Chairman, I thank the gentleman for the additional time.

Mr. Chairman, we are participating in a historic debate today. The bill pending before us will make unprecedented changes in one of the oldest departments of the Government. It will have an effect on the lives of every American.

H.R. 17070 is the result of more than a year of hard legislative work.

The public has been insufficiently aware of the complexity of postal reform. They see the issue as black or white—you are either for the President's most current proposal—or you are against postal reform.

Nothing could be further from the truth.

It has taken us over a year to hammer out a proposal in committee which could be presented to the House for action. Contrary to current myth, this did not occur because of the reluctance of Congress to give up political patronage in the Post Office Department. Frankly, almost all of us feel that this patronage was a headache which should have been eliminated long ago. As a reflection of this, one of the first decisions of our committee a year ago was to eliminate all vestiges of political patronage from the postal service. And we have stuck to this decision as we have walked through the labyrinth of postal reform proposals.

The length of our deliberations has been caused by the fact that fullfledged postal reform has significant implications for all segments of our national economy.

For example:

The bill will revamp many of our transportation laws, as related to the postal service.

It will have a significant impact on postal system funding capability.

It creates a new ratemaking structure which will affect the postage bills of every business and individual in the country.

It rewrites labor-management laws for almost 800,000 Federal employees.

It opens the way for new concepts in the Federal wage structure.

It could have a major influence on our construction industry.

These are only a few items—but each involves major issue areas which are complex in themselves. It is little wonder that we have painstakingly weighed every facet of postal reform before making a final decision.

I was one of the sponsors of H.R. 11750, which was the original postal corporation bill supported by the administration.

Also pending before the committee at that time was H.R. 4, sponsored by our esteemed chairman, THAD DULSKI.

As our postal reform hearings progressed, however, much evidence was presented which indicated that a corporation was not the final answer to true postal reform. On reflection, I felt, as did many of my colleagues, that H.R. 11750 did not contain enough safeguards to insure that the American public would receive quality postal service. We felt in this case there were certain areas where the public good should outweigh the drive to "break even" and that Congress had an obligation to protect the public.

To this end, I introduced a compromise proposal, H.R. 13124, which was somewhat similar to H.R. 4 and which would have achieved reform without establishing an independent corporation. While my bill was not finally accepted, important elements of it are contained in the measure pending before you today.

Fortunately for postal reform, the President and the Postmaster General eventually agreed with us that a corporation was not the best approach. Thus, in a series of substitutes beginning in December, the administration moved away from the corporation concept toward what we have here today and what I have long advocated—an independent agency within the Federal Government structure.

The approach embodied in H.R. 17070 as amended by our committee is basically sound. It creates an establishment which will be divorced from the day-to-day political pressures.

It gives the postal service great flexibility in the areas of management, finance, and transportation. It contains protections for all postal employees and establishes a new system of collective bargaining for rank-and-file postal employees.

Amendments adopted in committee considerably improved H.R. 17070 as it was originally introduced. We added a clause on area wages; something which I consider important to the future of the postal service.

We improved the labor-management relations sections to give the NLRB flexibility in determining proper bargaining units. We provided consultative rights for postal supervisors, and insured that no employee organization would be put out of business because of the passage of this legislation. We required that parcel post pay its own way in order to compete fairly with private industry.

Several other changes were made which, I am sure, will be discussed more fully by some of my colleagues. On the whole, while I disagreed with some, they helped to make H.R. 17070 a better bill.

Therefore, Mr. Chairman, I would like to urge passage of H.R. 17070.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

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

Mr. WRIGHT. Mr. Chairman, I thank the distinguished gentleman from New York for yielding. I have great respect and regard for the acumen and sagacity of the gentleman from New York who is addressing the House, and I should not like to belittle in any sense the great work the committee has done.

However, on the point just mentioned, that of political patronage and postal sensitivity to which the gentleman earlier referred, I just wonder what is to be gained, really, by taking this responsibility away from the legislative branch and vesting it in a group appointed by the executive branch.

Are appointive politicians less prone to politics than elected officials, or are those who are in Washington better able to select postmasters and others who can please the people of our local areas than those who serve people directly in those areas?

Mr. HANLEY. Why, I would hope very much that through the provisions of this legislation the selecting committee that will dispose of this matter would be able to adhere completely to the merit system. It has always bothered me to observe that, for instance, a person moving into

the employ of the Postal Department in all probability could never harbor the possibility of ever sitting in the executive chair of that particular post office, regardless of how dedicated the person he or she might be.

So I would hope very much that we could develop this program so that the merit system would pervail so that it would provide incentive for the individual to rise above and hopefully, like in the private sector, enjoy similar opportunities.

Mr. WRIGHT. Mr. Chairman, if the gentleman will yield further, am I misinformed, or is it true, as I have been led to believe, that it is true that in selecting regional postal heads the present Postmaster General has failed to follow that dictum of promoting men through the ranks, but has selected instead men with no experience whatever in the postal service?

Mr. HANLEY. This could appear to contradict the intent of this legislation or the pronouncement of the President a year or so ago. This, as I understand it, is an interim measure which will terminate subsequent to the enactment of this law. And then hopefully a mechanism that will be fair and equitable will prevail.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HENDERSON. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York.

Mr. WRIGHT. Mr. Chairman, I thank my distinguished friend, the gentleman from New York, for yielding, and again I want to compliment the gentleman on the work he has done. I am somewhat negative on the whole program, and I am grateful to my friend for yielding to me.

Mr. HANLEY. I thank the gentleman from Texas for his observations.

Mr. CAREY. Mr. Chairman, will the gentleman yield?

Mr. HANLEY. I yield to the gentleman and my colleague from New York.

Mr. CAREY. Mr. Chairman, I thank the gentleman for yielding. I want to join in commending my colleague from the great State of New York on the very able job he has done in explaining the problems presented before the committee, and the solutions the committee is suggesting, and for his own very cogent contributions to the legislative problem we face.

I want to say that I join with the gentleman wholeheartedly in the suggestion that the beginning of postal reform should be getting the mail out of our care in terms of patronage, and getting it on our desks and into the homes of our constituents more expeditiously and in a businesslike manner.

Mr. Chairman, I join with the gentleman in suggesting that we do belong in the postal system except as sponsors of and recipients of mail. We do not pick the doctors for the medicare system according to congressional patronage. We do not pick the generals for the armed services. We do not select any of the Government operatives in other branches—why do we continue to move around in the postal system in a patronage way?

I want to suggest that the largest post office in the country is that which is located in Brooklyn, N.Y. It handles the largest volume of mail in the world on a profitable basis and we have not appointed a postmaster there for 20 years. He is a civil service or merit system qualified man. That is the way the system should proceed all around this country. I commend the gentleman for his reform attitude and for his reform posture in terms of making the postal system effective by getting Congress out of the works.

Mr. HANLEY. I am most grateful for the remarks of my colleague, the gentleman from New York.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GROSS. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, everyone is in favor of postal reform but that does not mean that all bills professing to accomplish that purpose are good bills. I joined in the minority views contained in the committee report and then added supplemental views beginning at page 67 of the report.

Our Committee on Post Office and Civil Service has been considering postal reform legislation for approximately a year and a half. We originally decided to mark up H.R. 4 which was introduced by the distinguished chairman of our full committee (Mr. DULSKI). However, after several months of consideration by the full committee and the adoption of numerous amendments, a substitute proposal was sent to the Committee by the Administration and, without debate, this substitute was adopted. It never came before the House however because, as you know, there was a postal strike and the Post Office Department, representing the Government, and a group of union officials, representing a portion of the postal workers, negotiated a settlement of the strike. They agreed to jointly recommend a substitute proposal which is the measure now before us, with a number of amendments adopted by the committee.

You may remember that most of the leadership of organized labor was opposed to the original Postal Corporation or postal reform bill; however they changed their views when the carrot of a raise in pay was held before them. They have now received a 6-percent pay raise, as have other Government employees, and under the provisions of the bill now before us are guaranteed a minimum of an additional 8-percent raise in pay upon enactment of this legislation.

It certainly seems to me, Mr. Chairman, that there has been a little bribery on both sides in that the labor leaders, who now support this measure, have done so in return for a raise in pay and the administration, which originally opposed the pay raise for postal workers, has changed its mind in order to obtain labor support for its version of postal reform legislation. We might well ask the question as to who is representing the public in this matter and to suggest that any postal reform bill should stand on its own merits as should any adjustment in postal pay.

My primary objection to this bill is the lack of responsibility of the Postmaster General under the bill either to the President or to the Congress. This is foreign to what I believe to be the basic concept of our Government—that all public officials are ultimately responsible to the people of the country. Under this bill, a commission would appoint the Postmaster General and he would be responsible to that commission. For practical purposes, however, I submit that a commission would probably be appointed upon the recommendation of the Postmaster General and in effect he would only be responsible to himself.

Let us assume, Mr. Chairman, that Saturday delivery is discontinued, appointments are made based on "cronyism" or the Post Office Department is run as a family corporation. Congress would not be able to do anything about it other than to repeal the law we are now considering. It would seem reasonable not to pass such a law in the first place.

Having the Post Office Department pay its own way sounds good. But this is a service organization and it is my understanding that rural patrons at the present time pay only 30-percent of the cost of the service they receive. I do not know how the new Postal Service would deal with a problem such as this and frankly I feel that the Congress would be remiss in its duties if it gave almost unlimited authority to the Postmaster General.

My district has a large number of Government workers. Most of them are under the civil service laws but this measure would remove one-quarter of all Government employees throughout the country from the protection of civil service laws. Some of the proponents of the bill will dispute this, but I call your attention to the copy of the letter beginning on page 67 of the committee report from the Assistant Comptroller General of the United States in which he states that it is his belief that the intent of the bill is to remove postal employees from the competitive service. Your attention is also called to page 173 of the bill, which provides that—

> The Postal Service may appoint and promote such officers, attorney's agents and employees and vest them with such powers and duties as it considers necessary.

While it thereafter provides that there shall be a postal career service as a part of the civil service, it expressly provides that procedures for appointments and promotions shall be in accordance with procedures established by the Postal Service and even goes so far on page 174 to state that an employee shall be eligible to serve both as an employee of the Government and of the Postal Service at the same time.

I intend to offer an amendment at the proper time to provide that appointments and promotions shall be in accordance with the provision of title 5 of the United States Code governing appointments in the competitive civil service system. It seems unreasonable to me when the Federal Government has endeavored for

half a century to develop a civil service system which is followed by many of our State and local governmental units, that it should now be scrapped in favor of a postal career service in which the rights of one-quarter of all Government workers would be determined by long-term employment contracts. In this connection, you may be interested in the excerpt from the testimony of the president of the AFL–CIO, Mr. George Meany, before our committee on April 23, 1970. Mr. Meany, in supporting the bill, stated that he would like to add this additional point:

> We, in the AFL–CIO, hope to be back before this committee in the very near future, urging adoption of a measure that will ensure genuine collective bargaining for all aspects of employment for all civilian workers of the Federal government. We think this bill is only a beginning. We are convinced that other Federal employees also must have the right to economic self-determination and to the democracy of the collective bargaining table.

This brings to my mind the specter of an impasse being reached between the Government and organized labor with regard to some labor-management matter on a nationwide scale. If the demands of organized labor were not met, would there be a general strike of all Government employees? I submit that the safe procedure is not to lay a foundation for such a possibility and to reject this bill.

Mr. Chairman, other provisions of the bill in the field of labor-management provide for collective bargaining agreements and that various Federal laws relating to labor-management shall apply to the Postal Service. You will hear much about compulsory unionism and I believe it is untenable for Government employees. During the hearings, the Postmaster General was asked a number of questions regarding this matter and I would like to share them with you when an amendment is offered to protect the right of Government employees to join or to refrain from joining a labor organization.

Mr. Chairman, after attending hearings and listening to testimony for a year and a half, I am convinced that this particular bill should not be enacted without substantial amendment.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

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

Mr. KAZEN. Mr. Chairman, I thank the gentleman for yielding.

Is it one of the purposes of this bill to run the Post Office Department in a businesslike manner and terminate its character of public service?

Mr. SCOTT. I would say, after listening to the debate and to the testimony, it is the intention of the Postmaster General that it be operated in an efficient manner and that it pay its own way, subject to such reservations as the Congress should decide. The Congress can still allocate additional money and can pick up the tab for any class of mail that does not pay its own way. The bill does have a provision to reserve this, as I understand it.

Mr. KAZEN. How will this change the present situation, if it is not going to pay its own way? Do they not have to come to Congress now?

Mr. SCOTT. In all candor we did have a bill—and it was the measure introduced by the chairman of our committee. I felt it did provide for continuity in office by the Postmaster General, it provided for modernization of buildings and equipment, and it provided for employees to be appointed on a nonpolitical basis. Frankly, I think it was a good bill and I was supporting that bill. I think we have now turned postal reform into a monstrosity. I have many reservations about the measure before us.

Mr. KAZEN. The thing that worries me and many of my constituents is the fact that if this new organization is going to pay its own way, the only place it has of getting any money is through the rates for the mail, or paying for the service itself. Just how high will the rates have to go in order to yield enough money to take care of the services?

Mr. SCOTT. I might say to the gentleman that postal rates under the bill before the committee are subject to veto by the Congress, but the Postmaster General asked that they be subject to a veto by a two-thirds vote in either body. In all probability an amendment will be offered to restore the two-thirds provision, but I hope it will be rejected.

Mr. KAZEN. But this is the point. When they do come before the Congress for rejection, there is going to be no alternative. Suppose Congress does reject those higher rates because the people will not stand for that, when it is going to cost 50 cents to send a letter from New York to Washington, and if they are going to keep employing people and raising salaries, and Congress and nobody has anything to say about this, they will be coming to Washington, and the employees will be asking for such amounts.

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

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

Mr. McCLURE. Mr. Chairman, I think the gentleman needs to distinguish between the reduced service and the free and reduced rate mail, which present quite different categories under this bill. I am not certain the distinction is very clear in the understanding of most Members of this body. The public service costs would be completely absorbed by the agency's operating, but the free or reduced rate mail would be covered by congressional appropriations.

I just made this point, because there is a great deal of confusion as to what the effects of ratemaking would be on the kinds of services which will be given by this agency in the future under this legislation. I do not think there is any possibility that this agency is going to go to the limits the gentleman from Texas indicates.

Mr. BUTTON. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. Mr. Chairman, I yield to the gentleman from New York.

Mr. BUTTON. Mr. Chairman, I commend the gentleman from Virginia, one of the outstanding members of our committee, for the scope of his remarks, which I think add a great deal to this debate.

Mr. Chairman, as a sponsor of H.R. 17071, in which I joined with our distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), and the gentleman from Nebraska (Mr. CUNNINGHAM) in support of the concepts and the language of H.R. 17070, the bill now before us, I speak as a longtime advocate of true postal reform.

As a member of the Post Office and Civil Service Committee, I too have sat through the many months of hearings and of executive session. I would at this time like to pay particular tribute to the leadership of the committee's great chairman, the gentleman from New York (Mr. DULSKI).

The chairman has provided the committee members with an unforgettable example of patient and forbearing, as well as goodhumored and evenhanded leadership of our committee under even the most taxing of circumstances. We are all in his debt for bringing together all the various and conflicting approaches to make possible the emergence of H.R. 17070 for the consideration of the House.

In most important ways, I consider this bill to be a true descendant of H.R. 4, which was Chairman DULSKI's original legislative proposal, and which I supported in committee.

I am pleased to say that I supported the precepts of H.R. 4 at a time when the alternative was a bill, H.R. 11750, which incorporated the proposal for the Postal Corporation. This I rejected, Mr. Chairman, even though the advocates of the Postal Corporation were unremitting in their endeavors to influence my position to the contrary. The chairman of the Albany-Schenectady Citizens Committee for Postal Reform sought to change my vote, Mr. Chairman, through such means as the following letter to my constituents:

> Dear ———: Don't give up. The battle for *total* Postal Reform is not lost. Yet.
>
> You may have read in the newspapers that a tie vote in the House Post Office Committee killed the chances of getting H.R. 11750, the one bill providing meaningful postal reform, to the floor of the House.
>
> This is not true. It will take only *one additional vote* to substitute the true reform provisions of H.R. 11750 for those of H.R. 4, the substitute bill which only further complicates, rather than improves, the postal situation.
>
> President Nixon, Postmaster-General Blount, former President Johnson and his Postmaster-General, Larry O'Brien, are but a few of the host of top political leaders and business executives who are convinced we *must* have *total* Postal Reform to head off a complete breakdown of our postal system.
>
> Please call, write or telegraph your Congressman, Daniel E. Button, at 1513 Longworth Office Building, Washington, D.C. 20215, (202) 225–4861.
>
> Ask him to vote to make true postal reform possible by substituting the provisions of H.R. 11750 for those of H.R. 4.
>
> *His vote, alone, can do it!* And, your telephone call or letter could be just the extra urge needed to bring about Total Postal Reform.
>
> Please act now!

I am proud that I stood firm, Mr. Chairman, against those who would

have caused us to capitulate to the numerous undesirable aspects of the postal corporation.

What I declared then to be necessary, Mr. Chairman, was compromise; and compromise proved to be the real answer. Compromise is what we have before us in H.R. 17070, and I believe it is the framework of a tenable and desirable postal reform act.

True, not all those who are interested in one or another particular aspect of reform, Mr. Chairman, are fully satisfied with the bill in its present form.

I myself intend to support certain amendments which will be presented—just as I surely am going to oppose others. I expect to speak on behalf, specifically, of an amendment which will assist libraries, educational institutions, and some other educational and charitable organizations in disseminating their materials. This is essentially the same amendment which I offered in committee, where it failed, in a tie vote.

To quote a letter received today by all members of the New York delegation from the State's commissioner of education, "adverse effects in the postal rates for libraries and educational institutions in New York State will cost at least $1 million annually. The effect of this could mean a reduction in the availability of services and materials at a very inopportune time."

This compromise bill, Mr. Chairman, deserves our support even in recognition that it still will undergo some efforts at perfecting it. Meaningful postal reform, the product of the creative energy and the applied good will of many, many people, is just across the threshold.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Florida.

Mr. BENNETT. Mr. Chairman, could I ask the gentleman whether the Hatch Act will still apply after this is enacted?

Mr. SCOTT. Perhaps the chairman of the full committee might be best able to answer that question.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from New York.

Mr. DULSKI. It does.

Mr. SCOTT. Mr. Chairman, I thank the gentleman from New York.

Mr. DULSKI. Mr. Chairman, I yield 7 minutes to the gentleman from Texas (Mr. PURCELL), a member of our committee.

Mr. PURCELL. Mr. Chairman, I doubt that there is a single Member of Congress who has not had good reason to be upset with his postal service, similarly, there has not been one of us who has not received letters asking that something be done to cure a steadily worsening situation with respect to mail delivery.

The bill before us is an attempt to meet this crisis in nationwide difficulties in getting mail delivered. As written, it will provide many long overdue improvements in our postal system. The committee has labored long and hard in an attempt to gain some meaningful reform.

However, there is one fatal weakness in the bill, in my opinion. I am, of course, referring to the provision which departs from the terms of Executive Order 10988 which grants Federal employees, including postal workers, the right, freely and without fear of reprisal, to form, join, and assist a labor organization, or to refrain from such activity. To cure this ill, I support the amendment which the gentleman from North Carolina will offer to insure that these rights will be protected. Without this amendment, Mr. Chairman, H.R. 17070 will permit postal unions to negotiate with the Postmaster General for a union shop; should these negotiations fail, either side could put the question to binding arbitration.

This provision of the instant bill flies square in the face of the Executive orders of three different Presidents; it effectively destroys the postal worker's freedom to belong, or not to belong to a union as he sees fit.

There has been a great deal of discussion regarding the situation created by the bill, and its treatment of postal workers. It is quite one thing for a private corporation to negotiate a union shop contract binding its workers to union membership: Such contracts are forbidden in the right-to-work States, but the Taft-Hartley Act permits them elsewhere. It qualifies, if you will, the right to work for a private industry with a union contract. But the right of a U.S. citizen to work for his own Government approaches an absolute right. It is not, nor should it be conditioned upon the payment of union dues. If a man is otherwise qualified to carry the mail, it is simply none of the Federal Government's business whether he wishes to join, or not to join a labor union.

The Postmaster General has denied that this provision on the bill requires union shop. Mr. William Murchison of the Dallas Times-Herald, in a well reasoned article points out:

> He is right—but only in the sense that a motorist would be right if he said the law doesn't strictly require him to drive with his eyes open.

Mr. Chairman, I cannot impress enough the real issue at stake here. Freedom works two ways. There is such a thing as the freedom to do, and likewise, there is a freedom not to do. This amendment is a sincere effort to protect that second freedom. Without it, the bill will be no more than a cleverly designed trap.

Postal workers have already had their share of morale problems. The man who is forced by his Government to throw his hands in the air and live by the maxim "If you can't lick 'em, join 'em," will hardly feel gratitude for this sort of treatment. There are literally thousands of dedicated postal employees who would rather not join one of the recognized postal unions. For us to be in a position of sanctioning compulsory action to force these workers into a union would be highly inconsistent for a Government dedicated to protect the freedom of its people.

Mr. Chairman, I urge the favorable passage of this amendment and its assurance of genuine postal reform.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

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

Mr. ROBERTS. I thank the gentleman for yielding.

I wish to commend my colleague for his statement and to associate myself with his remarks.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from North Carolina.

Mr. HENDERSON. I believe that as a distinguished member of the House Committee on Agriculture the gentleman in the well perhaps thought when he came to the Committee on Post Office and Civil Service he was getting on a committee which would have noncontroversial legislation, but this certainly has proven to be untrue. I want to commend the gentleman for the contributions he has made to the framing of this legislation as one of the junior members of our committee. Of course, I think most Members of the House know that we certainly agree on the argument he has made with regard to the right of Federal employees to join or not to join. I commend him for the assistance he is rendering in this regard.

Mr. PURCELL. I thank the gentleman for his statement.

Mr. GROSS. Mr. Chairman, I yield such time as he may require to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, the bill before us, H.R. 17070, represents a strong step in the right direction—a step out of the postal mess that has plagued the country for years and a step into a more modern and efficient system.

The subject of postal reform is one in which I have long been interested. I have been a member of the Treasury-Post Office Appropriations Subcommittee for 12 years now. In my work on that subcommittee, I have come to know the problems of the Post Office very well. And, believe me, they are very serious and very large problems.

I have maintained for many, many years that the problems of the Post Office transcend politics. Since this is the case—and I am convinced that it is—their solution depends upon taking the Post Office out of politics.

Therefore, I was pleased with Postmaster General Blount's recommendation to take the appointment of postmasters out of politics. This measure was long overdue. I had advocated it for many years. I fully support him on it.

I agree with General Blount that there is no reason in the world that we cannot have a postal system as good as our telephone system.

I introduced the administration's sweeping postal reform bill which called for the elimination of the Post Office Department and the establishment of a public corporation in its place. Now, after more than 1 year of hearings and over 1,500 printed pages, this body has a chance to end the postal crisis and bring the system into the 20th century.

I think certain figures that were no doubt raised in the hearings are worth repeating in order to drive home the seriousness of the problem.

For example, a 2.3 percent of a 2.5 billion piece increase in mail volume is

projected for fiscal 1971. This would bring the total volume to 86.3 billion pieces.

These pieces will primarily be handled by people, not machines. In this age of automation, 80 percent of Post Office costs are for personnel.

I think one of the keys to solving postal problems is research and development. I worked hard to get the postal R. & D. program started, and I am glad to see that my efforts are paying off. Major achievements developed or first applied to postal operations by this program should produce net savings of 12,800 man-years annually by the end of fiscal 1971.

When we were debating the Federal pay raise bill on April 9, I talked about the need for wage comparability in the Post Office. The postal employee in rural America often ends up being the highest paid man in town. His counterpart in urban America ends up near the welfare level. That was not the first time I brought up this subject. I have, for many years, advocated adjusting postal salaries to the cost of living in a given area. I hope that someday this will be the case.

This brings me to the question of unionism under the new bill. I think my colleagues should be absolutely clear on the facts surrounding this issue.

The committee report clearly indicates that labor-management relations will be governed by the same laws that apply to the private sector. The major exception would be the ban on strikes.

In a letter to me dated May 26, General Blount indicated the same thing. He went on to say, as did the committee report, that the postal reform bill would defer to State law on the right-to-work issue. General Blount reaffirmed his position in a letter to me dated June 9. I would like to include this correspondence in the RECORD at the end of my remarks.

It seems clear to me that we do not have a problem of so-called "compulsory unionism." Rather, we have a setup that will be governed by the same labor laws now governing labor relations in private industry.

Finally, I think one of the big problems with the present post office setup, as well as H.R. 17070, is the cost of transportation. Simply stated, the Post Office cannot bargain for the cheapest rates because they are determined by either the CAB or the ICC. I propose to amend the bill, at the appropriate time, to remedy this problem. I urge my colleagues to support me, and my distinguished colleague from Oklahoma (Mr. STEED) in our amendment.

Mr. Chairman, I believe H.R. 17070, with my amendment, is a good bill and I hope this body will support it.

Mr. Chairman, I include a telegram from James H. Rademacher, president of National Association of Letter Carriers AFL–CIO, and other officers of AFL–CIO affiliates:

THE POSTMASTER GENERAL,
Washington, D.C., June 9, 1970.

HON. SILVIO O. CONTE,
House of Representatives,
Washington, D.C.

DEAR SILVIO: The enactment of meaningful postal reform is jeopardized by an undue controversy over the right-to-work issue. Therefore, I feel it is my duty to restate the Administration's position on this issue as it relates to our postal reform efforts.

We are *not* advocating compulsory unionism. Since the first days of the Administration we have proposed that postal employees have the same right to negotiate with management as their counterparts in the private sector of the economy, but with strikes prohibited. Our efforts must not be considered a forum for the reform of the nation's labor laws.

Under Taft-Hartley, postal management would be prohibited from refusing to bargain over union security provisions covering the states that have not adopted a right-to work statute. Conversely, as the House Committee Report on H.R. 17070 (No. 91–1104, pages 15 and 16) makes absolutely clear, union security provisions could not be enforced in states that have adopted right-to-work laws prohibiting such povisions.

I assure you that we are concerned solely with postal reform, and consider the need for such reform critical.

Sincerely yours,

WINTON M. BLOUNT.

THE POSTMASTER GENERAL,
Washington, D.C., May 26, 1970.

HON. SILVIO O. CONTE,
House of Representatives,
Washington, D.C.

DEAR SIR: During recent weeks, concern has been expressed over the issue of "compulsory unionism" for postal workers. Neither the Administration nor the Post Office Department has ever proposed that there be a union shop in the Postal Service. We have simply proposed, as one phase of a broad plan for dealing with the unique problems faced by the Post Office Department, that postal labor-management relations be governed generally by the same laws that apply to the private sector—including the Taft-Hartley and Landrum-Griffin Acts —with the major exception that strikes by postal employees would continue to be banned.

It is obviously not feasible to use the postal reorganization bill as a vehicle for reforming the Taft-Hartley Act. Accordingly, one consequence of putting the Postal Service under Taft-Hartley would be that postal management—like management in the private sector—might be required to bargain over union shop arrangements in states other than those having the right-to-work laws. (The obligation to *bargain* would of course, impose no obligation to *agree* to a union shop arrangement.)

In order to avert a misunderstanding of this aspect of the bill, I am enclosing a statement on this issue which I hope will assist you in responding to inquiries from your constituents.

We believe that the basic policy issues involved in the union shop question should only be considered in the context of an appraisal of the general labor law. The need for postal reorganization is too urgent, in my opinion, to await the outcome of any such appraisal.

Sincerely,

WINTON M. BLOUNT.

STATEMENT ON COMPULSORY UNIONISM

During the past several weeks, a question has been raised as to whether nationwide "compulsory unionism" would be sanctioned by H.R. 17070, the postal reorganization proposal that is being jointly sponsored by the Administration, the AFL–CIO, and the seven postal employee organizations holding national exclusive recognition.

By way of background, it should be noted that one of the premises underlying the postal reorganization bill is that the postal service, which is essentially a materials handling operation, resembles, in many respects, the services furnished by major public utilities, and the postal establishment can better carry out its responsibilities to the American people if it is given the authority to operate in a way similar to that in which well managed service enterprises operate in the private sector. This concept is reflected in each of the major portions of the proposed Postal Reorganization Act.

With respect to labor-management relations, we have recommended that the Postal Service and its employee organizations be subject generally not only to the Landrum-Griffin Act, but also to the National Labor Relations Act, as amended by the Taft-Hartley Act. With but few exceptions—the main one being that strikes by postal employees would continue to be against the law—labor-management relations in the Postal Service would be conducted under the same statutory ground rules that are applicable to large enterprises in the private sector.

By adopting the National Labor Relations Act, as amended, the proposed legislation would make it an unfair labor practice for the management of the Postal Service to refuse to engage in collective bargaining with recognized representatives of its rank and file employees over wages, hours, and, in general, other working conditions that are subject to collective bargaining in the private sector. To the extent that union security provisions are bargainable in private industry, therefore, they would be bargainable in the Postal Service. It is important to recognize, however, that a statutory duty to *bargain* over a union demand does not imply the existence of a statutory duty to *agree* to that demand.

Under the bill, labor-management relations in the new Postal Service would be governed for most purposes by the provisions now codified in Subchapter II of Chapter 7 of Title 29, United States Code, among which is included Section 14(b) of the National Labor Relations Act as added by the Taft-Hartley Act.

Subchapter II would explicitly make it an unfair labor practice for the reorganized Postal Service "to encourage or discourage membership in any labor organization," whether "by discrimination in regard to hire or tenure of employment or any term or condition of employment." 29 U.S.C. 158 (a)(3). If this provision stood alone, union shop contracts would not be bargainable anywhere. In this connection, however, two other provisions of Subchapter II must also be considered. The first is a proviso stating that nothing in the Subchapter bars an employer from making an agreement with a labor organization to require union membership as a condition of employment after the thirtieth day from the beginning of such employment (29 U.S., 158(a)(3)), and the second is the provision contained in section 14(b) which reads as follows:

"Nothing in this subchapter shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory where such execution or application is prohibited by State or Territorial law. 29 U.S.C. 164(b).

The effect of the quoted language is to cancel out—in those states or territories that have right-to-work laws—the proviso saying that an employer is not barred from making union shop agreements. Any such agreement entered into by the Postal Service would thus be inapplicable—as a matter of Federal law—in a state or territory having a right-to-work statute.

It has been suggested that a Federal law prohibiting Federal agencies from executing or applying union shop agreements in states having right-to-work laws would not be effective on "enclaves" over which the Federal Government exercises exclusive legislative jurisdiction. In the opinion of the Post Office Department's General Counsel, this suggestion is simply not correct.

The Post Office Department does, to be sure, have some facilities located on property that the United States purchased "by the consent" of the legislature of the state in question. (See Article I, Section 8, Clause 17 of the United States Constitution, which gives Congress the power "To exercise exclusive Legislation . . . over all Places purchased by the Consent of the Legislature of the State in which Same shall be, for the Erection of Forts, Magazines, Arsenals, Dockyards, and other needful Buildings . . .") The better part of the space presently occupied by the Department does *not* fall in this category, but this is a purely fortuitous circumstance that has nothing to do with the scope of the proposed legislation. Congress clearly has the power to enact a statute forbidding an executive agency of the Federal Government from making or applying a union shop agreement in any state or territory where such agreements are prohibited by state or territorial law, whether or not the agency's activities are conducted on Federal enclaves. As stated by the House Post Office and Civil Service Committee in its report on H.R. 17070, the postal reform legislation that the Committee voted to report out on May 19 of this year:

"From a constitutional standpoint, there is no reason whatsoever why the Congress, by duly enacted statute, may not 'give the right of way' to State right-to-work laws insofar as employees of a Federal instrumentality are concerned, *whether such employees work in an enclave over which the United States has exclusive legislative jurisdiction* or whether they work in an area over which the State government has jurisdiction. *This is precisely what H.R. 17070 does.*" House Report No. 91–1104, 91st Congress, 2d Session, May 19, 1970 at page 16. (Emphasis supplied.)

It might be added that the Federal Assimilated Crimes Act, codified at 18 U.S.C. 13, is a good example of another Federal statute that draws state law into the body of Federal law applicable on Federal enclaves.

The right-to-work statute of one state—Georgia—specifically excludes the United States from its definition of an "employer." Here again, however, the postal reorganization bill would put the Postal Service in the position of a private employer, for these purposes, and Georgia is unquestionably a state "in which . . . execution or application [of union shop contracts] is prohibited by State . . . law," [29 U.S.C. 164(b)]. It is clear that the bill would bar the reorganized Postal Service from enforcing a union shop agreement in Georgia.

This conclusion is supported by the opening paragraph of the section of the House Report dealing with the matter of union security, which declares flatly that the postal reform bill: ". . . would not permit the Postal Service to enter into or attempt to enforce a union shop agreement in *any* State having a law that prohibits the execution or application of agreements requiring membership in a labor organization as a condition of employment." House Report No. 91–1104, 91st Congress, 2d Session, at page 15. (Emphasis supplied.)

The need for a workable postal reorganization bill is acute. It would be unfortunate if Congressional consideration of this vital measure were beclouded by public misunderstanding of the labor-management provisions of the bill, and it is hoped that this statement may be of some assistance in that regard.

WASHINGTON, D.C.,
June 15, 1970.

Hon. SILVIO O. CONTE,
Washington, D.C.

After many months of discussion and debate the bill (H.R. 17070) providing for postal reform and an increase in wages of postal employees, has been scheduled in the House of Representatives. This bill originally presented to the House Committee on Post Office and Civil Service was worked out at the bargaining table by representatives of the Post Office Department and by the principal officers of the Postal Employee Organizations representing more than 600,000 postal workers.

Both management and labor made concessions during the bargaining sessions, but the final agreement, embodied in the original bill presented to the committee, had the blessing of all the employee organizations involved; of the Post Office Department; of AFL–CIO President George Meany and of the President of the United States. H.R. 17070 was introduced by the chairman, Rep. Thaddeus J. Dulski, jointly with three members of his committee, Rep. Robert J. Corbett, Rep. Morris K. Udall and Rep. Edward J. Derwinski.

During the subsequent discussions within the committee, some amendments were adopted by very close margins. Many of these were merely technical, perfecting, provisions. Others, however, were substantive in nature and, if left unchanged, would have a serious impact on the postal employees and on the postal service. We feel strongly that the Congress should have the opportunity of voting upon the original proposal which expresses the intention of the White House, the Post Office Department, the Postal Employee organizations, and the AFL–CIO.

Congressmen Udall and Derwinski will jointly offer a substitute proposal during the debate in the House which, if adopted, will restore the legislation closely to its original, approved form. We, the undersigned, respectfully and urgently request your support of the Udall-Derwinski substitute, H.R. 17966. We further strongly request your support of the legislation itself.

Sincerely and respectfully,

James H. Rademacher, president, National Association of Letter Carriers, AFL–CIO; Francis S. Filbey, president, United Federation of Postal Clerks, AFL–CIO; Monroe Crable, president, National Association of Post Office & General Services Maintenance, AFL–CIO; Lonnie L. Johnson, president, National Association of Post Office Map Handlers, Watchmen, Messengers and Group Leaders, AFL–CIO; Michael J. Cullen, president, National Association of Special Delivery Messengers, AFL–CIO; Chester Parrish, president, National Federation of Post Office Motor Vehicle Employees, AFL–CIO; Herbert F. Alfrey, president, National Rural Letter Carriers Association.

Mr. DULSKI. Mr. Chairman, I yield 7 minutes to the gentleman from Montana (Mr. OLSEN).

Mr. OLSEN. Thank you, Mr. Chairman.

I support the Dulski committee bill for two reasons.

First, it has a very meritorious increase in the pay of postal employees. I think the whole country is in sympathy with that feature.

Second, I support the bill because it would provide for better financing of buildings and facilities. We have an annual problem in the Post Office Department of going to the Committee on Appropriations and getting inadequate appropriations. I think the expanded facilities of the Post Office Department should be financed like the telephone company or the power companies or the rural electric cooperatives. They finance out of revenues, yes; they also finance from debt or credit. They finance from credit. They build the facility out of credit and then they pay for the credit and for the service. I think this is fundamentally correct and we ought to do that in the Post Office Department.

I am going to have some amendments. My amendments are directed toward that touchy matter of rates. The Post Office Department would advise you and I think Mr. UDALL will advise you, and so will Mr. DERWINSKI for them, that the Post Office Department has talked to the financial interests of this country on how to sell its $10 billion worth of bonds. The financial interests say, "You will not be able to sell those bonds unless you take the ratemaking authority away from the Congress. The ratemaking authority has to be somebody or some commission that will pay off the bonds, and then you will get a good rate on those bonds." They recommend that we in the Congress veto by a two-thirds vote a new rate made by a rate commission. I will have an amendment which would say that we can veto by a majority vote within 90 legislative days.

One of the points that I want to make is this: Both in the Udall amendment, which I am sure you all have heard of on this subject and in our own bill, the committee on rates or the commission or the board on rates would be inside of the Post Office Department.

Now, there is no monopoly in this world—well, there is in this world but not in this country—that fixes its own rates. Monopolies have to go to someone outside their house where the public is heard and there their rates are fixed.

So, Mr. Chairman, I will have an amendment to that subject. My amendment will be to the effect that if the President will appoint the commission, it will be independent of the Post Office Department and he will appoint not more than a bare majority from any political party. They will have hearings under the Administrative Procedures Act. Then they will send up their recommendations to the Congress. Thereafter, as we do on any reorganization bill, for instance, by a bare majority, either House of the Congress can defeat the proposal.

Mr. Chairman, I do not wish to keep the Members any longer but those are my remarks. I think everything else that can be said about the bill has been said. However, let me repeat once more and then I shall yield to the gentleman from Texas (Mr. KAZEN), there are two big things involved here. One is the method of adjusting pay without coming to Congress, a method of getting a pay increase right now; and, No. 2 is financing facilities and building and expansion through a better method than we have at the present time.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I am happy to yield to the gentleman from Texas.

Mr. KAZEN. I am sure the gentleman in the well knows about most of the criticism that has been levied at the Post Office Department these days and that criticism comes about as the result of the transportation system.

Would the gentleman discuss the

transportation provision contained in this bill?

Mr. OLSEN. Yes, I shall be glad to do so.

Mr. KAZEN. Is there an improvement over what we have now?

Mr. OLSEN. If we had the gentleman from West Virginia (Mr. STAGGERS), chairman of the Committee on Banking and Currency here, before we go into a further discussion of it, it would be most helpful. However, here is what is contained in the bill. In the bill the Postmaster General has, I think, less authority over surface transportation under the bill—either bill—than he has presently, but under the Udall bill, the Udall substitute, and his possible amendment, there would be very much broader authority for the Postmaster General to hire and indeed almost own I think probably an airline system with which to move the mail. However, we will have a discussion of this matter under the 5-minute rule when we will have available on the floor of the House the chairman of the Committee on Banking and Currency, the gentleman from West Virginia (Mr. STAGGERS), and we will talk about the proposition of the Committee on Interstate and Foreign Commerce giving some direction to the airlines that they should be moving more mail while the Nation sleeps, plus the fact that they should move it at the same cheap rate of about 9 cents a ton-mile as they do for other people who put out publications.

Mr. KAZEN. Mr. Chairman, if the gentleman will yield further, as I understand the provisions of this bill, though, any agreement to move the mail will be at the convenience of the carrier and not at the convenience of the Post Office Department. Is this correct insofar as the availability of space is concerned?

Mr. OLSEN. No; with respect to the airlines——

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. DULSKI. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. OLSEN. With respect to that the Postmaster General in either form which this bill takes, whether it be the Udall proposal or the committee proposal, would have authority to enter into a contract for the movement of mail. He would not necessarily have to do it with a franchised carrier.

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Idaho (Mr. MCCLURE).

Mr. McCLURE. Mr. Chairman, I am not going to take very long. I know that a great deal has already been said concerning this bill, and the Members who are present do not really need further information concerning what is in the bill.

But let me simply state what I tried to say consistently through all of this: that the bill contains a great number of problems, a great many areas of conflict—the labor provision, the labor-management provision, the union recognition provision, the transportation provision that we have just been talking about, the ratemaking provision that the gentleman from Montana just made reference to; those are all troublesome matters.

The committee has labored for a year and a half trying to resolve these matters in the best possible manner and bring to the floor of this House a bill which can in time accomplish the kind of postal reform which this country is demanding and which we must have.

I have heard a great deal said in the last several days concerning the necessity of maintaining congressional control of the postal system as a matter of responsibility of this Congress, and yet I am reminded that the very problems that now confront the country by way of postal service are the results of congressional oversight—and I use that term perhaps with a double meaning because we have oversight over the Post Office Department and because of our oversights we have failed to make proper provisions for the Post Office Department. Therefore, I think it is important for us to recognize the limitations of the ability of the Congress and the willingness of the Congress to deal with those problems.

In speaking to a group the other day I made the analogy which has since been thrown back at me that when the Congress of the United States authorized the interstate highway system it was not contemplated that we build more highways by hiring more men to push more wheelbarrows, because that is a labor intensive operation which simply could not get the job done. And, ladies and gentlemen, that is exactly what we have been trying to do with the Post Office Department in recent years. We have tried to solve the problems of moving the billions of additional pieces of mail annually by hiring more people to do it in exactly the same way they have done it for 150 years. That was thrown back at me by some people saying, "Well, we have made some changes. For instance, we have adopted the ZIP code." I agreed that if we had not done something like that that we would have been inundated with mail long before this.

But yet that is similar to saying that we have got the same wheelbarrows to build the interstate highway system, but now we have equipped them with rubber tires.

We have made improvements, but they are not consistent with the magnitude of the problem, and we are confronted again with the problems of the Post Office, with the problem of financing the kind of structures and facilities and machines that are required to move the mountains of mail with which we are confronted in this country, and they simply are not being and will not be solved by a Congress that insists upon being the Board of Directors and involved in the day-to-day detail management of the Post Office system. It can be solved only by the willingness of the Congress to set policies and then delegate the authority for the day-to-day operations to the Post Office Department. I was one of those who opposed the opportunity that was presented earlier today to make the substitute in order. I have supported what was essentially the Udall-Derwinski substitute at every stage in the committee. And the committee has talked about this kind of substitute at several stages, and I have supported it every time because I think that the kind of postal reforms that were contained in that bill in some respects are better than what we have in the committee amendment that is before the body at this time.

But I do not believe that it is possible for this body to sit here and take up in detail the kind of discussion that has gone on within the committee over the last year and a half and make a rational decision concerning the very complex matters that are contained in this bill.

Therefore, I supported the action that was taken by the House earlier today in amending the rule confining the consideration on the floor to the committee amendment, which I believe is the way in which we will accomplish what the people of this country want and demand.

Mr. ZWACH. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman.

Mr. ZWACH. I thank the gentleman for yielding. I hold the gentleman's opinion in very high regard.

But something bothers me very much. The ranking minority Member said that if this bill was enacted, rates must go up—and what disturbs me more—that services must be curtailed. I think the gentleman from Iowa made that statement that services would be curtailed.

Is it your opinion that the passage of this bill would further curtail postal service or would it be improved?

Mr. McCLURE. Let me respond to the gentleman in this way. If there are operations now costing more money than they ought to cost in relation to the value of the services, then that operation ought to be modified.

If there are operations which cost more than they generate by way of revenues, then they will be done by the operating authority created here under one of two ways—one being that direction that is contained in the bill to provide the same level of service throughout the United States as they are now receiving—or under the other one which requires the Congress of the United States to appropriate the funds necessary for free and reduced rate mail.

Mr. ZWACH. Mr. Chairman, now what disturbs me—I would presume that rural free delivery will never be a paying proposition. Is the implication here that we perhaps would have a curtailment in this area of service?

Mr. McCLURE. I would say to the gentleman, categorically—no. I do not anticipate that there will be a reduction in that kind of service because the bill provides the same level of service will be granted in those areas.

I think a statement made before the committee by the Postmaster General is very significant in this respect. He said:

> We could close all of the small post offices in the United States and save just a very few millions of dollars out of the $8 billion annual budget.

Or he could make a decision in a major center like New York City and save $50 million in one decision. The major expenditures are not in the rural areas, they are in the urban areas. The major savings will not come and cannot come in rural areas—they will be made in the

urban areas where the mass of service is being provided.

Mr. ZWACH. I thank the gentleman.

Mr. McCLURE. I thank the gentleman.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman.

Mr. MYERS. Does that mean then that rural services will not be curtailed? Are you assuring them that by this bill they cannot be curtailed?

Mr. McCLURE. I will say to the gentleman that the level of service in the rural areas is not going to be curtailed, in my judgment, in the bill which is proposed here. There is specific assurance written into the bill guaranteeing that that will be so.

I cannot assure the gentleman, and I would not attempt to assure the gentleman, that there could be no change in the kind of service that is granted in any area of the United States because the management of the Corporation must indeed have that kind of flexibility. But I do not anticipate, and we have had the assurance of the Postmaster General, and we have written into the bill a provision that these rural services will not be decreased.

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 17070, the Postal Reorganization and Salary Adjustment Act of 1970. This legislation is a compromise and it is with that in mind that I reluctantly support H.R. 17070.

The original proposal sent to Congress by the administration failed to protect the rights of the Nation's postal workers but this final version of the bill, as reported by the House Post Office and Civil Service Committee corrects a good many defects in the original plan. Under the bill, a new U.S. Postal Service is created to replace the Post Office Department. The new service is to be governed by a Commission of 11 members serving rotating terms of 9 years. Nine of the members are to be appointed by the President with the other two to be appointed by the nine and to serve as Postmaster and Deputy Postmaster General.

The reform elements of the legislation are desirable, namely the elimination of political influence or control over the decisionmaking process in the service. Congress will retain authority to review postal rates but individual members will not appoint employees of the service, directly or indirectly. An annual report will be submitted by the Commission to Congress and the service will achieve a self-sustaining position by 1978.

It is my hope that some of the urgent subjects not satisfactorily covered in this bill will be resolved through negotiation. In this regard the bill does protect the right to organize and bargain collectively and perhaps this will at last provide the necessary vehicle for achieving long overdue health and retirement benefits, other fringe benefits and most importantly area wage differentials for employees of the new postal service.

I have fought for area wage differentials for a long period of time and it is my hope that this will be a reality in the not too distant future as a result of collective bargaining. The 8-percent wage increase for Post Office Department employees included in this bill is retroactive to April 16 and this is a major reason for my support of H.R. 17070. I would not want my reservations about other sections of the legislation to block passage of the pay raise, so long overdue.

Mr. DULSKI. Mr. Chairman, does the gentleman from Iowa have any more requests for time?

Mr. GROSS. Mr. Chairman, we have no further requests for time.

Mr. DULSKI. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Postal Reorganization and Salary Adjustment Act of 1970".

Mr. DULSKI. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. DULSKI. Mr. Chairman, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 17070, and include extraneous matter.

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

There was no objection.

PERMISSION FOR MANAGERS ON THE PART OF THE HOUSE TO FILE CONFERENCE REPORTS

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have permission until midnight to file 17 conference reports that have been agreed upon with the other body.

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

There was no objection.

The conference reports are as follows:

CONFERENCE REPORT (H. REPT. No. 91–1198)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15837) to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.
HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15837) to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 15837, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 15837, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of chemical grade manganese ore, type B, to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (H. REPT. No. 91–1199)

The committee of conference on the disagreeing votes of the two Houses on the

amendments of the Senate to the bill (H.R. 15838) to authorize the disposal of shellac from the national stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15838) to authorize the disposal of shellac from the national stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 15838, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 15838, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of shellac to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States Government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (H. REPT. NO. 91–1200)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16289) to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16289) to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 16289, as passed by the House of Representatives provides for the disposal of material covered by this act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 16289, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of natural Ceylon amorphous lump graphite to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors, and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (H. REPT. NO. 91–1201)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12941) to authorize the release of four million one hundred eighty thousand pounds of cadmium from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12941) to authorize the release of four million one hundred eighty thousand pounds of cadmium from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 12941, as passed by the House of Representatives provided for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 12941, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of cadmium to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favor the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose

of this material to the best interest of the United States government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (H. Rept. No. 91–1202)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15835) to authorize the disposal of magnesium from the national stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15835) to authorize the disposal of magnesium from the national stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 15835, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 15835, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of magnesium to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (H. Rept. 91–1203)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16292) to authorize the disposal of corundum from the national stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16292) to authorize the disposal of corundum from the national stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 16292, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 16292, the conferees agreed to retain the original House language

During Committee consideration of the bill, representatives from government and industry testified that disposal of corundum to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (H. Rept. No. 91–1204)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15831) to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15831) to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 15831, as passed by the House of Representatives, provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 15831, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of bismuth to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (H. REPT. No. 91–1265)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16295) to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16295) to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 16295, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 16295, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of manganese ore, battery grade, to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (H. REPT. No. 91–1206)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15832) to authorize the disposal of castor oil from the national stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers of the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15832) to authorize the disposal of castor oil from the national stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 15832, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 15832, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of castor oil to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States Government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (H. REPT. No. 91–1207)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15833) to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15833) to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 15833, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and delete the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 15833, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of acid grade flourspar to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers,

processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (H. REPT. No. 91–1208)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16297) to authorize the disposal of molybdenum from the national stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16297) to authorize the disposal of molybdenum from the national stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 16297, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 16297, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of molybdenum to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its methods of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (REPT. No. 91–1209)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15998) to authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15998) to authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 15998, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 15998, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of Surinam-type bauxite to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (REPT. No. 91–1210)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15839) to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15839) to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 15839, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 15839, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of tungsten to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are

situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (REPT. No. 91–1211)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15836) to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15836) to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 15836, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 15836, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of chemical grade manganese ore, type A, to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (REPT. No. 91–1212)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15021) to authorize the release of forty million two hundred thousand pounds of cobalt from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2 and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15021) to authorize the release of forty million two hundred thousand pounds of cobalt from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 15021, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 15021, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of cobalt to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (H. REPT. No. 91–1213)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16290) to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective House as follows:

That the Senate recede from the amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16290) to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 16290, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 16290, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of refractory grade chromite ore to the highest responsible bidder would be disruptive to the or-

dinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

CONFERENCE REPORT (REPT. No. 71–1213)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16291) to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 2, and 3.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

HOWARD W. CANNON,
STEPHEN M. YOUNG,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16291) to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill, H.R. 16291, as passed by the House of Representatives provides for the disposal of material covered by this Act be made only after publicly advertising for bids, except when the Administrator of General Services Administration determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets.

The Senate considered this language and amended it by substituting in lieu thereof the words, "to the highest responsible bidder after publicly advertising for competitive bids," and deleted the language authorizing the Administrator flexibility in determining other methods of disposal as provided in the bill passed by the House.

As a consequence of a conference between the House and Senate on the differences in H.R. 16291, the conferees agreed to retain the original House language.

During Committee consideration of the bill, representatives from government and industry testified that disposal of chrysotile asbestos to the highest responsible bidder would be disruptive to the ordinary marketing of this material, because it could upset the stable price structure of the material in the market and cause a market decline in price. It could also upset distribution pattern in the market and cause distribution and price changes. More importantly, it eliminates the flexibility General Services Administration would have in its method of sale. General Services Administration prefers and does use competitive bidding practices; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sale by the public advertising method would not ensure the protection of the United States against avoidable loss, or protect producers, processors and consumers against avoidable disruption of their market.

The Senate Committee in hearings on this bill also heard testimony from government and industry witnesses who favored the language in the House bill. Although the Senate Committee adopted this language, the bill was amended by the Senate.

It was the conclusion of the conferees that the language agreed to in conference will provide the necessary flexibility to dispose of this material to the best interest of the United States government.

PHILIP J. PHILBIN,
CHARLES E. BENNETT,
CARLETON J. KING,
Managers on the Part of the House.

LEGISLATIVE PROGRAM

Mr. VIGORITO. Mr. Speaker, at the request of the majority leader, I announce that on Thursday of this week it is planned to take up and to consider by unanimous consent the bills listed in the CONGRESSIONAL RECORD of June 11, 1970, page 19385, which were unanimously reported by the Committee on Ways and Means. The bills are as follows:

H.R. 2076, withholding of city income tax on Federal employees;

H.R. 4605, importation of contraceptive devices;

H.R. 6049, definition of metal bearing ores;

H.R. 9183, free entry of certain exported and reimported articles;

H.R. 10517, amending provisions of the Internal Revenue Code relating to distilled spirits;

H.R. 15979, interest on loans sold out of Agricultural Credit Insurance Fund;

H.R. 16506, tax treatment of cemetery corporations;

H.R. 16745, exemption from duty of repairs to shrimp vessels; and

H.R. 17473, extending period for filing claims for floor stock refunds of excise tax.

BRONX VA HOSPITAL

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

Mr. KOCH. Mr. Speaker, on June 12 I went with the House Veterans' Affairs Committee to the Bronx Veterans Administration Hospital. Some of the conditions we saw and others that were described in testimony were deplorable, attesting to the validity of many of the charges made in the recent Life Magazine article.

What was perhaps most distressing to me, Mr. Speaker, was to hear the Bronx Hospital Administrator, Dr. Abraham M. Kleinman, defending the conditions rather than seizing upon this opportunity to tell us that the government is simply not providing the VA hospitals with sufficient funds for adequate staff and proper facilities. While it probably is true that Dr. Kleinman and his staff are doing the best job possible "under the circumstances," what they should be doing is providing the best medical care that can be had anywhere and at any cost; and it is incumbent upon us to see to it that they have the funds to do so. No matter how divided we in this House may be on the issue of our military involvement in Vietnam, I know there isn't a Member of this body who does not believe that those men who have fought and been injured in Vietnam should receive the best care that modern medicine can provide.

But care in New York City's VA hospitals today is being compromised by staff shortages which are caused by both cutbacks in personnel and the low wages paid by the Government. These wages may be competitive with private wage scales in some parts of the country, but they most assuredly are not in New York City. For example, a nurse's aide receives only $4,600 annually in the VA hospital while city hospitals pay approximately $6,000 for the same work. And registered nurse's salaries similarly do not compete with the city's other municipal, private, and voluntary hospitals. Consequently, a total of 155 registered nurses at the Bronx VA Hospital care for 960 patients, while in Mount Sinai, a voluntary hospital in New York, there are 655 registered nurses for 1,150 patients. In fact, the nursing shortage at the Bronx VA hospital is so acute that between midnight and 8 a.m. a single registered nurse is responsible for three wards on three different floors having a total of 196 patients, 38 of whom are men with spinal cord injuries. Mr. Speaker, this is shameful. I am sure that many doctors would not commit their patients to a hospital so short of professional staff—and yet we place our injured veterans, many of whom are nearly helpless and require close attention, in such circumstances.

According to Chairman TEAGUE's committee, New York's VA hospitals are approximately 3,300 positions short of needed staff.

Perhaps even more disheartening than the staffing shortage, however, is the defeatist and negative attitude projected by some of the doctors treating the spinal cord injured patients. Most telling was the statement made by a young marine, Lt. Robert Muller, who is a paraplegic. He told us that the treating doctors, instead of encouraging patients to overcome their injuries, actually hinder them by telling them that their level of injury is so high and their case so hopeless that they should not even try to walk again with braces. Lieutenant Muller had been told this by his doctors and it was only after a great deal of per-

sistence and insistence on his part that he was given braces. Today, Lieutenant Muller is learning to walk and climb stairs, and most touching was his statement that his ability to ambulate has given him "architectural freedom" in choosing a college to attend, whereas before his choice was to be limited to accommodate his lack of mobility. Mr. Speaker, not all of those who have been injured have Lieutenant Muller's extraordinary spirit, willpower and grit; they need, as most of us do to overcome adversity, encouragement, and not to be told that their case is hopeless and that they are doomed to lifetime immobility.

Lieutenant Muller also pointed out to our delegation that there is a shortage of staff available to assist men in their physical therapy. Indeed, we saw for ourselves the inadequacies of the physical therapy room which is very small and lacking many devices common to a well designed and outfitted therapy room. It was even missing as simple an item as a stairstep for those learning how to walk again.

Another fact which shocked me and I am sure will come as a surprise to our colleagues is that in the Bronx VA Hospital, rather than changing the linens every day, as in the case of so many other hospitals, the linens are changed only twice a week unless fecally soiled. Mr. Speaker, there are many Members here who have been in the hospital for minor surgical services, and we all know the importance, pschologically as well as physically, of fresh bed linen daily. How much more important is this small amenity, indeed necessity, to someone spending nearly his entire waking and sleeping day in bed because of a spinal injury. It is tragic to think of how we have spared our military machine nothing but provide our injured military men with so little.

Mr. Speaker, all of us in this House would give every dollar requested by the VA so as to provide, not simply adequate health care, but the very best of health care. Again, we ask young men to risk their lives and suffer injuries in war and then we fail to provide them with the very best of treatment for their injuries.

To the best of my knowledge, the Congress has never failed to appropriate the health care funds requested by the administration, but unfortunately, the administration has failed to request sufficient funds. This year the House added $25 million to the President's VA medical services budget request, and every day it is becoming more and more evident that this is far short of what is needed. The Senate is now considering adding $189 million to this appropriation bill. I hope that they are successful in doing so, and further that it will then be possible for the conference committee to accept this full increase made by the Senate.

Mr. Speaker, no other appropriation bill should have a higher priority for us than that which provides the best medical care for our injured young men who were sent to war to risk their lives and limbs.

SLAUGHTER BY VIETCONG

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

Mr. DICKINSON. Mr. Speaker, apologists for the North Vietnamese in recent months have attempted to spread propaganda that they are essentially decent people who, once they get control of South Vietnam, will practice a policy of forgiveness.

I believe, Mr. Speaker, that this kind of talk is aimed at paving the way for new attempts to get the United States to walk away from its commitments to the South Vietnamese.

It appears to have little basis in fact. Indeed, there are many indications that the North Vietnamese use terror and systematic murder as a matter of policy.

Bruce Biossat, writing in the Washington News of May 20, tells of some of the Communist atrocities. They hardly amount to a live and let live policy. Mr. Speaker, I insert Mr. Biossat's column in the RECORD:

SLAUGHTER BY VIETCONG

(By Bruce Biossat)

A South Vietnamese farmer tripped over a piece of wire sticking out of the sand, so the story goes, as he was walking in the dunes near the South China sea east of the city of Hue. Thus he opened another chapter of grisly details about the Red massacre of thousands of civilians during the fabled Tet offensive of winter, 1968.

Angry, the farmer tugged on the wire. Out came a bony hand and arm and, ultimately, the whole body of a buried civilian whose hands had been wired behind his back before he was killed. At this and other similar sites, known now as the Sand Dune Finds, were uncovered the bodies of 808 other Hue civilians slaughtered by the Viet Cong.

Those discoveries occurred between March and July in 1969. Two months later, another find—of 428 bodies—was made in the remote Da Mai creek area 10 miles south of Hue. And last November, in another desolate sector east of Hue near the fishing village of Luong Vien, some 300 additional bodies were dug up in the Phu Thu salt flats.

It is estimated the latter find may finally come to 1,000, since some 1,946 Hue civilians are still unaccounted for and the checking at Phu Thu is evidently extremely difficult.

The populace of Hue was not startled to learn of these 1969 finds. Post-Tet estimates placed the number of missing near 5,800. Nearly 1,000 are presumed dead from accidents related to the bitter battle in which U.S. and South Vietnamese forces retook the city. Right after the fighting ceased, 1,200 massacred civilians were found at 19 sites in and near the city itself.

The newest and most graphic account of the Red Hue massacres is provided in a work called "The Viet Cong Strategy of Terror," by Douglas Pike, United States Information Service officer presently stationed in Tokyo but a longtime resident of Vietnam, a recognized authority on the VC and author of two penetrating books on the subject.

What is the point of our dwelling on this grim business right now? The real points are two:

A good many Americans, some of them highly influential, are saying that if Hanoi's regulars and the VC were to triumph in South Vietnam, there would be no "bloodbath" visited upon the South Vietnamese.

But these are merely declarative assertions, inescapably lacking in supportive proofs. Those who speak thus, cannot read the future.

But we can read the past for signs. And Mr. Pike's overall judgments, already reported in dispatches from Saigon, are that the Red massacres in Hue were no random killings by panicky troops or guerillas but were systematic extermination of key civilian population elements.

The slaughter was highly selective, beginning with an actual black-list of administrative leaders, then embracing intellectuals (hated for their utter contempt of communism), a broad range of people called "social negatives"—Hanoi's jargon for people tied to the old order—and, finally, witnesses who could identify the many secret VC who surfaced at the time of Tet.

The second point, made by Mr. Pike but striking me with particular force, is how little the world—and self-styled humanitarian liberals in this country—have made of the horror at Hue. As Mr. Pike writes:

"There was no agnonized outcry. No demonstrations at North Vietnamese embassies around the world. (The late) Lord Russell did not send his 'war crimes tribunal' to Hue to take evidence and indict."

Unquestionably the gruesome finds at Hue rank with the worst Nazi atrocities of World War II. The people of Hue were numbed into deep sadness and near-silence for months.

Unlike the famed assassinations by VC to intimidate villagers, these murders meant to hide their killings. Helicopters had to destroy a canopy of tall tree to get access to the Dai Mai creek burial sites.

But now the "Humanitarians" know. Yet where are their voices? Is their quotient of outrage exhausted in assault upon America's role in Vietnam?

WHY YOU'VE GOT A LOT TO LIVE

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

Mr. BELCHER. Mr. Speaker, under leave granted, I wish to insert in the RECORD the following essay, entitled, "Why You've Got a Lot To Live" by Betsy Mayo, Jenks, Okla. Betsy was Oklahoma's top winner in a patriotic essay-writing contest sponsored by the Pepsi-Cola Bottling Co. She won a $1,000 U.S. savings bond for herself and one for her school, plus a trip to Washington, D.C., to compete in the national contest sponsored by Pepsi-Cola. On Friday evening, June 19, Betsy, after competing with 200,000 young people from throughout the Nation, won the top honors—this was a $10,000 U.S. savings bond for herself and one for her school. I am indeed proud of Betsy Mayo of Jenks, Okla., who is a fine young American.

The essay follows:

WHY YOU'VE GOT A LOT TO LIVE

(By Betsy Mayo)

Hon. DEWEY BARTLETT,
Governor's Office,
State Capital Building,
Oklahoma City, Okla.

DEAR SIR: I am a mediocre American.

When I was in the fourth grade, I learned that "mediocre" means ordinary, even commonplace, and I recognized myself immediately.

"Are we rich?" I asked my mother.

"No," she replied. "We're Middle-class Americans."

As I advanced in school, I declined in self-esteem. Not only am I mediocre, I continued

to discover, but I am close to being a nonentity.

Men once tipped their hats to Grandfather because he claimed relationship to Abraham Lincoln. I failed to inherit this reward; Cousin Abe's kinfolk are prodigious.

When I was nine, I stood up in class and proudly announced: "I am one-sixteenth Cherokee Indian!" So were ten of my classmates.

I am truly mediocre, a mere dot among millions in the world's humanity-mass.

But I am also an American, which puts a different face on things. It means I am not consigned to mediocrity all my life because my background was not one of fame or fortune or because I lack charisma. I am free to participate in a world brimming with problems, but with a great deal of promise, too.

As a mediocre American, I represent this country's multiplicity, its very backbone, its visage before the world. Yet, with so many changes in the air and the constant drumbeat for improvement ever louder, this becomes a frightful responsibility, a temptation to fall back into the relative security of the pack.

But too many inherent reminders demand recognition. I cannot forget that because I am an American, my studies are not interrupted while I take my turn on some collective farm. My history books have not been re-written to disparage the past and exalt the present. I am not forced to join the underground in order to criticize the President of the United States.

I was born in an inspiring moment in history, preceded by a fabulous era of invention and technology; and I am alive now to take part in putting those efforts to work toward a better life for everyone.

I have a lot to live in today's world and a lot to give in tomorrow's. I may never create so much as a ripple on the broad sea of undercurrents of political corruption, campus morals, racial unrest, our foreign image, aid to the poor, concern for the sick and the elderly, employment opportunities, the upgrading of education and the many other whirlpools that seem to threaten to submerge us. But somewhere in tomorrow's scheme, a fitting job beckons and I hope to be ready, no matter how small the signal or the pond from which it comes.

God grant that I and many others of my generation may be able to rise above mediocrity and respond to the challenge.

Very truly yours,

BETSY MAYO.

USE OF PUBLIC SPACE BY LOBBY GROUPS

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

Mr. RHODES. Mr. Speaker, I have received the "Introduction" to a report issued by the Congressional Action Committee, Room 419 Vanderbilt Hall, 40 Washington Square South, New York, N.Y. As is stated in a paper attached to the "Introduction," the Congressional Action Committee says:

We urge you to direct your efforts to supporting Congressional action to cut off further funds for Southeast Asia except for the purpose of withdrawing troops safely and systematically . . .

Will you do all in your power to generate public support for a victorious roll call to end the war? Your letters, phone calls, petitions and personal visits to your Senators and Congressmen are urgently needed now and during the next crucial weeks.

Purportedly, this quote comes from a telegram received by the Congressional Action Committee from five Members of the other body. The "Introduction" purportedly is to a report which "contains articles and information on the war in Southeast Asia and the Congress of the United States. There is also a report on all Senators and Representatives to aid in your lobbying efforts. The reports are compiled from a feed-back of numerous groups which have been lobbying against the war in Washington." The "Introduction" then goes on to state that the report is made possible through the combined efforts of various groups, listing six of them. One of these groups is called Cornell University Lobby Group. The address of this group is given as 1741 Longworth Office Building, Washington, D.C. The phone number given for this group is 225–7169.

It seemed to me that the use, by a group frankly bent on lobbying the Congress, of space assigned to a Member of Congress, in a House Office Building, built by taxpayers' funds, was so curious that I investigated to see to whom this space was assigned. According to the House Public Buildings and Grounds Committee, 1741 Longworth is assigned to the Honorable BOB ECKHARDT of the State of Texas.

I also called the number given, 225–7169. A voice answered stating that I had reached Congressman ECKHARDT'S office.

I am told by members of the Committee on Public Buildings and Grounds that space assigned to a Member may be used at the discretion of the Member, if not used illegally or for personal profit. I am not charging that Congressman ECKHARDT, if he made space available to a group frankly lobbying the Congress, has done anything illegal. I do not have the facts necessary to make this judgment. However, I do feel that the use of public space by any such group, without the proper payment of rent to the Government, is a misuse of public buildings, and of the money the taxpayers put up for their construction. Ethically, it seems to me that such use should not be tolerated by the House. It is my hope that the Committee on Public Buildings and Grounds will consider this matter with gravity, and will amend its regulations so that it becomes indelibly clear that public buildings are to be used for legitimate public purposes, not for groups lobbying the Congress for any cause.

The item follows:

INTRODUCTION

The following report contains articles and information on the war in Southeast Asia and the Congress of the United States. There is also a report on all Senators and Representatives to aid in your lobbying efforts. The reports are compiled from the feedback of numerous groups which have been lobbying against the war in Washington.

This report is made possible through the combined efforts of the following groups:

Bipartisan Congressional Clearing House, P.O. Box 8278, Washington, D.C. No. 638–2500.

Continuing Presence in Washington, 2115 "S" NW, Washington, D.C. No. 966–4158.

Cornell University Lobby Group, 1741 Longworth Office Bldg., Wash., D.C. No. 225–7169.

Law Students Against the War, 714 21st St. NW and 1220A Longworth Office Bldg., Wash., D.C. No. 676–7560.

Project Pursestrings, 1616 K St. NW, Wash., D.C. No. 265–6676.

Virginia Coalition, 2115 "S" St. NW, Wash., D.C. No. 232–0145.

Other specialized groups have been helping in this effort and their names and addresses can be obtained by calling the offices of the Congressional Action Committee.

The Congressional Action Committee at the NYU Law School has compiled and published this report for the use of all groups and individuals working to end the War.

When you meet with any senator, representative or his aide, please file a report with our office or one of the above listed groups. A sample report sheet follows.

For further information or copies of the report contact: Congressional Action Committee, Room 419, Vanderbilt Hall, 40 Washington Square South.

A GUIDE TO CONGRESSIONAL ACTION AGAINST THE WAR IN SOUTHEAST ASIA

(Telegram from Senators MCGOVERN, HATFIELD, GOODELL, CRANSTON, and HUGHES)

MAY 27, 1970.

CONGRESSIONAL ACTION COMMITTEE,
Room 419 Vanderbilt Hall,
40 Washington Square South,
New York, N.Y.:

"We urge you to direct your efforts to supporting Congressional action to cut off further funds for Southeast Asia except for the purpose of withdrawing troops safely and systematically. . . .

"Will you do all in your power to generate public support for a victorious roll call to end the war? Your letters, phone calls, petition and *personal visits to your Senators and Congressmen* are urgently needed now and during the next *crucial weeks. . . .*"

USE OF OFFICE SPACE UNDER CONTROL OF REPRESENTATIVE ECKHARDT BY CERTAIN GROUPS

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

Mr. ECKHARDT. Mr. Speaker, first, I want to thank the gentleman from Arizona (Mr. RHODES) for letting me know in advance that the statement was to be made which is, of course, a courtesy which is always recognized, and also for his moderate statement in this regard. I do think though since he has mentioned this point, it is incumbent upon me to explain exactly what my office was used for.

Mr. Ed Burton is an assistant professor of economics at Cornell University and a resident of Houston, Tex. He and a good number of other individuals, both students and faculty opposed to the Vietnam war, came to Washington and contacted a number of persons in Congress, which is of course their right.

During a period of time that embraced approximately 19 days this group was without a location. Therefore, they approached me and asked if they might simply use the annex office as a sort of gathering place.

Now, frankly, anyone who has ever come to my office from Houston or Harris County, or any other constituent or group which I think is expressing a legitimate position in a legitimate way, has always been told, quite freely, that they may use my office for headquarters. I

think this is a courtesy that a Congressman owes to persons who come to his office and who are from among those from back home.

Mr. Speaker, as the gentleman from Arizona said, of course, there is nothing at all illegal about permitting people to peacefully express their viewpoints about governmental affairs. This is precisely what they were doing.

Frankly, I think one of the most commendable tendencies in our day has been the fact that faculty members and students are following the time-honored means of petitioning Government for redress. I want to encourage what was done in my annex office which was done with my knowledge. That office is just down the hall from my office. I use the annex office constantly.

The extension of this privilege is something I was glad to do and I am complimented that these Cornell people honored me by this request. I happen to know that there are some 500 Cornell alumni in Houston, Tex., and that there are 89 Texas students enrolled at Cornell. I have no apology whatsoever for affording this service to these members of the student body and faculty of Cornell.

SUBSTANTIAL AND PERMISSIVE SUPPORT OF A STATUTORY APPROACH TO LOWERING THE VOTING AGE

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

Mr. RAILSBACK. Mr. Speaker, I am well aware that several Members have doubts as to the constitutionality of a statutory approach to lowering the voting age. I have in recent weeks tried to assure my colleagues that there is substantial and impressive expert opinion in support of a statutory approach. I will not repeat at this time the identities of those holding such views but I remind the Members of their existence. As a lawyer I am well aware that no one can speak with finality for the Supreme Court. I would remind my colleagues that this body has often passed legislation which had been attacked on the basis of constitutionality. A recent and excellent example is the District of Columbia crime bill. I supported that legislation and I did so notwithstanding the constitutional objections because it is the peculiar task of the Supreme Court to have the final word as to the constitutionality of legislation enacted by Congress. The Court exists for that purpose, among others. The provisions of the Organized Crime Control Act which is now undergoing hearings before the Judiciary Subcommittee on which I serve have been scathingly attacked on constitutional grounds. But I would suggest to my colleagues that in cases where there is bona fide and significant support for the constitutionality of legislation, then it is the duty of Congress to work its will on that legislation and leave it to the Court to make the final determination as to ultimate constitutionality.

Mr. Speaker, I take this opportunity to provide my colleagues with some thoughts concerning the Voting Rights Act, H.R. 4249, the amendment added by the Senate concerning the 18-year-old vote.

I testified before the Rules Committee in support of the requested rule and I hope my colleagues will support that rule and vote the previous question. It was also my privilege as a member of the Judiciary Committee to observe the introduction of H.R. 4249 and to participate in the lengthy hearings which comprise 458 pages of recorded testimony before that committee. I can assure my colleagues that the Judiciary Committee recommendation—House Report No. 91–397—was the result of an overwhelming vote of both the Republican and the Democratic committee members.

As you will recall, in December of last year, on the floor of the House, an administration substitute was offered which provided some improvements—including a nationwide uniform authorization for persons to vote in Presidential and Vice-Presidential elections if they have resided within a State since the first day of September preceding the November election; and including the expansion of the temporary ban on literacy tests to make it national rather than regional in scope and effect. However, many of us believed that the administration's substitute would represent a dilution of the effectiveness of the enforcement provisions of the original Voting Rights Act, and for that reason, opposed it. Among Judiciary Committee members, once again both the Republicans and Democrats overwhelmingly supported a simple extension—only eight committee members voting for the administration substitute and 25 voting against it. Nonetheless, the substitute passed by a narrow margin.

Now the Senate has passed a measure which I believe includes the best portions of the two choices which had been before the House. I believe the Senate-passed bill strengthens the Voting Rights Act on all counts by preserving the tough enforcement provisions which have been utilized in registering more than 800,000 black voters, and by incorporating a nationwide literacy test ban as well as uniform residency provisions. In addition, an amendment was adopted by a vote of 64 to 17 which has the effect of lowering the voting age in all States in all elections to 18 years of age. I believe that this is a good amendment and will serve these effective purposes: First, it gives our young people an opportunity to really participate in our system and undercuts those who would advocate overthrow of the existing system; second, it recognizes that our young people are better educated and equipped than ever before to exercise the voting franchise, and third it makes uniform the voting age level, which now ranges from 18 to 21 among the various States.

I strongly support the principle of granting the vote to those young people from the ages of 18 to 21. I testified earlier this year before a Senate subcommittee on the subject of the 18-year-old vote. At this point I quote from that testimony:

Mr. Chairman, in May of last year, a group of twenty-two Congressman, myself included, embarked upon a voluntary tour of college campuses. We organized into six regional groups and visited over fifty universities of all types and sizes. We met personally with many faculty, administrators, and with over a thousand students. We avoided advance publicity and sought no headlines. Our main purpose was to listen, not to lecture, and we came away with an insight into student outlooks which was not gathered second hand or under artificial circumstances, but first hand and under completely informal and natural conditions.

One important result of our visits was the preparation of a report which was submitted to President Nixon. This report, which has come to be known as the "Brock Report," contained several recommendations. I would like to refer to recommendation number four, entitled "Lower the voting age." Under that heading, I believe the following paragraph summarizes the feeling of many of us who would prefer to see less student riots and more student responsibility:

"The right to vote will give Young America the chance to become a responsible, participating part of our system. In essence they will have the chance to put their performance where their words are."

I am not sure just how and why the magic age of 21 was fixed as the age of majority. Professor Paul A. Freund has suggested that it began many centuries ago "because at that age a young man was deemed capable of bearing the heavy armor of a knight." I need not remind the Members of this Subcommittee that surveys have proven that about one-half of the servicemen killed by hostile action in Vietnam from 1961 to 1969 were too young to vote in most states. I would submit that we have demanded that our young men shoulder the heavy armor of a knight at ages far younger than that old hand-me-down magical age of 21, and at the same time we have hypocritically told these young human sacrifices of adult created wars that "we are sorry but we just can't trust you with the vote."

There is really very little that our laws and society do not already allow the 18 to 21-year-olds to do. In today's society the 18-year-old can marry, raise a family, divorce, work for a living, contribute to the tax revenues, and kill or be killed in military service. Often there is little difference between the father of age 21 and the father who is a teenager, except that the younger man can't vote for the policies or for the men who pass and approve the laws affecting him and his children.

Of the actual present day population of our country, approximately one-half is under the age of twenty-five. Similarly, approximately 40 percent is under the age of twenty. And these young people are better educated, physically superior, and longer living than any of their ancestors. In 1920, the average height of an 18-year-old boy was 69 inches and the average weight 126.6 pounds. In 1968, the average 18-year-old boy was 70.2 inches tall (over a full inch taller) and he weighed 144.8 pounds (nearly 20 pounds more).

In 1920, less than 30 percent of the high school age population was in high school, and only 17 percent of that age group actually was graduated. But today, more than 85 percent of Americans 14 through 17 are attending high school, and more than three-quarters of this group receive diplomas. Furthermore, in 1920, the number of high school graduates was 231,000, but in 1968 it was 2,008,000, or nearly ten times greater. Our youth of today, by virtue of the technological advances in television and other communications systems, by virtue of increased numbers and greater quality textbooks and study materials, by virtue of professionalized instructors and by virtue of more numerous and better quality educational institutions,

are quite frankly and unquestionably better educated for their age than their parents or even their older brothers and sisters. Indeed, 18 to 21-year-olds already possess a better education than a great number of adults.

We do not like to confess that these young people have no effective voice in our national decision-making process. They are a non-enfranchised population. They are "outsiders" and cannot vote. In spite of their very best intentions and desire to make democracy work, the 18 to 21-year-old American does not have the privilege of participating in what we have taught him to be the most significant decision-making process—that of voting and governmental operation. Our own civil service regulations permit government employment of 18-year-olds, but our voting laws deny to these same 18-year-olds any voice in electing that government. Our laws tax these 18-year-olds, but our voting laws do not permit them representation in enacting that tax law. The Boston Tea Party was supposed to have been the spark that put that issue to rest in this country. The list of hard-to-explain hypocricies is lengthy and this Subcommittee has probably heard all or most of them already.

The thing that really motivates me to support this legislation is my deep and sincere conviction that the vast majority of our young people, particularly those on our college campuses, really do possess the desire and intelligence to not only vote responsibly, but to channel their actions in a democratic and socially acceptable manner to the great benefit of themselves and society. The commitment and the insight which our young people have demonstrated in such programs as the Peace Corps and Volunteers In Service To America (VISTA) is a good example.

The great message in the student unrest that we observe is not in its excesses, but in its mere existence. The student movement, not only in this country, but around the world, can signal a new age of partnership in progress, or it can be a struggle for responsibility demanded and denied. We hold the key. Responsibility is contagious. I foresee a partnership for progress. We can begin it by granting the 18-year-olds a voice and a vote.

As my testimony indicates, I feel deeply concerning this subject. There is overwhelming support for the granting of the voting franchise to those between the ages of 18 and 21. A poll taken by the Gallup organization shows that 58 percent of the American people favor lowering the voting age to 18 while only 38 percent oppose such action. At this point I include an article from the Washington Post on April 5, 1970, concerning the results of that poll:

[From the Washington Post, Apr. 5, 1970]

GALLUP POLL: 18-YEAR-OLD VOTE FAVORED

(By George Gallup)

PRINCETON, N.J.—If the House of Representatives follows the lead of the Senate and approves of lowering the voting age to 18, it will be in accord with the wishes of the American people as recorded in surveys over the last 17 years.

Six adults in every ten in the latest survey (58 per cent) think persons 18, 19 and 20 years old should be permitted to vote.

A majority of persons 21 and older have expressed support for lowering the voting age since July, 1953, when 63 percent did so. Only 17 per cent voted in favor in 1939 when the first Gallup survey on this subject was conducted.

Many of those interviewed who favor lowering the voting age maintain that "if a person is old enough to fight, he's old enough to vote."

The Senate on March 12 approved, 64 to 17, legislation that would lower the voting age to 18 in all elections. The House will shortly consider this legislation.

Following is the question asked in the latest Gallup survey completed just last weekend. A total of 1350 persons 21 and older were interviewed in more than 300 localities across the nation, and asked this question.

Do you think that persons 18, 19 and 20 years old should be permitted to vote, or not?

Here are the latest results:	*Percent*
Should	58
Should not	38
No opinion	4

In all surveys on this issue older persons—who tend to be more affluent and more conservative than younger persons—are most opposed to lowering the voting age to 18.

According to the Youth Franchise Coalition, a nonprofit organization headed by Ian MacGowan, a total of 37 Governors support the lowering of the voting age. And a succession of Presidents, including President Nixon, has supported lowering the voting age. I think the question is fairly asked, with all that support, why has the voting age not been lowered?

I would remind my colleagues that the fine State of Georgia has had the 18-year-old vote since 1943. Governor Maddox and the Georgia Delegation in Congress can be appropriately proud of their leadership in this regard. The State of Kentucky has had the 18-year-old vote for 15 years. The States of Alaska and Hawaii permit the vote for 19 and 20 year olds respectively. The 18-year-old vote is not fatal. The States which have the lowered voting age have proven that it is workable.

And several foreign countries have lowered voting ages. Russia lowered the voting age to 18 in its 1936 constitution. Britain lowered the age to 18 last year. Bulgaria, Rumania and Hungary have the 18-year-old vote. An article in the New York Times of March 8, 1970 discusses the status of the lowered voting age in several foreign countries and I include it in my remarks at this point:

[From the New York Times, Mar. 8, 1970]

TREND IN MANY NATIONS IS TOWARD VOTE FOR YOUTHS

LONDON, March 7.—Increasing numbers of young people around the world will soon be voting in national elections as a movement toward lowering the legal voting age steadily gathers momentum.

Britain, under the 1969 Family Reform Act, lowered the voting age from 21 to 18 on Jan. 1, and teen-agers will vote for the first time in a parliamentary special election next Thursday at Bridgewater in Somerset.

Several Commonwealth countries, including Canada, are debating whether to allow the British initiative. The United States also is considering a proposed constitutional amendment to lower the voting age from 21 to 18.

In many parts of the world, the movement toward younger voters is not new. Most Communist and Latin-American nations granted 18-year-olds the franchise many years ago.

The Soviet Union lowered the voting age to 18 in its 1936 Constitution. The same rules apply in Bulgaria, Rumania and Hungary.

SOCIALISTS APPARENTLY GAINED

Austria, adjoining the Communist nations of eastern Europe, lowered the voting age from 20 to 19 in 1968. Judging by returns in a general election March 1, the youth ballot helped increase the Socialist vote.

In Britain, Prime Minister Wilson hopes that the three million additional votes of people in the 18-to-21 age bracket will help get his Labor Government elected for another five years. But public opinion polls indicate that the new voters are as divided as their parents.

The election at Bridgewater, to fill a parliamentary vacancy, should provide an indication of how the teen-agers will vote in the next British general election, expected anytime between this spring and the end of Mr. Wilson's five-year term in May 1971.

It is estimated that 4,000 youngsters will be able to vote in the three-cornered contest at Bridgewater, where the Conservatives had a majority of 3,000 votes against Labor and Liberal candidates four years ago.

Britain's last major change in the franchise came in 1928 when the vote was given to women over the age of 21. At the time women won the vote in 1918, the minimum age was 30.

CAUTION BY ELDER VOTERS

A principal argument for suffrage for teen-agers is that television, radio and other modern means of communication enable youth to comprehend the major issues of the day far better than their parents did at the same age.

Their vote and interest in politics would channel youthful energies in the ballot box instead of into street demonstrations, according to the politicians.

But the older generation fears that the teen-agers are too impetuous, that they might vote to overthrow the established order or elect a dangerous demagogue.

Many Latin-American nations now allow 18-year-old youths to vote as a result of recent changes in their constitutions.

Chileans over 18 will get the vote Nov. 4—after a general election in September. Colombia promises a change in April—after presidential elections.

In Mexico, the voting age is 18 for men and women, as it is in Ecuador, Uruguay, Venezuela, El Salvador, Guatemala and the Dominican Republic. Brazil permits 18-year-olds to vote if they are literate and can speak Portuguese, the national language.

The trend toward the younger voter transcends geographical and even ideological boundaries. Some Latin-American nations still cling to the 21-year-old principle while countries in other parts of the world strike a compromise at 20.

Sweden lowered the voting age last year to 20—the same age accepted by Japan and the Swiss national Government. But several cantons in Switzerland are seeking to lower the voting age in local elections to 19 or 18.

In Ceylon, the voting age was lowered from 21 to 18 a decade ago, New Zealand reduced the age to 20 last year.

South Africa has allowed 18-year-olds to vote since 1958; but in Black Africa, the general level so far has been 21.

I remind my colleagues that I am a sponsor of House Joint Resolution 865, which I introduced on August 5, 1969, and which would provide for lowering the age by constitutional amendment. Two-thirds of the Members of the Senate were cosponsors of a constitutional amendment introduced in the Senate. Yet these proposals have actually gone nowhere. And I must frankly state that it is my opinion that it would take several years before the lowered voting age would become a reality via the procedure of constitutional amendment. If it is not

necessary to consume that inordinate amount of time, and if we are truly in favor of a lowered voting age, then why not take advantage of the opportunity which is now before this House and accomplish the same end result only through statutory procedure?

I am well aware that several of my colleagues have doubts as to the constitutionality of taking the statutory approach to accomplish the result of a lowered voting age. I have in recent weeks tried to give assurances to my colleagues that there is impressive expert opinion in support of a statutory approach. I will not repeat at this time these views but I do wish to remind the Members of such expert opinions. As a lawyer I am well aware that no one can speak with finality for the Supreme Court; however, it is significant to note that both practitioners and legal scholars of great stature have supported the effort to proceed via statute. The preeminent and prestigious Association of the Bar of the City of New York, by its committee on Federal legislation, has prepared recently a report on the constitutional issue and I received this report only yesterday. At this point I wish to call the report to the attention of my colleagues and I include the report in my remarks:

THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK

STATUTORY REDUCTION OF THE VOTING AGE

(By the Committee on Federal Legislation)

In February 1970, this Association issued a report which considered the proposed extension of the Voting Rights Act of 1965 and the Administrations' alternative, urging that the trigger clause and prior clearance provisions of the Voting Rights Act be extended for an additional five-year period.[1] We opposed those provisions of the Administration's bill which would eliminate the requirement of prior clearance for voting law changes in jurisdictions with a history of discrimination and which would have the Attorney General send voting examiners throughout the nation, rather than concentrate them in jurisdictions which had been identified by the Act's trigger clause. We endorsed as desirable voter reforms the Administration bill's proposed nationwide ban on literacy tests and national residency standards for presidential elections.

In March 1970, the Senate adopted a substitute for the Administration bill which would: extend the Voting Rights Act of 1965 for an additional five-year period; prescribe national residency standards for voting in presidential elections; impose a nationwide suspension on literacy tests; and modify the trigger clause to apply to jurisdictions in which less than 50% of the voting age population were registered for or voted in the 1964 or 1968 presidential election. The bill also contained a provision which would reduce to eighteen the voting age for national, state and local elections. The Senate bill will be considered shortly by the House of Representatives under a rule whereby it must be approved or disapproved in its entirety.

This report is directed to the provision for reducing the voting age. This is one aspect of the present bill on which we had not commented in our prior report and it is an aspect that must be considered and resolved by members of the House when they vote on the bill in its entirety. We are of the unanimous opinion that the voting age may constitutionally be reduced by statute. We also believe that such a reduction is desirable.

We strongly urge approval of the entire Voting Rights Act in the form now before the House, for the reason stated in our previous report supplemented by the reasons stated below.

* * * * *

The issue of eighteen year old voting has had a long history in our country. Serious efforts to lower the voting age were made following the Civil War and during World War I, World War II and the Korean Crisis. These proposals, however, met with little legislative success.[2]

The arguments now being made on this issue are also not new. Having re-examined these arguments in the context of present-day America, we believe that there is no compelling reason for continuing the disfranchisement of eighteen year olds. A principle of our society in that government rests on the consent of the governed, as expressed through the medium of voting. Mass participation in voting is essential to represent the will of all the people, and the enfranchisement of most major groups is needed to order legitimate government in the eyes of each group. When we consider the increased educational level and political maturity of the nation's youth and the civil and military responsibilities which they are expected to assume at age eighteen, we can only conclude that they should also be afforded access to the ballot box.

We cannot close our eyes to the daily news reports which attest to the disaffection and frustration of today's youth and their desire to be involved in the political processes of our government. It is all the more important in these times of unrest in our country that this major segment of our population have the opportunity to express itself in the orderly and peaceful processes of elections for legislators and executives. We are not impressed with the arguments that the reduction of the voting age will weaken majority rule and have undesirable effects on our party system and governmental structure. In this regard, we are reminded of similar views which were expressed in the period before elimination of property restrictions on the right to vote and again before extension of the franchise to women and to black citizens. These reforms served to strengthen our system. We expect the same result if the franchise is extended to eighteen year olds.

* * * * *

Turning to the constitutional question, we find sufficient support for a statutory reduction of the voting age in Congress' authority to enact "appropriate legislation" to enforce the provisions of the Fourteenth Amendment. This authority, contained in Section 5 of the Fourteenth Amendment, has been broadly construed by the Supreme Court in recent decisions, most notably in *Katzenbach v. Morgan*, 384 U.S. 641 (1966). In that case, the Court upheld the constitutionality of Section 4(e) of the Voting Rights Act of 1965, whose principal effect was to prohibit New York State's English literacy requirement for voters. The Supreme Court's position was that Congress could forbid New York's English literacy test whether or not the test violated the Constitution. The Court reasoned that even though the test might not itself deny equal protection, its elimination could be viewed as a measure designed to protect New York's Puerto Rican community against discriminatory treatment by government.

The *Morgan* case indicates that in adopting appropriate legislation under the Fourteenth Amendment, Congress is authorized to intrude upon the reserved powers of the states even when its action tends only indirectly to insure compliance with the Fourteenth Amendment. The Court demonstrated its willingness to accede to the congressional judgment as to the necessity for any such imposition on state interests.

"It was well within congressional authority to say that this need of the Puerto Rican minority for the vote warranted federal intrusion upon any state interests served by the English literacy requirement. It was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations. . . . *It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did.*"[3]

Given the Court's statements that Section 4(e) "may be viewed" as designed to secure equal protection and that it was satisfied merely with being able to "perceive a basis" upon which Congress might reach its conclusion, it is clear that Congress possesses far-reaching authority to adopt legislation based upon the Fourteenth Amendment. If a congressional enactment prohibits state action which is arguably discriminatory, the *Morgan* decision offers constitutional support for the congressional prohibition.

It is proper that Congress be given such broad discretion in enforcing the guarantees of the Fourteenth Amendment. It is particularly important that Congress, as the selected representatives of the people, be empowered to determine when state voting laws fall short of the standards of the equal protection clause.

We have no doubt that there is ample basis for a congressional determination that states unfairly discriminate against persons between eighteen and twenty-one when they deny those persons the right to vote. The fact that eighteen year olds assume so many of the responsibilities of older citizens (not the least of which is their obligation to serve in the armed services) offers sufficient justification for a congressional judgment that it is unreasonable to deprive them of the essential right to vote.

Futhermore, young people today are highly capable of making intelligent voting decisions. Today's youth have attained educational levels and political maturity and awareness not manifested by the eighteen year olds of earlier generations. For example, 79% of persons between eighteen and twenty-one today are high school graduates, while only 17% of persons in the same age bracket in 1920 had graduated from high school. While 47% of today's eighteen year olds attend college, only 18% were in college in 1920.[4] Statistics such as these support a congressional finding that voting age requirements established almost 200 years ago are now outmoded.

Although the position that Congress may reduce the voting age by statute has received the support of respected constitutional authorities,[5] other noted scholars contend that a lower voting age may be implemented solely by means of a constitutional amendment. Six Yale Law School professors recently challenged the constitutional basis for a statutory voting age reduction, questioning the breadth of the Supreme Court's decision in *Katzenbach* v. *Morgan* and pointing to the provisions of Section 2 of the Fourteenth Amendment.[6] They claimed that *Morgan* deals only with policing state restrictions on ethnic minorities and that it was inappropriate to extend its application to a measure affecting all young Americans. We do not agree that the *Morgan* decision must be limited in that fashion. The nation's youth constitute a group which may be the victim of unreasonable voting discrimination as much as females, black citizens of the southern states or Puerto Rican residents of New York State.

The six Yale professors also argued that Section 2 of the Fourteenth Amendment explicitly recognizes the age of twenty-one as a "presumptive bench mark" for grant of the right to vote and that it is difficult to construe that equal protection clause to permit Congress to modify that constitutional presumption. Section 2 provides:

Footnotes at end of article.

"When the right to vote at any election for the choice of electors for President and Vice-President of the United States . . . is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

We cannot see how this provision precludes Congress from lowering the voting age to eighteen. Section 2 was designed to implement the grant of the franchise to blacks and its mention of the age of twenty-one was merely intended as a reference to those persons who, by the prevailing standards of the 1860's, would be eligible to vote but for the color of their skin. The fact that the voting age was twenty-one a century ago does not resolve the question whether the same age requirement constitutes unreasonable discrimination in the 1970's. As the Supreme Court has recognized, concepts of equal protection "do change."[7]

Some authorities have expressed concern over the uncertainty which could result if the voting age provisions of the bill were invalidated by the courts subsequent to its implementation. We believe that the voting age provisions effectively deal with this problem by adopting an effective date of January 1, 1971 for the age reduction and providing for expedited judicial proceedings.

* * * * *

The Supreme Court has made it clear in other areas that where the right to vote is denied, the burden lies with those withholding that right to demonstrate that the denial is necessary to protect a compelling state interest.[8] The issue here is analogous; it is a heavy burden to justify the denial of the franchise to ten million citizens aged eighteen to twenty-one who are by standards of education, exposure to media, bearing of the responsibilities of citizenship, concern for the national welfare and all other criteria of political maturity an integral part of our society. We do not believe that those who would deny young people the right to vote can sustain such a burden. These young citizens should be placed in the political mainstream at the earliest possible opportunity. For these reasons, we support the provision of the Senate bill which would reduce the voting age to eighteen.

CONCLUSION

The Voting Rights bill should be approved in its entirety, including the provision for lowering the minimum voting age to eighteen.

June 11, 1970.

Respectively submitted.

Committee on Federal Legislation, The Association of the Bar of the City of New York.

MEMBERS

Sheldon H. Elsen, *Chairman;* John F. Cannon, Harvey P. Dale, Nanette Dembitz (Hon.), Ambose Doskow, Michael S. Fawer, John D. Feerick, Peter M. Fishbein, Mahlon Frankhauser, Robert L. Friedman, Robert J. Geniesse, R. Kent Greenawalt, Conrad K. Harper, Thomas V. Heyman, David M. Levitan, Arthur Liman, Jerome Lipper, John Lowenthal, James H. Lundquist, Michael G. Marks, Edward A. Miller, Alan Palwick, William B. Pennell, Irving Younger (Hon.).

FOOTNOTES

[1] 25 Record of N.Y.C.B.A. 250 (1970).

[2] Georgia lowered the voting age to eighteen in 1943 and Kentucky did the same in 1955. Alaska entered the Union with a voting age of nineteen and Hawaii with an age of twenty.

[3] 384 U.S. at 653 (emphasis added).

[4] Testimony of Senator Edward M. Kennedy, Cong. Record, March 11, 1970, p. 6936–40.

[5] See, e.g., address of Paul A. Freund and statement of Archibald Cox, Cong. Record, March 11, 1970, p. 6934–36, Cox, *Foreword: Constitutional Adjudication and the Promotion of Human Rights,* 80 Harv. L. Rev. 91, 107 (1966).

[6] Letter to the Editor from Alexander M. Bickel, Charles L. Black, Jr., Robert H. Bork, John Hart Ely, Louis H. Pollak, Eugene V. Rostow, in The New York Times, April 5, 1970, p. 43.

[7] *Harper* v. *Virginia Board of Elections,* 383 U.S. 663, 669 (1966).

[8] See, e.g., *Kramer* v. *Union Free School District,* 395 U.S. 621 (1969); *McDonald* v. *Board of Election Comm'rs of Chicago,* 394 U.S. 802 (1969).

Some of my colleagues have told me of their feelings that we should not legislate in an atmosphere of constitutional doubt. I am constrained to remind them that we have often done so. A recent and excellent example is the District of Columbia crime bill, which has been subject to a great amount of criticism by constitutional scholars. I supported that legislation and I did so because it is the peculiar task of the Supreme Court to have the final word as to the constitutionality of legislation enacted by Congress. The Court exists for that purpose, among others. The provisions of the Organized Crime Control Act, which is now undergoing hearings before the Judiciary Subcommittee on which I serve, have been scathingly attacked on constitutional bases by constitutional experts. But, I would suggest to my colleagues that in cases where there is bona fide and significant support for the constitutionality of legislation, then it is the duty of Congress to work its will on that legislation and leave it to the Court to make the final determination as to the ultimate constitutionality. I submit that it is an insufficient reason for opposing legislation to merely take the position that there may be some doubt as to its ultimate constitutionality.

Finally, I would remind my colleagues that this legislation is drafted in a manner so as to actually invite an early determination of the very doubts which they express on the constitutionality of the measure. The amendment to the Voting Rights Act bill is drafted so as to direct the courts to expedite cases questioning the legality of the law. I included in my testimony before the Rules Committee a summary of the possibilities of a prompt judicial test of the 18-year-old voting provisions of the pending Senate-passed bill, and I include them at this point in my remarks:

PROBABILITY OF A PROMPT JUDICIAL TEST FOR THE 18-YEAR-OLD VOTE

President Nixon's recent challenge of the legislation that would lower the voting age to 18 was based primarily on a fear that any legal contest to such a law might not be reached before 1972 and thus would jeopardize the proceedings of the Presidential elections to be held that year. However, from extensive legal research and a brief review of the provisions of this legislation, it is reasonable to conclude that a court case on the validity of an 18-year-old voting statute will be initiated and resolved before January 1, 1971, the date the legislation goes into effect.

Several possible approaches could be employed to achieve a test case. For all of these alternatives, the courts would be justified in ruling on the validity of the provisions if elements of an actual controversy were present. Thus, a test case could be started once the bill was signed into law.

In one approach a case arising between a state and the Attorney General, the Supreme Court would have original jurisdiction. The State could file a complaint with the Supreme Court requesting a declaratory judgment that the provision is unconstitutional and an injunction against its enforcement. South Carolina followed this procedure in 1965 when it questioned the validity of the Voting Rights Act through *South Carolina* v. *Katzenbach,* 383 V.S. 301 (1966). The basic problem was registration of voters under the Federal provisions. Obviously, the situation will present itself again when 18-year-olds try to register for local elections after the bill is passed.

Another alternative would have the Attorney General file a complaint against a specific State challenging the validity of the state law setting the voting age of 21. Section 303 of the Senate-passed version of the Voting Rights Act clearly gives the Justice Department this power, authorizing the Attorney General to begin proceedings involving States or political subdivisions. Indeed this procedure was successfully tried in *United States.* v. *Alabama,* 252 F. Supp. 95 (1966) to enforce the poll tax provision of the 1965 Voting Rights Act. Using this method, the action would initiate before a special three-judge Federal district court and be appealed directly to the Supreme Court for final deliberations.

A third possibility would arise if state officials filed suit against the Attorney General challenging the constitutionality of the voting age section of the statute. As in the preceding alternative, the decision of a special three-judge court would be appealed directly to the Supreme Court.

Finally an individual could file suit against State or local election officials if they denied him the right to register to vote. The individual could cooperate with the Attorney General which would test the constitutionality of the State law setting the voting age at 21. This was the method used in *Harper* v. *Virginia Board of Elections,* 383, U.S. 653 (1966), when a group of Virginia residents challenged the constitutionality of Virginia's poll tax.

The question of constitutionality should easily be decided by January 1, 1971. Even if the test case were initiated in the three-judge court procedure, there would be no greater delay than if proceedings originated directly in the Supreme Court. The case would be argued during the Supreme Courts summer recess and presented to the Court when it returns in October.

It is important to note that quick judicial decisions have been vital for social problems several times during the past five years, and in each case action was successfully completed in a short time period. One important example concerns the already mentioned *South Carolina* v. *Katzenbach.* Since this case tested the 1965 Voting Rights Act the necessity of an early decision was nearly exactly analogous to the present instance. Total proceedings on the bill took less than six months. In another instance, *Williams* v. *Rhodes,* 393 U.S. 23 (1968) George Wallaces American Independent Party attempted to gain a spot on the Ohio ballot for the 1968 Presidential election. The case took less than a month after Supreme Court review was sought. Just last fall *Alexander* v. *Holmes County Board of Education* 396 U.S. 19 (1966) sought immediate school integration. In this instance a decision was rendered in a little more than a month after the case was filed.

In short it is clear that ample precedents are available for a prompt test of the constitutionality of the statutory approach to

the 18-year old vote. Little justification exists for employing the fear of disturbing the 1972 elections in order to continue to deny the franchise to 11 million young Americans qualified to vote. They have waited too long already, and to fail to act now would return the issue to a legislative route that has kept it bogged down in Congress for 28 years. Since the constitutionality should be left to the courts your vote will be counted as a true test of your sentiments on the issue.

In summary, I say to my colleagues that the Senate-passed Voting Rights Act package is good legislation. It combines the best of the two versions which were before the House earlier in this session and should come as no surprise to the Members. The 18-year-old vote amendment offered in the Senate was thoroughly debated by that body, including much discussion of the constitutionality issue. The Senate passage of the amendment was by the nearly 4 to 1 margin of 64 to 17. The Members of the House have been subjected in recent weeks to bombardment by other Members and by various groups with information and argument concerning the 18-year-old vote provisions. I doubt whether additional discussion would shed much light on the only question of any major proportions, namely the constitutionality of the statutory procedure. The Supreme Court is the only body which can settle that question, and the legislation provides for a speedy presentation of the question to the Court.

SUPREME COURT'S DRAFT RULING AN IMPOSSIBLE BURDEN

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

Mr. BINGHAM. Mr. Speaker, yesterday the U.S. Supreme Court handed down two decisions relating to this Nation's military draft system—Welch against United States and Mulloy against United States—which are right in principle but which may well impose an impossible burden on local draft boards.

The Welsh decision in particular, has opened a virtual Pandora's box that will force local draft boards to make near impossible judgments as to whose beliefs are "deeply held."

Dr. Curtis Tarr, the Director of the Selective Service System, was asked at his press conference this morning whether the Supreme Court's rulings would place an impossible burden on local boards and, I am told, his response was, "That may well be the case—I'm sure going to have a tremendous workload." Dr. Tarr also stated that he would not oppose legislation which would restore the previous interpretation of the standards for qualification as a conscientious objector and that this "would certainly make our job a lot easier."

A further complication of the recent rulings is the interpretation which the Selective Service System intends to give the rulings. Dr. Tarr stated that within a week he hoped to promulgate national standards for local boards to use in determining who qualifies as a conscientious objector under the new law. These standards, Dr. Tarr said, will require that:

First, a man's beliefs must, without question, be sincere;

Second, a man must be opposed to war in any form;

Third, a man's beliefs must be more than a personal moral code and must involve the thoughts of other wise men; and

Fourth, a man's beliefs must be the result of some kind of rigorous training.

Dr. Tarr was asked whether this last requirement would not work to the benefit of those young men who had gained a college education. I am told his response was that there "always has been an advantage to the intelligent man and I think neither you nor I would want to change that."

Mr. Speaker, the Court's rulings and Dr. Tarr's response make clear once again that what is needed is total reform of the military draft system. Last week I introduced a bill with bipartisan support which would replace the Selective Service Systems with a program that would enable a young man of 18 to make one of three decisions:

First. To volunteer for the military; or

Second. To volunteer for civilian service as an alternative; or

Third. To enter a draft lottery.

Our plan includes various balances, such as the length of time a young man would serve in a civilian capacity, to ensure an orderly flow of men into all three options. This would have two important results. First, it would make it possible for any young man to decide for himself whether or not he cared deeply enough about not serving in the military to commit himself to 3 or 4 years of service as a civilian. Second, it would provide much needed manpower for such jobs as hospital work, ghetto teaching, reforestation or police work.

Mr. Speaker, the chairman of the Armed Services Committee, Mr. RIVERS, has agreed to hold comprehensive hearings on the draft in the present Congress. The Court's decisions make it now more important than ever to enact meaningful draft reform.

I include at this point the full text of these two important Supreme Court decisions:

[Supreme Court of the United States, No. 76.—October term, 1969]

ELLIOTT ASHTON WELSH, II, PETITIONER, v. UNITED STATES

[June 15, 1970]

On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

Mr. Justice Black announced the judgment of the Court and delivered an opinion in which Mr. Justice Douglas, Mr. Justice Brennan, and Mr. Justice Marshall join.

The petitioner, Elliott Ashton Welsh, II, was convicted by a United States district judge of refusing to submit to induction into the Armed Forces in violation of 50 U.S.C. App. § 462(a), and was on June 1, 1966, sentenced to imprisonment for three years. One of petitioner's defenses to the prosecution was that § 6(j) of the Universal Military Training and Service Act exempted him from combat and noncombat service because he was "by reason of religious training and belief . . . conscientiously opposed to participation in war in any form."[1] After finding that there was no religious basis for petitioner's conscientious objector claim, the Court of Appeals, Judge Hamley dissenting, affirmed the conviction. 404 F. 2d 1078 (1968). We granted certiorari chiefly to review the contention that Welsh's conviction should be set aside on the basis of this Court's decision in *United States* v. *Seeger*, 380 U.S. 163 (1965), 396 U.S. 816 (1969). For the reasons to be stated, and without passing upon the constitutional arguments which have been raised, we reverse the conviction because of its fundamental inconsistency with *United States* v. *Seeger*, *supra*.

The controlling facts in this case are strikingly similar to those in *Seeger*. Both Seeger and Welsh were brought up in religious homes and attended church in their childhood, but in neither case was this church one which taught its members not to engage in war at any time for any reason. Neither Seeger nor Welsh continued his childhood religious ties into his young manhood, and neither belonged to any religious group or adhered to the teachings of any organized religion during the period of his involvement with the Selective Service System. At the time of their registration for the draft, neither had yet come to accept pacifist principles. Their views on war developed only in subsequent years, but when their ideas did fully mature both made applicaton with their local draft boards for conscientious objector exemptions from military service under § 6(j) of the Universal Military Training and Service Act. That section then provided, in part:[2]

"Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the armed forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. Religious training and belief in this connection means an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views, or a merely personal moral code."

In filling out their exemption applications both Seeger and Welsh were unable to sign the statement which, as printed in the Selective Service form, stated "I am, by reason of my religious training and belief, conscientiously opposed to participation in war in any form." Seeger could sign only after striking the words "training and" and putting quotations marks around the word "religious." Welsh could sign only after striking the words "religious training and." On those same applications, neither could definitely affirm or deny that he believed in a "Supreme Being," both stating that they preferred to leave the question open.[3] But both Seeger and Welsh affirmed on those applications that they held deep conscientious scruples against taking part in wars where people were killed.

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[1] 62 Stat. 612. See also 50 U.S.C. App. § 456 (j). The entire provision as it read during the period relevant to this case is set out *infra*, at 2–3.

[2] 62 Stat. 612. An amendment to the Act in 1967, subsequent to the Court's decision in the *Seeger* case, deleted the reference to a "Supreme Being" but continued to provide that "religious training and belief" does not include "essentially political, sociological, or philosophical views, or a merely personal moral code." 81 Stat. 104, 50 U.S.C. App. § 456(j).

[3] In his original application in April 1964, Welsh stated that he did not believe in a Supreme Being, but in a letter to his local board in March 1965, he requested that his original answer be stricken and the question left open. App., at 29.

Both strongly believed that killing in war was wrong, unethical, and immoral, and their consciences forbade them to take part in such an evil practice. Their objection to participating in war in any form could not be said to come from a "still, soft voice of conscience"; rather, for them that voice was so loud and insistent that both men preferred to go to jail rather than serve in the Armed Forces. There was never any question about the sincerity and depth of Seeger's convictions as a conscientious objector, and the same is true of Welsh. In this regard the Court of Appeals noted, "[t]he government concedes that (Welch's) beliefs are held with the strength of more traditional religious convictions." 404 F. 2d at 1081. But in both cases the Selective Service System concluded that the beliefs of these men were in some sense insufficiently "religious" to qualify them for conscientious objector exemptions under the terms of § 6(j). Seeger's conscientious objector claim was denied "solely because it was not based upon a 'belief in a relation to a Supreme Being' as required by § 6(j) of the Act." *United States* v. *Seeger*, 380 U.S. 163, 167 (1965), while Welsh was denied the exemption because his Appeal Board and the Department of Justice hearing officer "could find no religious basis for the registrant's belief, opinions, and convictions." App., at 52. Both Seeger and Welsh subsequently refused to submit to induction into the military and both were convicted of that offense.

In *Seeger* the Court was confronted, first, with the problem that § 6(j) defined "religious training and belief" in terms of a "belief in a relation to a Supreme Being . . . ," a definition which arguably gave a preference to those who believed in a conventional God as opposed to those who did not. Noting the "vast panoply of beliefs" prevalent in our country, the Court construed the congressional intent as being in "keeping with its long-established policy of not picking and choosing among religious beliefs," *id.*, at 175, and accordingly interpreted "the meaning of religious training and belief so as to embrace *all* religions . . . ." *Id.*, at 165. (Emphasis added.)

But, having decided that all religious conscientious objectors were entitled to the exemption, we faced the more serious problem of determining which beliefs were "religious" within the meaning of the statute. This question was particularly difficult in the case of Seeger himself. Seeger stated that his was a "belief in and devotion to goodness and virtue for their own sakes, and a religious faith in a purely ethical creed." 380 U.S., at 166. In a letter to his draft board, he wrote:

"My decision arises from what I believe to be considerations of validity from the standpoint of the welfare of humanity and the preservation of the democratic values which we in the United States are struggling to maintain. I have concluded that war, from the practical standpoint, is futile and self-defeating, and that from the more important moral standpoint, it is unethical." 326 F. 2d 846, 848 (1964).

On the basis of these and similar assertions, the Government argued that Seeger's conscientious objection to war was not "religious" but stemmed from "essentially political, sociological, or philosophical views or a merely personal moral code."

In resolving the question whether Seeger and the other registrants in that case qualified for the exemption, the Court stated that "(the) task is to decide whether the beliefs professed by a registrant are sincerely held and wether they are, *in his own scheme of things*, religious." 380 U.S., at 185. (Emphasis added.) The reference to the registrant's "own scheme of things" was intended to indicate that the central consideration in determining whether the registrant's beliefs are religious is whether these beliefs play the role of a religion and function as a religion in the registrant's life. The Court's principal statement of its test for determining whether a conscientious objector's beliefs are religious within the meaning of § 6(j) was as follows:

"The test might be stated in these words: A sincere and meaningful belief which occupies in the life of its possessor a place parallel to that filled by the God of those admittedly qualifying for the exemption comes within the statutory definition." 380 U.S., at 176.

The Court made it clear that these sincere and meaningful beliefs which prompt the registrant's objection to all wars need not be confined in either source or content to traditional or parochial concepts of religion. It held that § 6(j) "does not distinguish between externally and internally derived beliefs," *id.*, at 186, and also held that "intensely personal" convictions which some might find "incomprehensible" or "incorrect" come within the meaning of "religious belief" in the Act. *Id.*, at 184–185. What is necessary under *Seeger* for a registrant's conscientious objection to all war to be "religious" within the meaning of § 6(j) is that this opposition to war stem from the registrant's moral, ethical, or religious beliefs about what is right and wrong and that these beliefs be held with the strength of traditional religious convictions. Most of the great religions of today and of the past have embodied the idea of a Supreme Being or a Supreme Reality—a God—who communicates to man in some way a consciousness of what is right and should be done, of what is wrong and therefore should be shunned. If an individual deeply and sincerely holds beliefs which are purely ethical or moral in source and content but which nevertheless impose upon him a duty of conscience to refrain from participating in any war at any time, those beliefs certainly occupy in the life of that individual "a place parallel to that filled by . . . God" in traditionally religious persons. Because his beliefs function as a religion in his life, such an individual is as much entitled to a "religious" conscientious objector exemption under § 6(j) as is someone who derives his conscientious opposition to war from traditional religious convictions.

Applying this standard to Seeger himself, the Court noted the "compulsion to 'goodness' " which informed his total opposition to war, the undisputed sincerity with which he held his views, and the fact that Seeger had "decried the tremendous 'spiritual' price man must pay for his willingness to destroy human life." 380 U.S., at 186–187. The Court concluded:

"We think it clear that the belief's which prompted his objection occupy the same place in his life as the belief in a traditional deity holds in the lives of his friends, the Quakers." 380 U.S., at 187.

Accordingly, the Court found that Seeger should be granted conscientious objector status.

In the case before us the Government seeks to distinguish our holding in *Seeger* on basically two grounds, both of which were relied upon by the Court of Appeals in affirming Welsh's conviction. First, it is stressed that Welsh was far more insistent and explicit than Seeger in denying that his views were religious. For example, in filling out their conscientious objector applications, Seeger put quotation marks around the word "religious," but Welsh struck the word "religious" entirely and later characterized his beliefs as having been formed "by reading in the fields of history and sociology." App., at 22. The Court of Appeals found that Welsh had "denied that his objection to war was premised on religious belief" and concluded that "the Appeal Board was entitled to take him at his word." 404 F. 2d, at 1082. We think this attempt to distinguish *Seeger* fails for the reason that it places undue emphasis on the registrant's interpretation of his own beliefs. The Court's statement in *Seeger* that a registrant's characterization of his own belief as "religious" should carry great weight, 380 U.S., at 184, does not imply that his declaration that his views are nonreligious should be treated similarly. When a registrant states that his objections to war are "religious," that information is highly relevant to the question of the function his beliefs have in his life. But very few registrants are fully aware of the broad scope of the word "religious" as used in § 6(j), and accordingly a registrant's statement that his beliefs are nonreligious is a highly unreliable guide for those charged with administering the exemption. Welsh himself presents a case in point. Although he originally characterized his beliefs as nonreligious, he later upon reflection wrote a long and thoughtful letter to his Appeal Board in which he declared that his beliefs were "certainly religious in the ethical sense of that word." He explained:

"I believe I mentioned taking of life as not being, for me, a religious wrong. Again, I assumed Mr. Bradley (the Department of Justice hearing officer) was using the word 'religious' in the conventional sense, and, in order to be perfectly honest did not characterize my belief as 'religious.' " App., at 44–45.

The Government also seeks to distinguish *Seeger* on the ground that Welsh's views, unlike Seeger's, were "essentially political, sociological, or philosophical or a merely personal moral code." As previously noted, the Government made the same argument about Seeger, and not without reason, for Seeger's views had a substantial political dimension. *Supra*, at 4–5. In this case, Welsh's conscientious objection to war was undeniably based in part on his perception of world politics. In a letter to his local board, he wrote:

"I can only act according to what I am and what I see. And I see that the military complex wastes both human and material resources, that it fosters disregard for (what I consider a paramount concern) human needs and ends; I see that the means we employ to 'defend' our 'way of life' profoundly change that way of life. I see that in our failure to recognize the political, social, and economic realities of the world, we, *as a nation*, fail our responsibility *as a nation*." App., at 30.

We certainly do not think that § 6(j)'s exclusion of those persons with "essentially political, sociological, or philosophical views or a merely personal moral code" should be read to exclude those who hold strong beliefs about our domestic and foreign affairs or even those whose conscientious objection to participation in all wars is founded to a substantial extent upon considerations of public policy The two groups of registrants which obviously do fall within these exclusions from the exemption are those whose beliefs are not deeply held and those whose objection to war does not rest at all upon moral, ethical, or religious principle but instead rests solely upon considerations of policy, pragmatism, or expediency. In applying § 6(j)'s exclusion of those whose views are "essentially political, etc.," it should be remembered that these exclusions are definitional and do not therefore restrict the category of persons who are conscientious objectors "by religious training and belief." Once the Selective Service System has taken the first step and determined under the standards set out here and in *Seeger* that the registrant is a "religious" conscientious objector, it follows that his views cannot be "essentially political, sociological or philosophical." Nor can they be a "merely personal moral code." See *United States* v. *Seeger*, 380 U.S., at 186.

Welsh stated that he "believe[d] the taking

of life—anyone's life—to be morally wrong." App., at 44. In his original conscientious objector application he wrote the following:

"I believe that human life is valuable in and of itself; in its living; therefore I will not injure or kill another human being. This belief (and the corresponding 'duty' to abstain from violence toward another person) is not 'superior to those arising from any human relation.' On the contrary: *it is essential to every human relation.* I cannot, therefore, conscientiously comply with the Government's insistence that I assume duties which I feel are immoral and totally repugnant." App., at 10. Welsh elaborated his beliefs in later communications with Selective Service officials. On the basis of these beliefs and the conclusion of the Court of Appeals that he held them "with the strength of more traditional religious convictions," 404 F. 2d, at 1081, we think Welsh was clearly entitled to a conscientious objector exemption. Section 6(j) requires no more. That section exempts from military service all those whose consciences, spurred by deeply held moral, ethical, or religious beliefs, would give them no rest or peace if they allowed themselves to become a part of an instrument of war.

The judgment is reversed.

Mr. Justice Blackmun took no part in the consideration or decision of this case.

[Supreme Court of the United States, No. 655.—October Term, 1969]

JOSEPH THOMAS MULLOY, PETITIONER, v. UNITED STATES.

On Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit.

[June 15, 1970]

Mr. Justice Stewart delivered the opinion of the Court.

Following a jury trial in the United States District Court for the Western District of Kentucky, the petitioner was convicted for refusing to submit to induction into the Armed Forces in violation of 50 U.S.C. App. 462(a). He was sentenced to five years' imprisonment and fined $10,000, and his conviction was affirmed by the Court of Appeals for the Sixth Circuit. 412 F. 2d 421. We granted certiorari, 396 U.S. 1036, to consider the petitioner's contention, raised both in the trial court and in the Court of Appeals, that the order to report was invalid because his local board had refused to reopen his I–A classification following his application for a I–O classification as a conscientious objector. The argument is that it was an abuse of discretion for the Board to reject his conscientious objector claim without reopening his classification, and by so doing to deprive him of his right to an administrative appeal.

I

On October 17, 1967, the petitioner, who was then 23 years old and classified I–A (available for military service), wrote to his local Selective Service Board that "after much, much thinking, seeking and questioning of my own religious upbringing and political experience I have concluded that I am a conscientious objector and am therefore opposed to war in any form." In response to this letter the clerk sent him the Special Form for Conscientious Objectors (SSS Form 150), which he promptly completed and returned.[1]

The petitioner stated in the form that he was conscientiously opposed by reason of his religious training and belief to participation in war in any form. He said that he believed in a Supreme Being and that this belief involved duties superior to those arising from any human relation; that his religious training had taught him that it was against God's law to kill, and that as a member of the armed services he would be obliged to kill or indirectly assist in killing. In response to the form's inquiry as to how, when and from what source he had received the training and acquired the belief upon which his conscientious objection was based, he gave a detailed answer, explaining that he had been born and raised a Catholic; that he had at one point in his life thought he would become a priest; that he had gone through a religious crisis in college and left the church, but had returned to it and been greatly influenced by the writings of Thomas Merton, who had preached nonviolence. He said that he had learned in the work he had been doing with an antipoverty organization in Appalachia of the need for love and understanding among people, and of the futility of violence. He concluded that his early training, coupled with his adult experience, particularly as a worker among the Appalachian poor, had brought him to his present position as a conscientious objector.

The petitioner also gave detailed and specific answers to other questions which the form asked, such as when and where he had given public expression to the views expressed as the basis for his conscientious objector claim, and what actions or behavior he thought most conspicuously demonstrated the consistency and depth of his religious convictions. Five people who were well acquainted with the petitioner wrote to the Board, attesting to the sincerity of his beliefs. One letter was from a Catholic priest, who wrote of the petitioner's honesty and integrity and said that he felt military service would do violence to the petitioner's conscience. Other letters from people who had worked with the petitioner spoke on his belief in nonviolence and confirmed the accuracy of the incidents which the petitioner had referred to in the form as manifestations of his beliefs. The petitioner's brother wrote that while he vehemently disagreed with the petitioner's unwillingness to bear arms for his country, he still felt that the petitioner was sincere in his beliefs.

In response to the petitioner's request to discuss his application with the Board, the clerk wrote that the Board had decided to grant him a personal appearance. This interview took place on November 9 and lasted about 10 or 15 minutes. It was attended by three of the four local board members. The resume of the interview prepared by the clerk stated that the petitoner "advised that he was claiming a C. O. classification because he had learned through experience and did not until later life realize the importance of believing as he did," and that he "felt that military service would interrupt his work and there would be no one else to take his place." The minute entry in the petitioner's file indicated that all members present felt the information in the form, and accompanying letters, together with what was learned at the interview, did not warrant a reopening of the petitioner's I–A classification. However, no formal vote on the petitioner's application was taken until January 11, 1968, at which time, the minute entry indicated, all four members were present and again it was noted that all "felt this information did not warrant reopening" of the I–A classification. After receiving notification of the Board's action, the petitioner wrote to the Board on January 21 seeking to appeal its failure to reclassify him I–O. He said that he considered the November interview to have been a reopening of his case. On January 23 the Board replied that the interview had been extended as a matter of courtesy, and that it had not at any time reopened the petitioner's classification. On the same day the petitioner was ordered to report for induction on February 23, 1968. The petitioner reported, but refused to submit to induction. This refusal resulted in the criminal charge that led to his conviction under 50 U.S.C. App. 462(a).

II

Under the Selective Service regulations a "local board may reopen and consider anew the classification of a registrant . . . [if presented with] facts not considered when the registrant was classified which, if true, would justify a change in the registrant's classification . . . ." 32 CFR § 1625.2.[2] Even if the local board denies the requested reclassification, there is a crucial difference between such board action and a simple refusal to reopen the classification at all. For once the local board reopens, it is required by the regulations to "consider the new information which it has received [and to] again classify the registrant in the same manner as if he had never been classified." 32 CFR § 1625.11. A classification following a reopening is thus in all respects a new and original one, and even if the registrant is placed in the same classification as before, "each such classification [following the reopening] shall be followed by the same right of appearance before the local board and . . . of appeal as in the case of an original classification." 32 CFR § 1625.13. Where, however, in the opinion of the Board, no new facts are presented or "such facts, if true, would not justify a change in such registrant's classification . . . ," 32 CFR § 1625.4, the Board need not reopen, and following such a refusal to reopen, the registrant has no right to a personal appearance or to an appeal. Thus, whether or not a reopening is granted is a matter of substance, for with a reopening comes the right to be heard personally and to appeal. While the petitioner here was given an interview as a matter of courtesy, the Board's refusal to reopen his classification denied him the opportunity for an administration appeal from the rejection of his conscientious objector claim. Therefore, if the refusal to reopen was improper, petitioner was wrongly deprived of an essential procedural right, and the order to report for induction was invalid.

III

Though the language of 32 CFR § 1625.2 is permissive, it does not follow that a Board may arbitrarily refuse to reopen a registrant's classification. While differing somewhat in their formulation of precisely just what showing must be made before a Board is required to reopen, the Courts of Appeals in virtually every Federal Circuit, have held that where the registrant has set out new facts which establish a prima facie case for a new classification, a Board must reopen to determine whether he is entitled to that classification.[3] Not to do so, these courts have held, is an abuse of discretion, and we agree.

Where a registrant makes nonfrivolous allegations of facts that have not been previously considered by his Board, and that, if true, would be sufficient under regulation or statute to warrant granting the requested reclassification, the Board must reopen the registrant's classification unless the truth of these new allegations is conclusively refuted by other reliable information in the registrant's file. See *United States* v. *Burlich*, 257 F. Supp. 906, 911. For in the absence of such refutation there can be no basis for the Board's refusal to reopen except an evaluative determination adverse to the registrant's claim on the merits. And it is just this sort of determination that cannot be made without affording the registrant a chance to be heard and an opportunity for an administrative appeal.

Because of the narrowly limited scope of judicial review available to a registrant,[4] the opportunity for full administrative review is indispensible to the fair operation of the Selective Service System.[5] Where a prima facie case for reclassification has been made, a Board cannot deprive the registrant of such review by simply refusing to reopen his file.[6] Yet here the Board did precisely that. For it is clear that the petitioner's SSS Form

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Footnotes at end of article.

150 and the accompanying letters constituted a prima facie showing that he met the statutory standard for classification as a conscientious objector (50 U.S.C. App. (Supp. IV) § 456 (j)), and the Government now virtually concedes as much.

The Government suggests, however, that the Board might have concluded that the prima facie claim had been undercut by the petitioner himself—by his statements at the courtesy interview or because his demeanor convinced the Board that he was not telling the truth. There is, however, but scant evidence in the record that the Board's action was based on any such grounds. And, in any event, it is on precisely such grounds as these that Board action cannot be predicated without a reopening of the registrant's classification, and a consequent opportunity for administrative appeal.

This is not to say that on all the facts presented to it the Board might not have been justified in refusing to grant the petitioner a I–O classification; it is to say that such refusal could properly occur only after his classification had first been reopened. The Board could not deprive the petitioner of the procedural protections attending reopening by making an evaluative determination of his claim while purportedly declining to reopen his classification.[7]

Since the petitioner presented a nonfrivolous, prima facie claim for a change in classification based on new factual allegations which were not conclusively refuted by other information in his file, it was an abuse of discretion for the Board not to reopen his classification, thus depriving him of his right to an administrative appeal. The order to report for induction was accordingly invalid, and his conviction for refusing to submit to induction must be reversed.

It is so ordered.

Mr. Justice Blackmun took no part in the consideration or decision of this case.

FOOTNOTES

[1] At this time there was no outstanding order to report for induction, though at least two orders to report had previously been sent and subsequently canceled for various reasons not relevant here. Prior to the petitioner's classification in I–A he had had a II–S student deferment and subsequently a II–A occupational deferment.

[2] If reclassification is sought *after* an order to report for induction has been mailed to the registrant, the regulations provide that the classification "shall not be reopened . . . unless the local board first specifically finds there has been a change in the registrant's status resulting from circumstances over which the registrant has no control." 32 CFR § 1625.2.

[3] *United States* v. *Gearey*, 379 F. 2d 915, n. 11 (C. A. 2d Cir. 1967), adopting the standard enunciated in *United States* v. *Burlich*, 257 F. Supp. 906, 911 (D. C. S. D. N. Y. 1966); *United States* v. *Turner*, 421 F. 2d 1251 (C. A. 3d Cir. 1970); *United States* v. *Grier*, 415 F. 2d 1098 (C. A. 4th Cir. 1969); *Robertson* v. *United States*, 404 F. 2d 1141 (C. A. 5th Cir. 1969), rev'd *en banc* on other grounds, 417 F. 2d 440; *Townsend* v. *Zimmerman*, 237 F. 2d 376 (C. A. 6th Cir. 1956); *United States* v. *Freeman*, 388 F. 2d 246 (C. A. 7th Cir. 1967); *Davis* v. *United States*, 410 F. 2d 89 (C. A. 8th Cir. 1969); *Miller* v. *United States*, 388 F. 2d 973 (C. A. 9th Cir. 1967); *Fore* v. *United States*, 395 F. 2d 548, 554 (C. A. 10th Cir. 1968).

[4] See, *e.g.*, *Clark* v. *Gabriel*, 393 U.S. 256.

[5] See, *e.g.*, *United States* v. *Freeman*, 388 F. 2d 246 *United States* v. *Turner*, 421 F. 2d 1251; *Olvera* v. *United States*, 223 F. 2d 880; see also *Simmons* v. *United States*, 348 U.S. 397.

[6] The scope of judicial review is, as a practical matter, particularly narrow where the registrant is claiming conscientious objector status.

"A sincere claimant for conscientious objector status cannot turn to the habeas corpus remedy (to challenge the legality of his classification) because his religious belief prevents him from accepting induction under any circumstances. As a result he is limited to seeking review in a criminal trial for refusal to submit. In this criminal proceeding, as in any proceeding reviewing a draft classification, his defense of invalid classification is tested by the 'basis in fact' formula. Under these circumstances conviction is almost inevitable, since the Board's refusal to grant the conscientious objector classification is based on an inference as to the sincerity of the registrant's belief and there will almost always be something in the record to support an inference of lack of sincerity." *United States* v. *Freeman*, 388 F. 2d 246, 249 (C. A. 7th Cir.).

[7] The Government argues that if the local board must reopen whenever a prima facie case for reclassification is stated by the registrant, he will be able to postpone his induction indefinitely and the administration of the Selective Service System will be undermined. But the board need not reopen where the claim is plainly incredible, or where, even if true, it would not warrant reclassification, or where the claim has already been passed on, or where the claim itself is conclusively refuted by other information in the applicant's file. Moreover, a registrant who makes false statements to his draft board is subject to severe criminal penalties, 50 U.S.C., App. § 462 (a).

THE CRIME CRISIS THAT EXISTS IN OUR COUNTRY

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

Mr. ANDERSON of California. Mr. Speaker, crime is one of the Nation's most urgent and critical domestic problems. We, in Congress, have an obligation to develop an effective national program for combating crime.

Deficiencies exist in our criminal justice system and the response of our society to the problem of crime is far from adequate. As I have stated on previous occasions, we must reorder our priorities and, in order to meet the pressing problems which confront us daily, give greater attention—both with legislation and appropriations—to the needs of those whom we are honored to represent.

During the 1960's, juvenile crime has had an alarming increase out of all proportion with the increase of overall crime. It is especially ironic that while arrests of juveniles for narcotics offenses have increased by over 800 percent during this past decade, Federal expenditures for the prevention and control of juvenile delinquency have actually decreased.

In addition to juvenile crime, we must act on many fronts. Legislation is needed in order to develop an adequate program for correction and rehabilitation. We need to eliminate the deficiencies in our laws controlling the dissemination of dangerous drugs. The crisis that exists in our State courts, which are hopelessly overloaded, must be alleviated. A satisfactory response for the elimination of organized crime must be produced.

In conjunction with these threats to our society, we must not lose sight of our freedoms as established in the Constitution. While repressing crime, we cannot tolerate a repression of freedom.

In addition, we must act to recognize the causes of crime. The President's Violence Commission, headed by Dr. Milton Eisenhower, has stated that crime in many respects is a reflection of the inadequacies of our society. In some cases the roots of crime may lie in poverty, inadequate education and housing, and unsatisfactory employment. However, in order for our society to succeed, we must never allow poverty to be used as an excuse or a shield for the perpetration of crime. Our criminal laws must be fair, just, reasonable, and uniformly enforced.

Thus far in the 91st Congress, the House of Representatives has acted upon several measures which are aimed at bolstering our fight against crime. In order to educate our youth on the effects drugs and narcotics have on the mind and the body, the House of Representatives passed the Drug Abuse Education Act, H.R. 14252, on October 31, 1969. This bill is a progressive step, but I feel that we can do much more to prevent drugs from falling into the hands of our youth. We need legislation that will eliminate, not only the source of illegal drugs, but the "pusher"—the individual who profits from the misery of others.

The House of Representatives passed H.R. 16196, the District of Columbia Court Reform and Criminal Procedure Act, aimed at curbing crime in our Nation's Capital. This measure is currently in a House-Senate conference to reach agreement among both bodies.

By far, the Federal agency which does the most to aid local jurisdictions with their local enforcement problems is the Law Enforcement Assistance Administration. This agency, created by the Omnibus Crime Control and Safe Streets Act of 1968, provides direct financial and technical assistance to our first line of defense—the State and local police agencies. Most of these funds are used for programs dealing with the control of civil disorder, the development of police training programs, and to train promising young police officers.

The House of Representatives, realizing the efficacy of the Law Enforcement Assistance Administration, has passed a bill appropriating $480 million for this program. This amount is $212 million more than in fiscal year 1970. Rhetoric and good intentions will not stop a burglar or a rapist; what we need today is an efficient and well-trained police force. These funds will be a progressive step toward providing the necessary training and technology on the State and local level.

In order to prevent unwanted and offensive smut from entering our homes, the House of Representatives has passed H.R. 15693. I have long felt that legislation of this type is needed in order to curb the unprecedented flow of pornography which descends daily upon America's young people from the greedy hands of the depraved smut peddlers. This is a stride forward, but we can do more to prevent the continued inroads upon our society made by the peddlers of filthy, pornographic, and obscene material.

The 91st Congress has deliberately pursued its duties. But let us not rest, let us move against street crime—let us decrease the rate of recidivism—for example, out of every 10 persons imprisoned for a serious crime, four will return to crime after their release—let us strike against organized crime syndicates; let us attack the illegal traffic of narcotics; let us bring the accused to a swift acquittal or conviction by modernizing our judicial process; finally, let each of us—in our own way, support our law enforcement officers and the judicial process under which we live, for if it dies, the American dream will cease to be a reality and will die with it.

TEXTILE INDUSTRY

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

Mr. DORN. Mr. Speaker, partisan politics has no place in our effort to save the American textile industry from excessive unfair low-wage foreign imports. We should reject partisanship and unite on getting the job done. We are closer to success than ever before in the modern history of the Congress. Two hundred and fifty-one Members of the House, a clearcut majority, have introduced the bill, first introduced by our distinguished colleague, WILBUR MILLS. Fourteen members of his great committee, a majority, have joined their chairman in introducing this legislation which would preserve our textile, shoe, and apparel industries from a flood of unfair, low-wage, foreign textile products.

Mr. Speaker, this question has always been approached on a nonpartisan basis. President Eisenhower promoted a voluntary agreement with Japan in 1957. The Kennedy administration promoted the long-term cotton textile agreement. President Nixon assured the Nation that our textile industry was in a special category, and assured us of support and relief.

I believe, Mr. Speaker, that Secretary Stans has done everything humanly possible to work out a voluntary agreement with Japan. His efforts have been arbitrarily rejected by Japan and now we must proceed with legislation on a nonpartisan basis. Time is of the essence. While we negotiate and postpone a final decision, unemployment is rising in areas where we cannot afford unemployment, where unemployment could be disastrous—in the great cities where our garment workers are threatened; in Appalachia, where we are appropriating money to alleviate poverty and underemployment; among minority groups, where in the South the textile industry employs a much greater percentge of minorities than the national average. All are feeling the effects of low-wage foreign textile imports.

The question is not one of political affiliation or political credit but one of job opportunity, job security, and national defense.

BABE RUTH BASEBALL—A TRIBUTE TO THE GREAT "BABE" AND A RESOURCE TO ASSURE GOOD MORAL AND PHYSICAL TRAINING FOR YOUNG MEN

The SPEAKER pro tempore (Mr. OLSEN). Under a previous order of the House, the gentleman from New York (Mr. HORTON) is recognized for 60 minutes.

Mr. HORTON. Mr. Speaker, it was my privilege this morning to meet with Mrs. George Herman "Babe" Ruth, the widow of the greatest ballplayer in the 100-year history of baseball. Many of our colleagues had joined at a breakfast to kick off Babe Ruth Baseball Day on Capitol Hill.

This breakfast and the special order I have taken today are designed to spotlight an increasing problem across the country. It is obvious to me and I am sure you and other Members of this House will agree, that there is an urgent need for recreational facilities for our young people, particularly those in the inner city.

Mrs. Ruth, Baseball Commissioner Bowie Kuhn and Lefty Gomez, the famed New York Yankee pitcher and close friend of the Babe, came together with many others to draw attention today to this problem. I was proud to have taken part in the program.

It is important for us to look to the future of our young people. We should do all we can to help them.

Also taking part in the program were Mr. THOMPSON, my colleague from Trenton, N.J.; Senator CLIFF CASE, of New Jersey; and Senator PHIL HART, of Michigan.

Babe Ruth Baseball is an international program dedicated to the ideals of George Herman "Babe" Ruth, the greatest ballplayer of all time. This program, which involves more than 300,000 teenage boys, teaches respect for the traditions of sportsmanship and understanding of the teamwork and competitive spirit so they may grow into better citizens.

Babe Ruth had a great love and understanding of young people. His drive and determination which brought him out of a Baltimore orphanage into major league baseball should serve as an inspiration to all young people today, particularly those in the inner cities.

The most important aspect of Babe Ruth Day on the Hill today is to draw the attention of Congress and the entire country to the need for providing recreation facilities for our young people.

As the former president of the Rochester Red Wings in the International League and the former executive vice president of the International League, I saw firsthand how baseball builds character and strength in a man.

One of the best ways we can combat the increasing juvenile delinquency in our metropolitan areas is to place greater emphasis on giving youngsters a place to play. Babe Ruth Baseball has gone into the inner city and is making a sincere effort to develop teams and leagues to help these young people.

In my own 36th Congressional District a four-team Babe Ruth League has just been organized in Rochester and will open its first season July 5. Hundreds of youngsters in Monroe County, N.Y., are participating in this program.

Mr. McCORMACK. The Babe Ruth League brings together many volunteers, from inside baseball and, most important from the communities themselves.

I had the privilege this morning to meet with one of these volunteers, Mrs. Helen McDonnell who came all the way from North Quincy, Mass. to join Mrs. Ruth and the rest of us.

The success of this program can also be attributed to the tireless efforts of the league staff, particularly Richard W. Case, Babe Ruth Baseball president, and George Riemann, the league vice president and treasurer. I would also like to give credit to the league secretary, Jeanne B. Layton and Ronald Tellefsen, development director. They are to be commended for their efforts.

Babe Ruth, given a great opportunity by baseball, rose above his environment. It would be tragic if, for the lack of recreational facilities, we should prevent the rise of future Babe Ruths.

Mr. MURPHY of New York. Mr. Speaker, Babe Ruth worked his way up from a Baltimore orphanage to become the greatest baseball player of all time. Throughout his fabulous career, the Babe never lost his great love and understanding of young people. They, in turn, idolized him.

Today, the Congress of the United States focuses national attention on the fact that Babe Ruth Baseball is the world's largest regulation teenage baseball program and has as its ultimate goal developing better citizens through proper physical and mental conditioning. Most certainly, Babe Ruth Baseball in my 16th Congressional District has been a truly outstanding example of what tremendous good can be accomplished by a coordinated program in which amateur sports organizations take part in developing the best interests of the youth of our Nation.

This special order is more, however, than just a pat on the back for a job well done. It is, instead, a call from the bullpen for action—prompt action at the Federal level for an in-depth study of the problems facing American youth today. We must determine whether Federal legislation will be required to provide facilities adequate enough to take care of the recreational needs of the many millions of youngsters, most of them from urban areas, who are presently deprived of these opportunities.

The lack of such facilities would prevent the rise of future Babe Ruths.

We cannot permit this to happen. Babe Ruth Baseball is an international program dedicated to building the moral and physical fiber of young people. It teaches them respect for the traditions of sportsmanship and understanding of the teamwork and competitive spirit so they may grow into better citizens.

Let us not forget nor neglect the ideals of the great Babe Ruth to which this magnificent program was dedicated at

its start in 1951. Let us help it grow—as the Babe grew—to greatness.

Mr. ROSTENKOWSKI. Mr. Speaker, I congratulate my colleagues, FRANK THOMPSON of New Jersey, and FRANK HORTON of New York, for taking this special order today in order to pay tribute to Babe Ruth Baseball.

From its conception in 1961, this excellent organization has grown steadily so that today almost 250,000 young men benefit annually from its two-division baseball program. This is the world's largest regulation teenage baseball activity. In the city of Chicago, part of which I have the honor to represent, this program has helped thousands of young men to become responsible citizens by not only developing them physically, but also by instilling in them a sense of fairplay.

Mr. Speaker, at a time when many of our Nation's youth are the subject of vast criticism, I take pleasure in saluting this great organization and the fine young men who compose it. Hopefully, from among their numbers will emerge a future "King of Swat."

Mr. WHALLEY. Mr. Speaker, I am pleased to join with my colleagues today in recognizing Babe Ruth Baseball Day. This statement is in support of sand lot and little league baseball across the Nation.

This morning I had the privilege and pleasure to attend the Babe Ruth Baseball Day breakfast on Capitol Hill, sponsored by Congressmen FRANK THOMPSON and FRANK HORTON. Mrs. Babe Ruth was present in behalf of the Babe Ruth Baseball program.

Babe Ruth Baseball is international, with more than 325,000 members dedicated to the program of building healthy minds in healthy bodies through sports. Baseball-playing facilities are necessary so that this program can make even greater strides.

Young men from ages 13 to 18 need sandlots and baseball diamonds to let off steam without becoming destructive. This international program tends to develop attitudes of good sportsmanship.

A quick solution to the lack of other more sophisticated recreation areas, is the sandlot. Give a young man a bat and a ball, he may break a few windows but he will never burn down the building.

Vernon "Lefty" Gomez, a close friend of Babe Ruth, was excellent as master of ceremonies, not only stressing the need for the Babe Ruth program but citing many baseball stories involving Babe Ruth.

Baseball Commissioner Bowie S. Kuhn expressed his support of the Babe Ruth Baseball program because of the great good it can do. President of Babe Ruth Baseball, Mr. Richard W. Case, spoke in behalf of the program.

Mr. Speaker, Babe Ruth was an inspiration to young men and I encourage the development of this baseball program.

Mr. BROWN of Ohio. Mr. Speaker, it pleases me to join my colleagues to honor Babe Ruth Baseball, which annually provides some 250,000 youngsters with an opportunity to participate in an organized baseball program.

The Babe Ruth Baseball takes over for boys 13 to 18, where the Little League program leaves off. Founded in 1951, the program has spread from the United States to Canada, Europe, Puerto Rico, Guam, Mexico, and Asia—the largest regulation teenage baseball activity in the world. Each year, through a tournament system, these teams compete for two world championships—the Babe Ruth World Series for the 13- to 15-year-old division and the Babe Ruth Tournament of Champions for teams made up of boys 16 to 18 years of age.

In addition to the large numbers of our youth who find a useful and meaningful outlet for their energies through Babe Ruth Baseball, the program also serves as a common ground of opportunity and understanding for their generation and members of the "older" generations to work together.

The thousands of men who serve as coaches and officials during the baseball season should also be commended for their devotion to helping steer the ideals of youth into constructive, competitive avenues. For many of them during their own youth, Babe Ruth was not only the greatest ballplayer in history, but a man who also served as an inspiration through his own high standards, love of others, and unselfishness. It is only fitting that the Babe be remembered not only as a legend for his accomplishments with a bat, but as the real person he was, through a living program dedicated to those ideals. Babe Ruth Baseball truly deserves our thanks and our support.

Mr. EVINS of Tennessee. Mr. Speaker, I want to join the gentleman from New Jersey (Mr. THOMPSON) and other colleagues in paying tribute to the great work of the Babe Ruth Baseball program.

The legendary Babe Ruth loved young people—he was the idol and the example for youth throughout America in his day, and it is fitting and appropriate that this fine program should bear his name.

The Babe Ruth Baseball program is the world's largest teenage baseball program and the success of this program underlines the importance of recreation programs and facilities for our young people throughout the Nation.

This program is most effective in Tennessee and in the Fourth Congressional District which I am honored to represent. My home county of De Kalb is a member of district five of the Babe Ruth program in Tennessee, together with Warren, Smith, White, Putnam, Overton, and Fentress counties.

I want to commend and congratulate the leaders in this program in Tennessee and throughout the Nation for their contribution to wholesome recreation for our youth.

Mr. TUNNEY. Mr. Speaker, June 16 is the date for acknowledging the community's debt to organized baseball. I would like to join those who salute Babe Ruth Baseball for its efforts on behalf of American youth.

The United States has recently focused attention on physical education in addition to its concern for the traditional education of letters and science. Few programs combine the two as well as baseball, requiring strength and coordination as well as knowledge of the game. At the same time, baseball promotes discipline in training and in playing. Like any sport, baseball teaches the important lessons of sportsmanship, team effort, and devotion to a goal.

The value of Babe Ruth Baseball is not limited to its powerful effect on the individual. As a recreation opportunity, it provides a vital community service in offering outlets for the energy and spirit of America's young men. I would like to go on record as enthusiastically supporting the special order commending Babe Ruth Baseball for its positive contribution to our communities.

Californians are very active participants in this program. The following excerpts from a letter describes the efforts of Corona, Calif., to help the young participate in the community baseball program:

CORONA, CALIF.,
June 10, 1970.

Re June 16, Babe Ruth Baseball Special Order Day.

Representative JOHN V. TUNNEY,
House of Representatives,
Washington, D.C.

DEAR SIR: On behalf of the Corona Elks Babe Ruth Baseball League, we wish to urge you to participate in and fully support the Special Order Day for Babe Ruth Baseball on June 10, in your House of Congress.

Our league is composed of 10 teams in the junior division and four teams in the senior division, each team composed of 15 boys. This is the 11th year for Babe Ruth in our community.

One point we wish to make is all improvements made at Butterfield were on a donation basis, except for the grass seed and fertilizer which were paid for by the city. Most of the heavy equipment used, the new sprinkler system installed by the league, the decomposed granite and the crushed brick were all donated. Fencing and materials to construct a new back-stop had been donated. Cement, steel rods, the roof, appliances, and even ALL the slumpstone that would be needed for the concession stand had been donated. All of this done by the people of Corona. Many of the participants had no connection with Babe Ruth. They only wanted to help the boys and the league.

Baseball for kids is one of the best ways to fight delinquency; particularly, organized baseball such as Little League, Girls Softball and Babe Ruth League which is played during the summer months when the kids have so much free time. One way or another, these kids will have to be supported. Better they are supported by their own parents who are interested and willing to help than by the state—better that are supported on a ball diamond than in an institution for criminals or dope.

Hopefully, June 16th will be a beginning.

Sincerely,

BETTE REHDER,
President Ladies Auxiliary, Corona Elk-Babe Ruth Baseball League.

Mr. CONTE. Mr. Speaker, nearly one-quarter of a million boys between the ages of 13 and 18 will be playing Babe Ruth Baseball this summer. All of us who have, at one time or another, participated in organized sports, know that these youngsters will be involved in this pursuit far beyond the couple of hours it takes to play each game. There will be many hours spent practicing and many, many hours spent just talking about upcoming games and replaying past ones. In a word, these boys are being provided

with a well organized activity that will give them an important focal point for their leisure time. And they are learning the thrills of competition with their peers at the same time.

Being a product of the era when summer baseball games for teenagers depended upon whether you could get enough guys together for a pick-up game, my only regret about Babe Ruth Baseball is that is was not started earlier.

Competition, physical exercise, a good sportsmanship, and fair play—that is a diet designed to insure the development of a boy into a young man. It has been flourishing now for 19 years and it commands not only our attention today, but also our thanks.

For just as the future of this country belongs to the young, so too does the future strength and stability of this Nation depend upon the pains we take to assist the developing younger generation.

The people who have guided Babe Ruth Baseball care about our youth and our future, Mr. Speaker. They have done something about it and they have done it well.

The many fine young men who have participated in this program are in their debt, and so are Americans everywhere who have faith in the future.

Mr. MACDONALD of Massachusetts. Mr. Speaker, next year will mark the beginning of the third decade of Babe Ruth Baseball in this country. Since its inception in 1951, this fine program has made a tremendous contribution to the character and fitness of our young people. Baseball has been recognized as America's national sport, and Babe Ruth Baseball has become young America's national sport.

Babe Ruth Baseball now operates in all 50 States, and in Canada, Mexico, Puerto Rico, and Guam, as well as throughout Europe and Asia. I am proud to represent a State which has the fourth largest participation in the program, the Commonwealth of Massachusetts. In Massachusetts alone, over 8,000 teenagers participate in Babe Ruth Baseball. In my own congressional district, the cities of Malden, Medford, Everett, and Revere, and the town of Saugus all have Babe Ruth leagues.

I know from seeing these leagues in operation that Babe Ruth Baseball is accomplishing its stated goals of instilling in our young people a sense of sportsmanship and fair play while teaching them the fundamental skills of baseball. For many teenagers, Babe Ruth Baseball provides their only form of organized and supervised recreation. This is, perhaps, one of the program's finest accomplishments considered in the context of our concern over juvenile delinquency and the lack of responsibility exhibited by some young people.

Babe Ruth Baseball has received enthusiastic support from the local business community, from clergyman, from educators, from recreational supervisors, and from high school and college coaches. In the greater Boston area, the program has been given a big boost by the Boston Red Sox, and appropriately so, for the great Babe Ruth began his major league career in a Boston uniform as a pitcher for the Red Sox and, I might add, held at one time the record for consecutive scoreless innings pitched in a World Series.

The Babe always showed a great love and understanding for young people. His own example was that of an orphan who worked his way up to become the greatest ball player of all time. It is fitting that part of his legacy to the sport should be an outstanding baseball program for young men which has come to enroll a quarter of a million potential Babe Ruths annually.

I would like to take this opportunity to single out an aspect of the Babe Ruth program which is often overlooked—the ladies auxiliary. Through a series of special activities in the communities which I represent, the auxiliary has become a focal point for community support of the program.

I am extremely proud of this program, and I am privileged to participate in this tribute to its 20 years of accomplishments.

Mr. WATKINS. Mr. Speaker, I am more than happy to participate in this special order today honoring Babe Ruth Baseball, an international program which does so much for boys 13, 14, and 15 years of age. Since the program, dedicated to the ideals of one of the best known and greatest figures in baseball, started back in 1951, it has never deviated from its goal of developing better citizens through proper physical and mental conditioning. I feel sure that the Babe himself, if he could be back with us today, would be proud indeed of a program which is an inspiration to teenage boys.

It is with particular pride in my own congressional district, the Ninth of Pennsylvania, that I pay personal tribute to the Chester Valley Babe Ruth League, Chester County, Pa. The League was organized in 1956 and comprises eight teams each year with 15 to 18 boys per team. This all-star team won the district 5 championship last season and placed third in the State—quite a record.

While praising the Babe Ruth League for its accomplishments, we should not overlook those adults who have helped and encouraged the boys over the years. I want to take this opportunity to single out for particular commendation and praise Mr. and Mrs. Walter Scott, of West Chester, who have been with the Chester Valley Babe Ruth League since it started. Mr. Scott is now its President, while Mrs. Scott serves as Treasurer. They are devoted to the continuing success of the league and to the well-being of the boys. To this fine couple, and to many others who serve in a like capacity, I should like to express my appreciation for a job well done.

Mr. GOODLING. Mr. Speaker, Babe Ruth Baseball is international in nature and is strongly rooted in America's world of sports. It affords the youngsters of our country an opportunity to take an early and active part in that great American sport, organized baseball.

The benefits of this program are manifold, bringing to our youngsters a valuable recreational outlet and introducing them to the important concepts of organized competition and good sportsmanship.

Before the advent of Babe Ruth Baseball, youngsters between the age of 13 and 16 were given little opportunity to play organized baseball. Now they are no longer orphans of the organized baseball world, and an ever-increasing number of our youngsters are participating in this special baseball program.

The lives of 325,000 youngsters who are enrolled in this country in Babe Ruth Baseball are becoming richer because of this program, and America is, in the process, gaining the promise of some very sound and solid citizens for tomorrow.

I wish to take this opportunity of extending my compliments to Mrs. Babe Ruth for her keen interest in this program which was initiated in honor of her very famous husband. The "Big Swat," as he was known at the baseball plate, has, through Babe Ruth Baseball, hit another home run in the lives of the youths of this country and in the hearts of all Americans throughout the land.

I extend my sincere wishes for the continued success of this wonderful youth-oriented program, Babe Ruth Baseball.

Mr. TALCOTT. Mr. Speaker, I am pleased to join my colleagues in commending Babe Ruth Baseball.

I want to go much further to thank the officials, supporters, workers, and participants of Babe Ruth Baseball for their valuable and lasting contribution to the development of our youth both physically and as sportsmen.

Babe Ruth is not just baseball for 13-to-18-year-olds. Babe Ruth is competition, sportsmanship, teamwork, family participation, community involvement. It is recreation; it is youth development; it is preparation for citizenship. Baseball is only the vehicle for individual, family, community betterment.

Almost 250,000 young men are serviced annually by Babe Ruth's Baseball's two-division program, the largest regulation teenage baseball activity in the world. These young men develop their skills using standard-sized diamonds while playing under basic rules of organized baseball.

Babe Ruth Baseball operates in all 50 States, in Canada, Puerto Rico, Europe, Guam, Mexico, and Asia.

The history of Babe Ruth Baseball is one of steady growth, with many new leagues and teams registering each year enabling young men the world over to experience the thrills of organized competition in a program endorsed by Government leaders, clergymen, educators, recreation superintendents and high school and college coaches.

Promoting what is for the good of youth has been and continues to be the guiding principle of the Babe Ruth Baseball program. The teaching of baseball skills, as well as developing physical fitness and mental improvement are all inherent qualities of Babe Ruth play. Participants in the program are also taught basic ideals of good sportsmanship and fair play.

Babe Ruth Baseball is dedicated to

developing in its participants a genuine respect for accepted traditions of sportsmanship, firm moral foundations, and a thorough understanding of the democratic and competitive spirit, so that they may grow into better citizens of the world.

Babe Ruth Baseball provides a preventive force to juvenile delinquency through adult organized and supervised leagues which fill recreational voids for young men who are at a particularly impressionable stage of adolescent development.

Babe Ruth Baseball is popular in my congressional district. I commend those who give so unstintingly of their time, talents, and money to insure that Babe Ruth Baseball will continue to be such a worthwhile summertime recreational vehicle that provides an enjoyable family activity and citizenship development at one time. This baseball program for teenage men is a valuable asset for any community. The adult coaches, sponsors, contributors, and officials deserve the plaudits and support of the community.

Mr. BEALL of Maryland. Mr. Speaker, I am delighted to have the opportunity to join in honoring one of Maryland's favorite sons, the immortal Babe Ruth. For those who may not be completely familiar with the Babe's early life, he was born in the city of Baltimore and raised in very moderate circumstances. But of course, the fact that he did not have all the advantages that many of the rest of us have today did not prevent him from becoming one of this Nation's legends.

Today, in communities throughout the country, there are thousands of youngsters who play in baseball leagues named after Babe Ruth. And this is as it should be. Some of our fondest memories of this great hitter are directly related to his contacts with the youngsters of our Nation and the great rapport he had with them.

The single thing that stands out in my mind about Babe Ruth was the human quality of the man. He was a great athlete, a tremendous hitter, and for a while, an excellent pitcher. He will be remembered, however, not only for his physical accomplishments, but for his spirit and human qualities.

It is certainly fitting today, Mr. Speaker, that we think of the Babe and I am certain that had he lived to see our modern era, he would have been delighted to find so many young men playing his game in leagues which bear his name.

Mr. HARVEY. Mr. Speaker, for years baseball has been properly recognized as our Nation's pastime. I happen to believe it has long been a national asset, as well. I think baseball's greatest value is best eulogized by the Babe Ruth Baseball League, a program for teenage young men. It is a distinct pleasure for me to join in this special salute, for it has particular meaning to our Eighth Congressional District, and specifically the cities of Port Huron and Marysville.

These two communities, located in St. Clair County, have joined together to form the Port Huron-Marysville Babe Ruth League which earlier this month started its 16th season. At the close of these remarks, I am including a newspaper story reporting on the opening of the league for the 1970 season, as it appeared in the Port Huron Times Herald newspaper.

In addition, this is a banner year for the Port Huron-Marysville league as it will host the Ohio Valley Babe Ruth regional tournament August 8 to 15. We in the Eighth District are very proud that our league was so honored. Furthermore, we are confident it will be a well-run and successful tournament.

At the special breakfast program this morning, the greatness of the Babe Ruth League was best dramatized by the interest and attendance of such outstanding personages as Mrs. Babe Ruth, Baseball Commissioner Bowie Kuhn, Vernon "Lefty" Gomez, former New York Yankee great, and several outstanding Members of Congress. But such attendance is understandable when you realize that the Babe Ruth League is not confined simply to baseball skills—it is responsible, too, for teamwork, good sportsmanship and fair play. These are attributes not to be restricted just to baseball but beyond through all growth years.

The program not only is an active, current preventive force to juvenile delinquency, but it is contributing greatly to the future potential of these young men.

Babe Ruth Baseball has developed several major league baseball stars. But it truly has excelled in developing thousands and thousands of outstanding citizens of the world.

My hat is off to the Babe Ruth program and with a special doff to the Port Huron-Marysville Baseball League. In closing, I believe it is also quite proper to recognize the contribution of hundreds of adults who have given freely of their time and energy so that such a youth program might succeed. This adult guidance and assistance has led to the growth of the program which operates in all 50 States, Canada, Puerto Rico, Europe, Guam, Mexico and Asia, with nearly 300,000 boys competing. Their lone reward is the satisfaction of giving boys the chance to play a great game and to learn basic ideals of fair play and good sportsmanship.

The articles referred to follow:

BABE RUTH LEAGUE AIMS FOR BIGGEST YEAR EVER

The Port Huron-Marysville Babe Ruth League opens its 16th and hopefully biggest year at 12:30 p.m., Saturday at Memorial Major Softball Diamond.

The League hosts the Ohio Valley Regional Tournament this Aug. 8–15 and a great deal of work behind the scenes is under way for that tourney.

George Lang Volkswagen of Marysville has donated an electric scoreboard to the league.

George Lang will be on hand Saturday to make the official presentation.

The Port Huron-Marysville League will again have two, six-team divisions.

Defending City and Red Division champion Citizens Federal will be represented in the opening day ceremonies with a player giving the invocation and helping raise the Flag.

Mike Benedict of the Greater Port Huron-Marysville Chamber of Commerce will be on hand to throw out the first ball to mayor pro-tem Clayton L. Berdan.

The Red Division will represent the league in the Ohio Valley Regional as the host team under Citizens Federal Manager Bill Lewis.

Other teams in the division this year are Smith Funeral Home managed by Larry Schwartz, Ogden-Moffett managed by Bernie Brooks, Leath Funiture managed by Ray Leslie, Murray Zimmer managed by John F. Brown and Port Huron Paint managed by Len Cureton.

Defending White Division champ is Rotary under Jim Edington. Larry McDaid manages Coca-Cola, Dick Yorks Local 44, Cal Kaercher DAV No. 12, Carl Jones Breakfast Optimist and George Baldock Kiwanis.

League officers for the 1970 season are president John McCormick, vice-president Jack Vargo, secretary Don Wade, treasurer Harry Stroh, player agent Ron Donaghy, equipment manager Charles Thruchman and chief umpire Lennie Brooks.

Each team will see action opening day in a six-game slate.

In games at Memorial Major softball diamond, Citizens Federal meets Ogden-Morrett at 1 p.m. and Rotary plays Coca-Cola at 3 p.m. At Memorial No. 1, Port Huron Paint takes on Leath Furniture at 1 p.m. and Local 44 meets DAV No. 12 at 3 p.m.

Rounding out the schedule at Memorial No. 3, Murray Zimmer battles Smith Funeral Home and Breakfast Optimist tangles with Kiwanis.

BABE RUTH OFFICIALS GATHER

Local, state and national Babe Ruth League officials gathered recently at Memorial Field to go over details of the Ohio Valley Regional tournament to be held in Port Huron Aug. 8-15. Left to right are James N. Watkins, State Babe Ruth director from Berkley; Jack Vargo, vice-president of the Port Huron-Marysville BR League; Larry A. Magers, Ohio Valley Regional director; Oliver M. "Scotty" Hanton, mayor of Port Huron and former state director; John McCormick, president of the Port Huron-Marysville league; Cal Kaercher, house co-ordinator of the regional, and Donald Wade, secretary of the Port Huron-Marysville league.

Mr. BOLAND. Mr. Speaker, I would like to join in paying tribute to Babe Ruth Baseball—an organization that allows roughly 250,000 teenagers throughout the United States to learn the values of sportsmanship and spirited competition for a common goal. From Mississippi to Massachusetts, from California to New York, youngsters between the ages of 13 and 18 take part in Babe Ruth Baseball Leagues. Organized in 1951 in a suburb of Trenton, N.J., the initial program proved such a striking success that Babe Ruth Baseball has grown at a truly staggering rate over the succeeding decades. The league now operates in all 50 States, Canada, Puerto Rico, Europe, Guam, Mexico, and Asia.

Babe Ruth Baseball has two divisions—one for boys between the ages of 13 to 15, another for boys between 16 and 18. These ages are the most critical in the formation of a youngster's adult personality. Hundreds of thousands of boys in these age groups benefit enormously from an experience that strengthens their character as well as their bodies. Even a cursory glance at today's newspaper headlines makes clear the alarming extent of youth problems: Drug abuse, runaways, attitudes of open contempt toward the traditional values of American life.

Babe Ruth Baseball answers a pressing need in contemporary American society, providing youngsters with a whole-

some outlet for their physical energies and an opportunity to learn first hand the kind of spirited and cooperative teamwork that made the United States great.

Mr. BURKE of Massachusetts. Mr. Speaker, in today's world and in a time when dissent and malcontentment appear to be predominent characteristics of some of our young people it is indeed rewarding to realize that there are thousands of young people who are not a part of what seems to be a growing tide but who are quietly and effectively modeling their lives in the image of those who have helped to make this country great.

There exist today many organizations which are helping these young people and placing them on the roads which will lead them to diligence and inspiration to last all of their lives.

One of those organizations is the Babe Ruth Baseball League, a baseball program for teenage young men between the ages of 13 and 18.

My own State of Massachusetts has the fourth largest membership in this international program with over 8,200 teenagers participating. In the past 2 years over 1,300 teenagers have joined the ranks of Babe Ruth Baseball in Massachusetts because of the excellent support of the Boston Red Sox.

Mr. Speaker, I remember that as a youngster in Boston my friends and I had to organize our own team and find a place to play baseball. Equipment was an entirely different affair. We had to content ourselves with one bat, one ball and if we were lucky someone would show up with a glove. I still recall those sandlot games with pleasure and still remember our heroes of the day with great admiration.

How fortunate are the youngsters of today to have the assistance of organizations such as Babe Ruth Baseball. The guidance that is provided by the dedicated volunteers of the league is commendable indeed. They are a group of peple who have not given up on youth today, but who are taking an active part in shaping the future. They deserve our gratitude and support.

Mr. KYROS. Mr. Speaker, I would like to join my colleagues in observing the importance of Babe Ruth Baseball to this country.

In my State of Maine, there are over 1,000 boys taking part in Babe Ruth Baseball programs. As Mr. Harold Smith, the director of Maine Babe Ruth Baseball recently wrote to me:

> Training in sportsmanship and pride of achievement in a team effort is a contributing factor in moulding the future citizens of our State.

Without intending to place any of our other great sports in an unfavorable light, I think we would do well to recall the words of Babe Ruth himself, spoken the day this giant of a man made his farewell speech at Yankee Stadium. "This is the only real, American game," the Babe said. I think we can be grateful to the many organizers and directors of Babe Ruth Baseball for continuing this enthusiasm, and for enabling so many young men to participate in our national pastime.

Mr. MICHEL. Mr. Speaker, I welcome this opportunity to pay tribute to the memory of George Herman Ruth, the home run king, and say a few words in behalf of the Babe Ruth Baseball program. It is hard to realize that the "Babe" hit his 714th and last home run in 1935, which means that many of us have but the dimmest recollections of the "Sultan of Swat." Although Ruth's fame rests on his hitting prowess, his career as a slugger followed several seasons as a great left-handed pitcher.

The Babe gave baseball a needed lift after the Black Sox scandal had made a farce of the 1919 World Series and threatened to destroy the public's confidence in the game's integrity. By demanding the highest possible pay for his services as a great player and a powerful drawing card, he also was instrumental in raising the wages of all ball players.

I have a feeling that Babe Ruth would have made a great politician. An incident that occurred at least four decades ago will serve as my illustration. Ruth and his teammate, Lou Gehrig, had agreed to umpire a boys' game. The Babe joined the boys in taking batting practice. With a youngster of about 10 on the mound, he hit two tremendous fouls. You can imagine how surprised—and proud—the little boy was when the slugger missed the next pitch completely.

Babe Ruth's name has been a household word for over one-half a century, and I doubt if any special effort will be required to keep his memory clear. Be that as it may, I can think of no finer way to perpetuate his fame than the Babe Ruth baseball program.

I have, for a long time, had a feeling that more boys, and girls, too, ought to be participating in healthful, competitive sports outdoors whenever possible. Such activities would be a great preventive of juvenile delinquency and a powerful deterrent to crime. The more boys we had on baseball teams the fewer we would have joining criminal gangs. If hundreds of thousands of youngsters were pitching, hitting and fielding baseballs, adults could spend less time hand wringing and more time applauding as their children strove for athletic superiority.

Mr. Speaker, I hope that all levels of Government will encourage the setting aside of areas of recreation in all our centers of population. It has often been said that the Battle of Waterloo was won on the playing fields of Eton. Perhaps the battle against juvenile delinquency will also be won on athletic fields.

Mr. HATHAWAY. Mr. Speaker, today we participate in a special order recognizing Babe Ruth Baseball, an international sports program dedicated to help build the moral and physical fibre of young people. It is a fitting tribute to the great athlete for whom the program is named, to the many adults in all of our 50 States and in Asia, Canada, Europe, Guam, Mexico, and Puerto Rico who have devoted their time and energies to the success of the program, and to the hundreds of thousands of young men who have participated or are now taking part in the largest regulation teenage baseball activity in the world.

Maine's Babe Ruth Baseball program, currently involving more than 1,000 young men between the ages of 13 and 15, has been especially successful. I feel that the training that these young men receive—not merely in wielding a bat and glove, but, much more importantly, in the concepts of sportsmanship and team effort—cannot help but prove to be a very positive factor in the molding of future leaders and outstanding citizens.

At this time, Mr. Speaker, I would like to mention some of the men who are most responsible for the achievements of Babe Ruth Baseball in Maine—State Director Harold A. Smith of Portland; Assistant State Director Richard McGuire of East Winthrop; Secretary Treasurer Edwin C. Young, Jr., of Brunswick; and District Directors Robert Anderson, Jr., of Brunswick, Leo Kittrick of South Portland, and Robert Blouin of Springvale.

Mr. HANLEY. Mr. Speaker, I wish to join my colleagues today in paying tribute to the late great Babe Ruth, and to the inspiring baseball league which now bears his name.

Throughout the United States this summer, there will be thousands of young men participating in the game which the Babe loved and lived for. To the dedicated men and women who contribute so much to this program I offer my personal gratitude; and to the young men who are participating in the program, I offer a special commendation.

There is an old saying that "an idle mind is the devil's workshop." There are no idle minds on a baseball field. There are, however, sharp young minds bent on improving themselves.

I wholeheartedly support the recognition they are being paid today.

Mr. THOMPSON of New Jersey. Mr. Speaker, reams have been written over the years about the enthusiasm Americans of all ages have for the game of baseball. Literally thousands of boys and men participate as players on sandlots, on our school playing fields, and in countless recreation areas. The recent extension of the major leagues to Canada has made professional baseball truly an international sport. As professional baseball has grown in popularity, we have witnessed, too, a remarkable expansion of organized amateur baseball. This expansion is due in no small measure to the growth of the Babe Ruth Leagues throughout the United States.

The first Babe Ruth League was organized, I am proud to say, in Hamilton Township, N.J., a suburb of my home city of Trenton. When first organized in 1951 the league welcomed boys 13, 14 and 15 years of age. From this modest beginning, Babe Ruth Baseball has spread to all 50 States, Canada, Puerto Rico, Guam, Mexico, and to countries in Asia and Europe. In 1966 the program was expanded to include boys from 15 to 18 years of age. Today, nearly 300,000 boys participate. This tremendous activity is governed by an international board composed of volunteers who devote their time to providing general direction and guidance for the program. Tournament play provides healthy competition for players on a State, regional, and more recently even an international basis.

I think it is fitting that the league took for its name that of Babe Ruth, a man immortalized as the greatest baseball player of all time. Virtually every boy knows the story of the Babe's rise from a Baltimore industrial school to the mighty New York Yankees. His exploits as a pitcher and outfielder fill the record books. Some of his feats may never be equaled. The Babe gave millions of baseball fans some unforgettable thrills over a playing career of more than 20 years. And to the end of his life he never lost his enthusiasm for the game of baseball or the youngsters who play it. In fact, he was probably happiest when surrounded by a group of kids clamoring for his autograph. Were the Babe alive today I am certain we would find him active in promoting the Babe Ruth League. I think it is marvelous that Mrs. Ruth has in effect pinch-hit for the Babe in this regard.

Mr. Speaker, wholesome recreation is essential for the development of well-rounded, heathy children. The Babe Ruth League provides that kind of recreation. I am pleased to salute the league, its sponsors and its players. May the league continue to grow and thrive.

Mr. DICKINSON. Mr. Speaker, it is a pleasure for me to join my colleagues today to pay tribute to Babe Ruth Baseball and to Babe Ruth, the greatest player known in the sport of baseball. The Babe's love and understanding of young people serves as an inspiring example for all of today's youth. It is only natural that there is an organization as fine as Babe Ruth Baseball as a living memorial to the man to which the program was dedicated in 1951.

Mr. Speaker, in Montgomery, Ala., we are especially proud of our city's Babe Ruth Baseball program. It was back in 1953 when Babe Ruth Baseball was organized in Montgomery. Then, it consisted of one league with only four teams. Today, the local conference has grown to four leagues and boasts four competing teams.

Mr. Speaker, Montgomery's Babe Ruth Baseball is fortunate to have retained two of its original active founders: Allyn McKeen is the present commissioner and served as president of the league in 1953, and J. B. McCaslin is secretary-treasurer. Serving as presidents of the four leagues are: Bill Dent, Gray League; Wallace Young, Bellingrath League; Dallas Fulmer, Belser League; and George Sexton, Blue League. Babe Ruth Baseball is part of the program of the Montgomery City Parks and Recreation Department. The parks and recreation department and its athletic supervisor, Lynn Bozeman, are providing outstanding activities for the youth of Montgomery and the department could well serve as an example for other cities.

Thank you, Mr. Speaker.

Mr. O'NEILL of Massachusetts. Mr. Speaker, it gives me great pleasure to join my colleagues in paying tribute to Babe Ruth, whose life was dedicated to the development of the energetic youth of America. We are fortunate that a program bearing his name has progressed successfully. Coming from an orphanage, he became the most idolized baseball player in history. The Babe's example is a legacy which still lifts our hearts. We remember him not only for his outstanding achievements on the field but also, and perhaps most importantly, as the friend of the kids from all walks of life.

Today, it is reassuring for all of us to recognize the tremendous success of Babe Ruth Baseball, in honor of the "Bambino." Its steady and unprecedented growth deserves everyone's attention. We, as the spokesmen for the people, wish to express our recognition of the need for and our commitment to a program which would provide facilities substantial enough to accommodate the recreational demands of millions of youngsters deprived these opportunities today, especially in our urban areas.

With Babe Ruth Baseball, as a model, perhaps similar programs and activities could be established which would foster the essential and healthy development of our youth. Originally, Babe Ruth Baseball only met the needs of 13-, 14-, and 15-year-olds. It was expanded in 1966, recognizing the necessity for additional programs, to provide another league for 16-, 17-, and 18-year-olds. While filling existing recreational voids, it has simultaneously provided valuable guidance and enhanced the development of leadership. It has gained widespread respect and support as we see reflected in the endorsement by professional baseball players, government leaders, clergymen, educators, recreational superintendents, and high school and college coaches. Although the program has filled some of the recreational voids which existed, this problem of insufficient facilities and activities still exists. As a tribute to Babe Ruth and to the league named in his honor, I am happy to join my colleagues in seeking channels which will provide our young with facilities and outlets for their valuable energy.

Mr. WYMAN. Mr. Speaker, Babe Ruth Baseball is active in New Hampshire, particularly in Manchester where the Tom Woodlock Babe Ruth Little League contributes immeasurably to the structuring of body and mind for young people in the Queen City of the Granite State. By participating under the rules of the game the young men who play in the Little League are learning good sportsmanship and mutual respect as well as the fact that there are some things that you cannot say and it does not matter how much you want to or the umpire will take you out of the game. It stands young men in good stead to develop these qualities and this understanding at an early age. It also teaches respect that carries over to respect for one's fellow man in adult life provided, that is, that one's fellow man earns that respect by the way he speaks and acts.

There can be no more a free ride for respect from others in this country than there should be for those who are able to work and yet refuse to work in the economic sense. If an individual persists in willfully breaking the rules of society, in persisting in tearing it down, in failing to contribute to the welfare of others or to the general public good in what he says and does at least during some portion of his daily life, he will not have the respect of his fellow man nor will he deserve it.

In this Nation, the name Babe Ruth has become a legendary example of how one man can overcome great odds and rise to the heights of athletic prowess by determination, ability and strength of character. The same general frame surrounds individual leaders to society today as it did in Babe Ruth's time.

In this land of opportunity, Babe Ruth Baseball is a great program for teenage young men and I commend it as one of the answers to the problems facing American youth today. I say one because it will not attract the indolent, the nonathletic or the fags. Each individual in this most individualistic of all nations has his own "thing" and youth programs must extend beyond the athletic to include fields of art, literary achievement, and music to attract all segments of young people who wish to interest themselves in constructive achievement.

Thank the Lord that it is only a small minority that have succumbed to the false claims of the anarchists, the violent, and the drug addict. Even here we must continue to help and one of the best ways to help is by encouraging sympathetic understanding and character rebuilding through the cooperation of other young people who can "reach" those of their age.

Mr. FUQUA. Mr. Speaker, Babe Ruth Baseball is a program which deserves recognition. Thousands of youngsters who have participated and are engaged in the program today are building moral and physical strength.

This program is named for the greatest of all baseball players who had a great love and understanding of young people. I do not suppose any other athlete that ever lived was so loved by the people of this Nation.

And so it is a fitting tribute to him that this program for young boys teaches them respect for the traditions of sportsmanship and understanding of teamwork.

Babe Ruth was a remarkable man. He worked his way up from the obscurity of a Baltimore orphanage to the pinnacle of success, with his name a household word.

This says something about the need for more recreational facilities in this Nation today, particularly in our inner cities. If there are no facilities for recreation for these boys, then they will turn to mischief or worse. If facilities are provided for recreational activities, they are more likely to turn to more productive pursuits.

Babe Ruth climbed the ladder of success and others can follow, but we need to help them.

The Babe Ruth Baseball program is an outstanding one. It richly deserves the tributes being paid here today.

Mr. CLEVELAND. Mr. Speaker, I am happy today to be a part of this special order honoring Babe Ruth Baseball. Babe Ruth Baseball has been a continuing asset to our country and its teenage boys since its inception in 1951. Each year participation in Babe Ruth Baseball continues to grow. Today it is the largest participation baseball league of

teenaged boys, with over 325,000 playing Babe Ruth Baseball throughout the world.

In the past 15 years, Babe Ruth Baseball has played an important role in the recreational program for boys in the State of New Hampshire. Mr. William A. Sweeney established this program in the city of Nashua in 1955; it has since grown into a large statewide organization. Since 1955, Babe Ruth Baseball has been of continuous benefit to New Hampshire and its young men. A personal example of this is a young man who is an intern in my office, George Tetler, who was a catcher for 3 years on the Red Legs in Nashua's Babe Ruth program. Another good example is the Manchester, N.H., baseball team that has won the New England regional championship on several occasions to qualify for the international championship, where they have made it to the finals twice. These two examples are strong evidence attesting to the diligence, excellence, and pride Babe Ruth Baseball instills in the young men of the Granite State. It is obvious that this program has helped to build the moral and physical fiber of its participants, and has given them respect for sportsmanship, teamwork, and the competitive spirit.

It is my hope that Babe Ruth Baseball can continue to flourish in New Hampshire and the United States. There is a need for more people to devote their time and energy to coaching, managing, and directing teams and for more and better facilities to aid in the continued success of Babe Ruth Baseball across this country and throughout the world. We must continue to promote this activity that helps build men physically, and more important, morally.

Mr. BUTTON. Mr. Speaker, at a time when a good deal of attention is focused on the communications gap between adults and youngsters, it is good to remind ourselves of the many more instances when there is no such gap.

Perhaps one of the most heartening illustrations of the close bond between generations is seen in the life of one of America's great folk heroes, Babe Ruth, and in the program named after him, Babe Ruth Baseball.

Ruth, who grew up in a Baltimore orphanage, became Mr. Baseball to generations of Americans. During his life, the Babe was devoted to children and, after his death, a program for youngsters from 13 to 15 years of age grew and took his name. Today Babe Ruth Baseball Leagues are international harbingers of good will, dedicated to kids, baseball, and sportsmanship.

Babe Ruth Leagues, which were set up for boys too old to participate in Little League plays, have been highly successful.

Participation is intense in my own area of New York State with 11 Babe Ruth Leagues active in Capitaland, of which my 29th District is the center. Close to a thousand youngsters in the 13 to 15 age category are involved—and equally important—so are their parents. In fact, there are plans to organize a senior Babe Ruth League in the area for youngsters from 15 to 18 years of age.

Games become great social events, where families gather and cheer their team. The competition is always intense but fair, one of the overriding concepts that is part of Babe Ruth Baseball. Babe Ruth Baseball cuts across all social and ethnic barriers to unite youngsters in the camaraderie of sport. Youngsters learn responsibility, the value of teamwork, and the moral code of sportsmanship.

Such an experience should be available for all children. Unfortunately, it is not. While the private sponsors and donors that make such league play possible have been extremely generous in most communities, the sorry fact is that many more facilities for youngsters are needed.

Shortages of recreation areas are especially acute in this Nation's inner cities, where conditions combine to make the life of youngsters a hard prospect. There the communications gap goes beyond generations, it is a gulf between life experiences.

Numerous commissions and study groups have reported on the recreation needs of this country. One need not belabor the point to say that a place to play is pretty important to the development of our children. What is needed is coordinated attention to the problems facing our youngsters today.

Certainly, no one believes that increased recreation facilities alone can answer the problems, but such facilities can do a great deal to alleviate many of them. We have the example of Babe Ruth to prove the point, where a boy raised an orphan overcame all handicaps to become a great man.

Babe Ruth Baseball is dedicated to this ideal. In the same spirit, we are urging others to join in a concerted effort to save our children.

Prompt action is needed at the Federal level to find ways of curing the problems.

Mrs. GREEN of Oregon. Mr. Speaker, it gives me great pleasure to join with my colleagues on both sides of the aisle today to give recognition and support to the famous and excellent Babe Ruth Baseball program which offers so much to so many American youth.

Babe Ruth Baseball is a program which gives an opportunity to youngsters to learn the valuable qualities of self-discipline, group cooperation, dedication to others and respect for fair play. The youngsters participating in this program give credence to those who prefer to talk about what is right about our young people today.

Babe Ruth himself is an example of a man who had a dream and did something about it. Anyone at the top of their profession, as this man was of his, must of necessity have qualities of courage, persistence and strength of purpose. It is certainly fitting to encourage young people to identify with the ideals which this man represented.

Therefore, it is with pleasure that I join with others here today in salute of a truly fine organization. May they long continue to offer the very valuable contribution that they give us.

Mr. HECHLER of West Virginia. Mr. Speaker, I am honored to join with my distinguished colleagues today in paying tribute to Babe Ruth Baseball. This morning, a number of friends assembled for breakfast at the invitation of our colleagues, Representatives FRANK THOMPSON, JR., and FRANK HORTON, to be regaled by the southpaw artistry of "Lefty" Gomez, one of Babe Ruth's best friends. It was heartwarming to welcome Mrs. Babe Ruth, who delivered remarks to the group, as well as Baseball Commissioner Bowie Kuhn.

In West Virginia, Babe Ruth Baseball reaches into more than 25 cities and towns, involving nearly 200 teams and nearly 3,000 boys between the ages of 13 and 18. Under the able leadership of State Director John Spangler, of Kenova, and his fine assistant, Paul Burkhammer, of Parkersburg, the West Virginia program has spread in popularity. The commissioner of the senior Babe Ruth program, Howard Marcum, of St. Albans and the district directors—Dr. Joseph Sheppe of Huntington, Bob Mosser of Parkersburg, Pete Romano of Clarksburg, and Jim Powers of St. Albans—Babe Ruth Baseball has grown and prospered, thanks to the dedicated efforts of these officials and many other West Virginians.

I recall vividly the way in which my hometown of Huntington cheered our Babe Ruth team onward as they won victory after victory, and eventually captured the 1960 Babe Ruth World Series. I will never forget the tremendous greeting which Huntingtonians gave to our hometown world series champions the day they returned to Huntington. It was a great victory, and you could sense the amount of pride which gripped Huntington for many months as a result of this world championship.

West Virginia has one of the lowest crime rates in the Nation, and this outstanding Babe Ruth Baseball program is an important factor. I am proud to join my colleagues in this salute to the Babe Ruth Baseball program which through our national pastime teaches our youngsters sportsmanship, discipline, hard work, and teamwork.

Mr. MORSE. Mr. Speaker, George Herman "Babe" Ruth was a legend in his own time and that legend continues to grow today. I am pleased to join in this special order with my colleagues, the gentleman from New York and the gentleman from New Jersey, to pay tribute to Babe Ruth Baseball.

This program is in its 19th year. It provides a healthy and constructive outlet for the energies and abilities of more than 300,000 young people in the 50 States, Puerto Rico, Guam, Canada, Mexico, and many other nations.

Babe Ruth loved children and in return they loved him. His drive and determination still serve as inspirations to many teenagers today. It is vital that this program be continued and that it receives strong support so that the energies of these young people can continue to be directed so productively.

It is also important that we in the Congress give serious consideration to

strengthening programs designed to provide more recreational land and facilities, particularly for those young people in the inner cities.

Mr. Speaker, I commend my colleagues, the gentleman from New York (Mr. HORTON) and the gentleman from New Jersey (Mr. THOMPSON) for sponsoring this special order.

Mr. MILLER of Ohio. Mr. Speaker, I am happy to join my colleagues today in saluting Babe Ruth Baseball, one of the finest youth programs in our country. We in the 10th Congressional District are extremely proud that Zanesville, Ohio, will again be the site of the Ohio State Babe Ruth Tournament. Zanesville has demonstrated its hospitality and enthusiasm over the past four years in providing one of the most successful and exciting tournaments in the country.

Over the years, Babe Ruth Baseball has given the opportunity to thousands of boys to participate in America's greatest pastime. It offers a program that helps develop teamwork and instill individual confidence. The values and lessons learned through hard work and competition on the diamond are carried throughout their manhood years.

Particular attention should be given to the thousands of adults who give their time and effort as coaches and administrators. The dedicated and enthusiastic individuals are the key to the program's success and we all owe them a debt of gratitude for their fine civic attitude and community contribution.

To all associated with the Babe Ruth program I wish to express my congratulations and best wishes for many more years of success.

GENERAL LEAVE

Mr. HORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject to the special order that I have taken today.

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

There was no objection.

TRIBUTE TO THE LATE GEORGE HERMAN "BABE" RUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. KEE), is recognized for 5 minutes.

Mr. KEE. Mr. Speaker, no finer tribute can be paid to any man than to recognize that in his lifetime he was able to contribute something lasting—something that will live forever in the hearts of man. And this man—George Herman Ruth, better known to all the world as Babe Ruth was such a man. No man in all history of baseball is more worthy of the program that has been set up in his name for the purpose of teaching baseball skills, as well as developing physical fitness and mental improvement to the teenage young men from the ages of 13 to 18.

Throughout his whole career in baseball Babe Ruth was linked with the youth. No one loved them more and no man ever had a greater following throughout the country than those thousands and thousands of young Americans who idolized him—watched his every move. And he never disappointed them. His sportsmanship, his team play, and his striving to do better were a part of his makeup. They were proud when he stepped up to bat.

That spritely step, that quick smile and that deep dedication and earnest feeling of zeal for his chosen profession could serve no better purpose than to animate us and animate the country to the need for increased recreational facilities, not only in highly populated areas, but throughout the entire Nation.

Many people talk about the problems of our youth and the need to provide adult leadership and friendship to the young, but few do more than talk. It is for this reason that I make these few remarks today to commend those who have seen the need and have done something about it.

PROPOSED ATOMIC DIVERSION REWARDS ACT

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, in a speech delivered on May 25, 1970, before the 11th annual meeting of the Institute of Nuclear Materials Management in Gatlinburg, Tenn., concerning the safeguarding of special nuclear materials, I recommended that the International Atomic Energy Agency and major nations individually establish rewards for information leading to the arrest and conviction of anyone illegally diverting, holding, or using special nuclear material. A "no questions asked" bounty system also might be established for return of unaccounted for material to proper authorities.

I have asked the AEC to expedite legislation on this matter. I expect within the next few weeks to have a proposed Atomic Diversion Rewards Act for consideration by the Congress.

Full text of the May 25 speech follows:

REMARKS BY CONGRESSMAN CRAIG HOSMER BEFORE THE 11TH ANNUAL MEETING OF THE INSTITUTE OF NUCLEAR MATERIALS MANAGEMENT, GATLINBURG, TENN., MAY 25, 1970

Let us briefly trace the course of our U.S. national approach to special nuclear materials accountability.

In Manhattan District days and up to just sixteen years ago the materials were kept tightly in the possession of the Government. How much oralloy and how much plutonium are unaccounted for during this period is not for me to say. Actually, I don't know and I doubt if anyone else could come up with much more than an educated guess. But since the amount of these materials was relatively small during this period, I believe we can safely say that losses likewise were relatively small.

This initial period ended in 1954 with the extensive revision of the Atomic Energy Act. For the first time special nuclear material was made available legally to private persons for peaceful purposes. The Commission established procedures and criteria for the issuance of licenses to receive, use and transfer SNM. It proceeded on the general assumption that the financial responsibility of licensees for loss and damage, together with the severe criminal penalties written into the Act, would result in safeguards being initiated by licensees to protect their pocketbooks which, in the process, also would serve adequately to protect the material.

Two years later, in 1956, came the U.S. Atoms For Peace program with its authority for the export of SNM to cooperating nations under bilateral agreements giving the United States ample rights to implement safeguards inspections and control measures in the receiving country. This early American precedent continues in effect today not only in our current bilaterals, but also in almost identical terms in the International Atomic Energy Agency's statute on the subject. Undoubtedly it will carry through into the safeguards agreements non-nuclear powers will be making with IAEA in compliance with the Nonproliferation Treaty.

Although this is not the logical place for it, I am going to surface something at this point almost parenthetically. The matter itself is illogical and that is why there is no logical place for it. But it has influenced our thinking on safeguards. It is the notion that the U–235 problem is somehow different from the plutonium problem because U–235 accountability can somehow be assisted by suppression of enrichment technology. And, as a concomitant, that the plutonium problem has to be dealt with almost exclusively by the safeguards process, unassisted by such things as mandatory reactor operating practices which assure production of mostly dirty plutonium.

Frankly I don't think the clampdown on centrifuge enrichment techniques by the AEC in 1965, and still maintained today, has done a darn thing to inhibit proliferation or to make enriched uranium more easily accounted for. But it has done a lot to encourage other countries to get on with the centrifuge and in this context may, in the end, prove counterproductive. At this point in the nuclear materials accountability game I think we can safely say that the reason the plutonium problem is more difficult than the uranium problem is simply that there is going to be more of the former than of the latter—so much more that any other considerations of difference pale into insignificance.

In any event, the cumulative, worldwide production of plutonium in nuclear power reactors has been estimated to be approximately 125,000 kilograms by 1975 and almost three million kilograms by 1985. That is enough, someone has told me to make 15,000 or more fission bombs at the first date and hundreds of thousands by the second.

These kinds of estimates are nothing new and nothing secret. Because of the general public interest in their troublesome implications the U.S. arrived at another milestone in its domestic safeguards program in 1967. At that time the Commission took two significant steps in the interest of strengthening its ability to meet the growing need for practical and effective safeguards measures:

It established the Division of Nuclear Materials Safeguards under the wings of Harold Price, Director of Regulation, with the responsibility for administering the safeguards program with respect to Commission licensees, and

For the purpose of implementing safeguards with respect to license exempt contractor and AEC operated facilities, to conduct a more aggressive safeguards R&D program, and, as the center for developing both domestic and international safeguards policies, AEC established the Office of Safeguards and Materials Management under the able direction of Del Crowson.

Additionally, as it does in the case of almost every decision (other than as to the time of day) the AEC established an ad hoc advisory group on safeguards known as the Lumb Panel. The Panel sent its report to

the AEC later in 1967 and, amongst other things, recommended:

Increasing statutory penalties for unauthorized diversion of SNM, which has been done: and, *establishing clearance requirements for persons having access to SNM,* which has not been done.

Establishing quantitative standards for normal losses in various nuclear processes, which thus far seems to have overtaxed the Commission's capabilities. At least, it hasn't got around yet to doing so.

In fact, the AEC rather shrouds the whole business of operating losses in a cloak of mystery at this point. A couple of weeks ago I asked for the number of kilograms of nuclear material missing on account of normal operating losses. The amount is fairly substantial, but I cannot give it to you because the AEC tells me the figure is classified.

The Lumb Panel also told the AEC it ought to lean harder on businesses handling special nuclear material to tighten up their internal management controls to minimize the risk of diversions. It is my understanding of the bureaucratic process that leaning on someone in the private sector really amounts to doing your thing and it becomes a matter of unrestrained joy. Thus I gather that this recommendation has been implemented zealously.

And well it should be. At your Seventh Annual Meeting in 1966, the then Executive Director of the Joint Committee on Atomic Energy, John Conway, told you of (*context*) Numec Corporation's unaccounted for rate of 6% on highly enriched uranium during fuel fabrication and scrap recovery processes under U.S. contracts. In excess of 100 kilograms of this precious material were unaccounted for by Numec over a period of years. I know of no subsequent case of this magnitude. (*context*)

Now, before some sensation hunting writer takes the foregoing out of *context* and tries to use it to hit the atom in this country, the government, the AEC and the JCAE over the head with it let me warn him to put it right back in context. I didn't say 100 kgs. disappeared, or was stolen, or was lost or is now in the hands of country X or the Mafia. I said that Numec's books and records failed to show uranium out of its plant *vice* uranium in by a discrepancy of 100 kgs. The complaint is not necessarily regarding *actually* disappearing enriched uranium. It is about bad process control and accountability practices which, over a period of years, got the record books drastically out of balance and cost Numec a lot of money. We know for certain that more uranium did not come out of Numec than went in—and we can say that less went out than went in.

And, until the AEC gets around to carrying out the Lumb Panel's injunction to define what normal losses are at various stages of the nuclear process, even properly kept books are not going to tell us as much as we ought to know. Numec's job was a difficult one. Maybe a 6% loss during the process it was carrying on should be regarded as normal. I doubt it. But we'll never know until AEC does establish those norms.

Undoubtedly accountability has improved since 1966 and I don't want to sound gloomy. However, lest the safeguards fraternity become complacent, let me cite to you three recent examples of what are euphemistically called "misroutings" during SNM shipments:

In March, 1969, a container of highly enriched UF-6 was scheduled to go from Portsmouth, Ohio, to Hematite, Missouri. It didn't get there. The AEC, the FBI, the airline, the police, and untold numbers of individuals searched in vain for the shipment which was dispatched on March 5th. Finally, on the fourteenth, it was located in Boston.

Also in March, 1969, highly enriched uranium was booked for departure from New York's Kennedy International Airport on the 11th for delivery to Frankfurt, Germany, on the afternoon of the 12th. The material did not arrive. Five days later, on March 17th, it finally turned up in London where it apparently had been offloaded in error.

Only last month a drum of waste containing a small amount of 70% enriched uranium was consigned for delivery from one firm to another in the same California city. It was, instead, carelessly sent to Tiajuana, Mexico. The report on this matter was imaginatively entitled "Inadvertent export of special nuclear materials."

In these three cases all indications point to slipshod, slapdash handling by shippers. Nobody, got hurt. No financial loss ensued. No material went unrecovered. But these happenings dramatically point up a need for more effective safeguards during SNM shipments. I am pleased to say that the AEC has responded with a considerable tightening up of its shipping regulations. The Commission and all other safeguards authorities, national and international, have a constant duty to improve their monitoring capabilities at any and all points where accidental or deliberate diversions might take place. It is important to remember that if some of the stuff can get lost through carelessness, an awful lot more of it could disappear if some people put their minds to stealing it for illicit profit.

Earlier this year the Attorney General of the United States cited the Kennedy Airport cargo handling apparatus as being under the control of organized crime. The same can be said of many other key transportation elements of this country too. When and if SNM ever becomes an article of illicit commerce, the transportation element of the nuclear fuel cycle will become most vulnerable to diversions. We'd better be cinching up in this area all along the way.

And, I should add, all around the world, too. It seems reasonable to assume that if discrepancies such as I have mentioned can occur in the USA, which has had more than a quarter-of-a-century's experience handling special nuclear materials, then there may be many more places here and there which need even more accountability and safeguards work done.

That is where, of course, the International Atomic Energy Agency comes into the picture. Even before the NPT spelled out specific additional safeguards duties for IAEA, the United States strongly urged that IAEA's safeguards role be enlarged. Other of the Lumb Panel's additional recommendations were to spotlight the *IAEA as the operator of a Universal Safeguards safeguards system* and to *establish international safeguards inspector training schools.* The AEC has, in fact, established such a school at the Argonne National Laboratory to which international attendance always is invited.

Actually, the IAEA inspections to which a number of US nuclear facilities are being voluntarily subjected are discretely used to forward training of international inspection personnel in the techniques of their trade. This is a bonus dividend on top of the stated purpose of these voluntary inspections, namely, to set to rest by our own show of confidence in IAEA's integrity the non-nuclear nations' claims that the inspectors will steal their trade secrets.

Former President Johnson submitted us to voluntary inspection in a declaration made December 2, 1967. Like ourselves, the U.K. also welcomes the IAEA to its non-military nuclear installations. Unfortunately, the Soviet Union has not yet seen fit to deal itself in this way as a follower of the spirit as well as the letter of the NPT. This is not doing any good for the cause of recruiting new signers to the Treaty, nor is it in any way facilitating the establishment of adequate inspection agreements between IAEA and those who have signed already.

Therefore, I take this opportunity to call on the Soviet Union to open up its non-military nuclear facilities to the IAEA in the best interests of making the NPT work. I'm not calling for a constant and complete IAEA inspection of nuclear powers. That would amount to a waste of manpower primarily hired to police, not the nuclear powers, but to assure that the non-nuclears don't acquire atomic weapons in violation of their Treaty pledges. But the Treaty will work a lot better if there exists an open invitation from the nuclear signatories for such inspections and if the Agency occasionally provides some of its inspectors a refresher course by making them.

And I'm not talking tokenism here in any sense of the word. Particularly in the sense tokenism currently is being practiced in this area by the USSR. It has developed some new safeguards hardware and techniques which it is trying out on one single reactor. IAEA observers—not inspectors—have been invited to take a look. They can take a look at the hardware and the techniques for inspection. But they cannot inspect—that is, they cannot take a look at where the SNM is going, which is their business. This kind of tokenism we can do without.

Before casting aside my role of uninvited, unpaid, unheeded and unwanted advisor to Brezhnev and Kosygin on safeguards policy I might as well field another suggestion. It has to do with the obligation of both the US and the USSR under the NPT to supply peaceful plowshare nuclear explosive services to non-nuclear signers. Unless this is to be no more than a hollow gesture it implies getting about the business of stocking the shelves of an International Plowshare Trading Mart with a standard line of peaceful nuclear explosive services.

It also implies that the USSR and the USA are going to have to sit down with IAEA and hammer out some pretty stringent safeguards procedures under which the services are to be rendered. This job shouldn't be done on some hurried, half-baked, ad hoc basis on the eve of the day the shot is scheduled. It should be done carefully, in advance.

Personally I think international Plowshare safeguards procedures ought to be thought out and developed with a combination of the worst possible countries and the worst possible conditions in mind. For example, assume they are being written for the case of Gamal Abdel Nasser applying to the USSR for Plowshare explosive services to clean sand and other foreign objects out of the Suez Canal. If we go about it this way, we'll get safeguards adequate for anything.

WHITHER THE IEAE?

Now I would like to examine the role of international and national safeguards systems in a somewhat broader context with the idea of approximating a real-world picture of what they ought to look like and what they ought to accomplish.

Aside from the possibility of diversion to military or other mischievous uses, there are several reasons why special nuclear materials have to be managed skillfully. One is economic. The stuff is valuable. Like gold, platinum, diamonds and rubies, there are dollar penalties for failure to keep track of it. Another reason is the possible danger to public health and safety if SNM, especially plutonium which is highly toxic as well as radioactively dangerous, is allowed to be spread around carelessly.

I should note here, as the builders of the SEFOR reactor found out when a discrepancy in plutonium content of their fuel elements turned up, that there are also quality control reasons for avoiding lackadaisical nuclear accountability which can bear on both economics and public safety.

The big reason, however, for public interest in both national and international SNM control organizations is a general concern that the material, some of it at least,

could get in the wrong hands where its tremendous potential for evil can be ruthlessly exploited.

Except then for normal public health and safety functions, the principal task for which both national and international safeguards systems are created is to prevent theft. If we view these systems as established for that simple purpose, I think we can be more realistic about what they should be and about the degree of assurance with which we should expect them to guard against thefts actually occurring. There has been too much unrealism concerning these matters, particularly in the form of wishful thinking about how IAEA inspectors are going to prevent any and all diversions of special nuclear materials and proliferation of nuclear weapons.

Just two weeks ago tomorrow I had an interesting luncheon with Dr. Rudolph Rometsch, the IAEA's new Inspector-General from Switzerland. I found him to be a pragmatic man with a practical outlook on the difficulties of his office. I think he knows the IAEA inspectorate is never really going to be adequately funded. I think he knows he is going to have difficulty getting, training and holding honest, competent inspectors. And, I think he knows that devising and implementing adequate inspection procedures and techniques—which are backed up by the necessary quantity of first class instruments—is going to be a very difficult job.

I want to make it perfectly clear that the Inspector-General did not tell me the foregoing. I just think that as a practical man he shares my practical outlook on the way things are down at the Inspectorate. And, if this is anywhere near the mark, then IAEA safeguards are not going to amount to the impregnable guardians, the incorruptible watchdogs and the omnipotent protectors of SNM that the rhetoric at NPT signing ceremonies would lead some to think.

Like other police organizations, the Agency safeguards setup is going to do its job well. It will go about it using a combination of safeguards *modus operandi* including:

The "Chastity Belt" approach involving such things as seals on reactors and other SNM containers.

The "Slaughterhouse" approach where figuratively international inspectors wander around nuclear facilities stamping Good Housekeeping seals on SNM accountability practices. And,

The "Black Box" approach which incorporates tamper-proof nondestructive testing apparatus at strategic links in the nuclear fuel chain and elsewhere.

The IAEA Inspectorate already has learned to overcome the absolute barrier to inspection it ran into a couple of years ago when its team zeroed in on a Japanese power reactor site and struck out. All the reactor's books and records were kept in Japanese. So also read the labels on the reactor, the fuel rods and everything else in sight. Unfortunately nobody on the team from Vienna understood a word of the Japanese language.

Actually within a very short time I believe the IAEA will be doing everything that can be reasonably expected of it. But just like any other police force that doesn't mean it will be able to stop all crime. There is some finite possibility that some one or more NPT signers will cheat, get away with it, and obtain a surreptitious Nuclear Club membership card. There is a probability that one or more NPT signers will simply denounce the Treaty and go down the nuclear road openly. Then, of course, there are always the countries who refused to sign the Treaty in the first place, who have the capability to go nuclear, and might develop a determination to do so.

My point is not to deprecate the Treaty. It does place on nations signing it a considerable compulsion to produce on their peaceful promises. My point is simply that in the real world the odds are that the Nuclear Club membership rolls will see some additions despite anything Rometsch & Co. can do. It is sensible for us to be prepared for such a contingency and not fall into a fit of fear, frustration and foreboding if it happens.

Nor should we stigmatize the IAEA or a national inspection system as failures because we demand of them far more than they could reasonably be expected to produce. They can slow down proliferation. They can circumscribe it. The can diminish careless losses and illegal diversions of SNM by a large factor. But they cannot stop it entirely.

Actually, where I think the IAEA will do a tremendous job itself, and by its example and pressure encourage the national systems to do a better job, is in the non-national nuclear threat area. Many people, including myself, do not regard as very convincing the Dr. Goldfinger scenario where James Bond thwarts holding Miami hostage for a zillion dollar ransom under threat of blowing it up with a stolen H-bomb. Stealing a 1000 pound top secret bomb isn't exactly easy.

But when you think not in terms of stealing whole bombs, but of diverting very small amounts of SNM at a time and of the possibility of a profitable Black Market developing, you get on more credible ground. Black Markets already exist from all kinds of "hot" goods. They are quite flexible in taking on new product lines. If a SNM Black Market develops, the sales price to some country, individual or organization desperately wanting to make nuclear explosives has been estimated as high as $100,000 per kilogram.

A gram is 1/1000th of a kilogram and 1/1000th of $100,000 is $1,000. Liberating a half gram of plutonium at a time from the local fast breeder reactor fuel element factory might be so small an amount as to be relatively undetectable even by the best black boxes and the sharpest eyed inspectors. Kimberly has tried to stop employees from stealing its diamonds for almost a hundred years and hasn't entirely succeeded yet. Even if the stolen material must be sold through a fence at a knock-down price, some employees of the factory may see the risk-to-benefit ratio of this kind of extra-curricular activity as favorable.

There are a number of hostage scenarios kicking around to support the thesis of rather high prices if a special nuclear materials Black Market ever develops. I suppose you have heard most of them, but let me recall a few, without comment as to plausibility, just to refresh your memory:

The small threatened country scenario in which an A-bomb is the only thing that will save it and its patriotic leaders are determined to go for broke.

The Mafia scenario where the organization steals the SNM, kidnaps the scientists and forces them to build the bombs, and then:

(a) Threatens to blow up J. Paul Getty, the Aga Kahn and similar types unless they sign over their billions; or

(b) Threatens some cities or small countries on the same basis; or,

(c) Sells the bombs to dictators and leaves it to El Supremo or the Junta to do the blackmailing on their own.

The dedicated disarmers scenario where scientific minded rich "good guys" believe disarmament isn't going fast enough, so they steal the SNM and secretly build bombs in various world capitals. Then after setting off a demonstration bomb at a remote location to establish credibility, they threatened to blow up the capitals one by one unless the nations forthwith effectuate total and complete disarmament.

The crazy chemist scenario in which the psycho doesn't know how to build a bomb, but lays his hands on a bucket of plutonium and mixes it into an odorless, tasteless, invisible gaseous compound. For fun and/or profit he threatens to spread the stuff all over Manhattan some day.

So maybe you and I don't think much of these scenarios. But that doesn't mean that someday, somewhere, somehow, someone is not going to try to do some dastardly deed using purloined plutonium or unaccounted for uranium. To reduce both national and non-national threats of this kind I have two specific suggestions which are equally applicable to the international and the various national safeguards systems:

First, SNM safeguards organization and personnel should develop intimate ties with all existing police type organizations to the end that all of the latters' widespread apparatus and resources continuously and effectively will augment the safeguards systems.

Second, that the IAEA, and major nations individually, establish rewards for information leading to the arrest and conviction of anyone illegally diverting, holding or using SNM. A "no questions asked" bounty system also might be established for return of unaccounted for material to proper authorities.

I believe we should recognize that rewards for information and stolen items have been used by security and law enforcement officials since the beginning of mankind. Informants are the backbone of any security apparatus. I am thinking about developing legisiation to implement this idea and I am sure it would attract many co-sponsors.

In closing let me say that there is always a delicate balance in this area of accounting for special nuclear materials between too much effort and too little effort. You—this audience—are the precision experts on where that balance rightly ought to be. I thank you for the excellence of your past work and look forward to your guidance in the future.

INTEROCEANIC CANAL PROBLEM: MEMORIAL TO THE CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 30 minutes.

Mr. FLOOD. Mr. Speaker, when first starting upon the serious study of the interoceanic canal problem more than 15 years ago, there were few of our citizens who had any essential understanding of this complicated subject. Now there are many in various parts of the Nation who have studied it in sufficient depth to form definite conclusions as to what the policy of our Government should be. For bringing about this result, all Members of the Congress who have contributed toward public enlightenment can take due credit for their respective parts in clarification of the issues involved and in defending the treaty based rights of the United States and the security of the Western Hemisphere as well as the best interests of Panama.

In these general connections, I would invite attention to the many scholarly statements by Senator STROM THURMOND concerning the several vital elements in the isthmian question, especially his quoting in the CONGRESSIONAL RECORDS of July 17, 21, and 27, 1967, of three secretly negotiated proposed Panama Canal treaties that were never signed. Also, I would invite attention to a volume of my own addresses on Isthmian Canal "Policy Questions," published as House Document No. 474, 89th Congress, and to subse-

quent statements by me that supplement those in the volume.

The latest significant development as regards the interoceanic canal question is the formation of the Committee for Continued U.S. Control of the Panama Canal. Its membership is distinguished, knowledgeable, and realistic.

A recent memorial to the Congress prepared by the Committee summarizes in objective manner the major points in the canal problem with a suggested plan for legislative action. Let us save the Panama Canal and prevent our strategic position on the Isthmus from falling into Soviet hands by adopting the committee's recommended program.

Because of the inherent value and timeliness of the indicated memorial, I have distributed copies of it to all Members of the Congress, selected officials of the executive department, and many others, and urge its careful study by all concerned with Isthmian Canal policy questions.

The memorial follows:

COMMITTEE FOR CONTINUED U.S. CONTROL OF THE PANAMA CANAL

Honorable Members of the Congress of the United States.

The undersigned, who have studied various aspects of interoceanic canal history and problems, wish to express our views:

1. The construction by the United States of the Panama Canal (1904–1914) was one of the greatest works of man. Undertaken as a long-range commitment by the United States in fulfillment of solemn treaty obligations (Hay-Pauncefote Treaty of 1901) as a "mandate for civilization" in an area notorious as the pest hole of the world and as a land of endemic revolution, endless intrigue and governmental instability (Flood, "Panama: Land of Endemic Revolution . . ." CONGRESSIONAL RECORD, vol. 115, pt. 17, pp. 22846–49), the task was accomplished in spite of physical and health conditions that seemed insuperable. Its subsequent management and operation on terms of "entire equality" with tools that are "just and equitable" have won the praise of the world, particularly countries that use the Canal.

2. Full sovereign rights, power and authority of the United States over the Canal Zone territory and Canal were acquired by treaty grant from Panama (Hay-Bunau-Varilla Treaty of 1903), all privately owned land and property in the Zone were purchased from individual owners, and Colombia, the sovereign of the Isthmus before Panama's independence, has recognized the title to the Panama Canal and Railroad as vested "entirely and absolutely" in the United States (Thomson-Urrutia Treaty of 1914–22).

3. The gross total investment of our country in the Panama Canal enterprise, including its defense, from 1904 through June 30, 1968, was $6,368,009,000; recoveries during the same period were $1,359,931,421, making a total net investment by the taxpayers of the United States of more than $5,000,000,000. Except for the grant by Panama of full sovereign powers over the Zone territory, our Government would never have assumed the grave responsibilities involved in the construction of the Canal and its later operation, maintenance, sanitation, protection and defense.

4. In 1939, prior to the start of World War Two, the Congress authorized, at a cost not to exceed $277,000,000, the construction of a third set of locks known as the Third Locks Project, then hailed as "the largest single current engineering work in the world." This Project was suspended in May 1942 because of more urgent war needs, and the total expenditures thereon were $76.-357,405, mostly on lock site excavations at Gatun and Miraflores, which are still usable. Fortunately, no excavation was started at Pedro Miguel. The current program for the enlargement of Gaillard Cut is scheduled to be completed in 1970 at an estimated cost of $81,257,097. These two projects together represent an expenditure of more than $157,-000,000 toward the major modernization of the existing Panama Canal.

5. As the result of canal operations during the crucial period of World War Two, there was developed in the Panama Canal organization the first comprehensive proposal for the major operational improvement and increase of capacity of the Canal as derived from actual marine experience, known as the Terminal Lake—Third Locks Plan. This conception includes provisions for the

(1) Elimination of the bottleneck Pedro Miguel Locks.

(2) Consolidation of all Pacific Locks South of Miraflores.

(3) Raising the Gatun Lake water level to its optimum height (about 92').

(4) Construction of one set of larger locks.

(5) Creation at the Pacific end of the Canal of a summit-level terminal lake anchorage for use as a traffic reservoir to correspond with the layout at the Atlantic end, to permit uninterrupted operation of the Pacific locks during fog periods.

6. Competent, experienced engineers have officially reported that "all engineering considerations which are associated with the plan are favorable to it." Moreover, such solution:

(1) Enables the maximum utilization of all work so far accomplished.

(2) Avoids the danger of disastrous slides.

(3) Provides the best operational canal practicable of achievement with the certainty of success.

(4) Preserves and increases the existing economy of Panama.

(5) Avoids inevitable demands for damages that would be involved in a Canal Zone sea level project.

(6) Averts the danger of a potential biological catastrophe with international repercussions that would be caused by removing the fresh water barrier between the Oceans.

(7) Can be constructed at "comparatively low cost" without the necessity for negotiating a new canal treaty with Panama.

7. All of these facts are paramount considerations from both U.S. national and international viewpoints and cannot be ignored, especially the diplomatic and treaty angles. In connection with the latter, it should be noted that the original Third Locks Project, being only a modification of the existing Canal, and wholly within the Canal Zone, did not require a new treaty with Panama. Nor, as previously stated, would the Terminal Lake—Third Locks Plan require a new treaty.

8. In contrast, the persistently advocated and strenuously propagandized Sea-Level Project at Panama, initially estimated in 1960 to cost $2,368,500,000, exclusive of indemnity to Panama, has long been a "hardy perennial," and according to former Governor of the Panama Canal, Jay J. Morrow, it seems that no matter how often the impossibility of realizing any such proposal within practicable limits of cost and time is demonstrated, there will always be someone to argue for it; and this, despite its engineering impracticability. Moreover, any sea-level project, whether in the U.S. Canal Zone territory or elsewhere, will require a new treaty or treaties with the countries involved in order to fix the specific conditions for its construction; and this would involve a huge indemnity and a greatly increased annuity that would have to be added to the cost of construction and reflected in tolls, or be wholly borne by the United States taxpayers.

9. Starting with the 1936–39 Treaty with Panama, there has been a sustained erosion of United States rights, powers and authority on the Isthmus, culminating in the completion in 1967 of negotiations for three proposed new canal treaties that would:

(1) Surrender United States sovereignty over the Canal Zone to Panama;

(2) Make that weak, technologically primitive and unstable country a partner in the management and defense of the Canal;

(3) Ultimately give to Panama not only the existing Canal, but also any new one constructed in Panama to replace it, all without any compensation whatever and all in derogation of Article IV, Section 3, Clause 2 of the U.S. Constitution. This provision vests the power to dispose of territory and other property of the United States in the entire Congress (Senate and House) and not in the treaty-making power of our Government (President and Senate).

10. It is clear from the conduct of our Panama Canal policy over many years that policy-making elements within the Department of State have been, and are yet engaged in efforts which will have the effect of diluting or even repudiating entirely the sovereign rights, power and authority of the United States with respect to the Canal and of dissipating the vast investment of the United States in the Canal Zone project. Such actions would eventually and inevitably permit the domination of this strategic waterway by a potentially hostile power that now indirectly controls the Suez Canal. That canal, under such domination, ceased to operate in 1967 with vast consequences of evil to world shipping.

11. Extensive debates in the Congress over the past decade have clarified and narrowed the key canal issues to the following:

(1) Retention by the United States of its undiluted and indispensable sovereign rights, power and authority over the Canal Zone territory and Canal, and

(2) The major modernization of the existing Panama Canal.

Unfortunately, these efforts have been complicated by the agitation of Panamanian extremists, aided and abetted by irresponsible elements in the United States which aim at ceding to Panama complete sovereignty over the Canal Zone and, eventually, the ownership of the existing Canal and any future canal in the Zone or in Panama that might be built by the United States to replace it.

12. In the First Session of the 91st Congress identical bills were introduced in both House and Senate to provide for the major increase of capacity and operational improvement of the existing Panama Canal by modifying the authorized Third Locks Project to embody the principles of the previously mentioned Terminal Lake solution.

13. Starting on October 27, 1969 (Theodore Roosevelt's birthday), more than 100 Members of Congress have sponsored resolutions expressing the sense of the House of Representatives that the United States should maintain and protect its sovereign rights and jurisdiction over the Panama Canal enterprise, including the Canal Zone, and not surrender any of its powers to any other nation or to any international organization.

14. The Panama Canal is a priceless asset of the United States, essential for interoceanic commerce and Hemispheric security. Clearly, the recent efforts to wrest its control from the United States trace back to the 1917 Communist Revolution and conform to long range Soviet policy of gaining domination over key water routes as in Cuba, which flanks the Atlantic approaches to the Panama Canal, and as was accomplished in the case of the Suez Canal. The real issue as regards the Canal Zone and Canal sovereignty is not United States control *versus* Panamanian, but United States control *versus* Communist control. This is the subject that should be debated in the Congress, especially in the Senate.

15. In view of all the foregoing, the undersigned urge prompt action as follows:

(1) Adoption by the House of Representatives of pending Panama Canal sovereignty resolutions; also similar action by the Senate.

(2) Enactment by the Congress of pending measures for the major modernization of the existing Panama Canal.

To these ends, we respectfully urge that hearings be promptly held on the indicated measures and that Congressional policy thereon be determined for early prosecution of the vital work of modernizing the Panama Canal, now approaching capacity saturation.

Dr. Karl Brandt, Palo Alto, Calif., Economist, Hoover Institute, Stanford, Calif. Formerly Chairman, President's Council of Economic Advisers.

Dr. John C. Briggs, Tampa, Fla., Chairman, Department of Zoology, University of South Florida.

William B. Collier, Santa Barbara, Calif., Business Executive with Background of Engineering and Naval Experience.

Dr. Lev E. Dobriansky, Alexandria, Va., Professor of Economics, Georgetown University.

Dr. Donald M. Dozer, Santa Barbara, Calif., Historian, University of California, Authority on Latin America.

Cmdr. Carl H. Holm, Miami Beach, Fla., Business Executive, Naval Architect and Engineer.

Dr. Walter D. Jacobs, College Park, Md., Professor of Government and Politics, University of Maryland.

Maj. Gen. Thomas A. Lane, McLean, Va., Engineer and Author.

Dean Edwin J. B. Lewis, Washington, D.C., Professor of Accounting, George Washington University, President, Panama Canal Society, Washington, D.C.

Dr. Leonard B. Loeb, Berkeley, Calif., Professor of Physics, University of California.

Howard A. Meyerhoff, Tulsa, Okla., Consulting Geologist. Formerly Head of Department of Geology, University of Pennsylvania.

Richard B. O'Keeffe, Washington, D.C., Assistant Professor, George Mason College. Formerly Research Associate, The American Legion.

William E. Russell, New York, N.Y., Lawyer, Publisher and Business Eexcutive.

Capt. C. H. Schildhauer, Owings Mills, Md., Aviation Executive.

V. Ad. T. G. W. Settle, Washington, D.C., Formerly Commander, Amphibious Forces, Pacific.

Harold L. Varney, New York, N.Y., Editor, Authority on Latin American Policy Chairman, Committee on Pan American Policy.

B. Gen. Herbert D. Vogel, Washington, D.C., Consulting Engineer. Formerly Deputy Governor, Panama Canal Zone.

R. Ad. Charles J. Whiting, La Jolla, Calif., Attorney at Law.

THE 195TH ANNIVERSARY OF U.S. ARMY CORPS OF ENGINEERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. FALLON) is recognized for 10 minutes.

Mr. FALLON. Mr. Speaker, today the U.S. Army Corps of Engineers celebrated its 195th anniversary, and I would like to take this opportunity to congratulate Lt. Gen. F. J. Clarke, the Chief of the Army Engineers, and each member of this fine organization for their dedication, resourcefulness, and accomplishments over the years.

To mark this historical event Secretary of the Army Stanley R. Resor will be the principal speaker at the Corps' new headquarters in the Forrestal Building. A further ceremony will be the presentation by General Clarke of length-of-service awards to 87 persons whose service total 1,800 years, a remarkable statistic which speaks well for the very high standards of employment management practices within the Corps of Engineers.

The beginnings of the Corps of Engineers and of the civil works program which it administers so capably go back to the early days of the Nation's history.

On June 16, 1775, the Continental Congress resolved:

> That there be one Chief Engineer at the Grand Army and that his pay be $60 per month. That two assistants be employed under him, and that the pay of each of them be $20 per month.

At the close of the Revolutionary War the Army Engineers were disbanded, although they continued to plan and construct public and defense works as individuals under contract. In 1794, Congress combined the two branches into a single Corps of Engineers with headquarters at West Point where the Military Academy was also established. From that "second birth" the Corps has developed progressively and continuously to its present status.

President Jefferson first established the policy of assigning to the Army Engineers various peacetime duties of a civil as well as military nature. He sent them into the western frontiers of the rapidly growing nation to survey and report on the requirements for roads, canals, bridges, and other civil works; they constructed many of those improvements.

In 1824, Congress established a Board of Internal Improvements, consisting of two Army engineers and one civilian engineer, to plan a national transportation system of roads, canals, and waterways. In 1824 also, Congress passed a forerunner of the River and Harbor Acts under which the Corps of Engineers has since developed and maintained the Nation's waterways for navigation and related purposes.

As the country grew, the Army's Engineers were assigned, in addition to a regular program of river and harbor improvements, a variety of other nonmilitary tasks. These included such assignments as exploration and mapping of the West, road and railroad location surveys, charting of the Great Lakes, and construction of monuments, buildings, and water supply system for the Nation's Capital.

Gradually such activities required the establishment of many field offices which had continuing responsibilities. This resulted in the formation in 1888 of a nationwide system of division offices each of which supervised several district offices where operation staffs were maintained for planning, designing, constructing, and operating river and harbor improvements.

The civil works program of the Corps was directed primarily to improvements for navigation until 1879 when the Mississippi River Commission was created with flood control as an added function. For many years flood control was only incidental to navigation but ultimately an extensive system of works for protection of the alluvial valley of the Mississippi from floods and stabilization of the river channel for navigation was provided.

In 1893, through establishment of the California Debris Commission, the Corps acquired responsibility for regulation of hydraulic mining in the Sacramento and San Joaquin Basins and for development of debris basins and other measures to prevent possible damage to navigation from such mining.

By the turn of the century a national consciousness of the need for conservation and proper use of water resources was developing. Comprehensive legislation for the protection and preservation of navigable waters was adopted in 1899 under which the Corps of Engineers administered a system of permits and regulations for bridges and structures in or over navigable waters and enforces the prohibition against discharge of nonliquid wastes into navigable waters. Oil pollution responsibilities were added in 1924.

In 1902, with the creation of the Board of Engineers for Rivers and Harbors in the Corps of Engineers, the groundwork was laid for improvement of the formulation and review of proposals for waterway developments.

In 1904, the Corps was called upon to construct the Panama Canal and in 1914 successfully completed this formidable task with its unprecedented earthmoving requirements.

In 1917, Federal activity on flood control on the Mississippi which had been carried on since 1879 only to the extent it could be related to navigation was acknowledged in its own right through specific legislation. At the same time the Corps was also authorized to undertake flood control work on the Sacramento River in California.

The first nationwide survey of the multiple use possibilities for development of the Nation's rivers was assigned to the Army in 1927. In the following decade, the Corps of Engineers prepared some 200 reports know as "308" reports outlining possible development for the purposes of navigation, flood control, irrigation, and hydroelectric power development. These studies have been generally acknowledged as having greatly facilitated the intensive multiple-purpose water planning and development of recent years.

Shore protection responsibilities were added to the Corps civil works program in 1930. In 1936, nationwide flood control activities, except those associated with land treatment measures by the Department of Agriculture, were made a function of the Corps of Engineers. The 1936, 1938, and 1944 Flood Control Acts also assigned the Corps responsibilities for considering and proposing multiple water uses including hydropower, water supply, recreation, and fish and wildlife. Subsequent legislation has expanded the opportunity and requirement for these purposes in the civil works program and has added functions as water quality control and flood plain information service.

As a result of the increase in both the number of purposes and size of the program, the Corps of Engineers civil works

organization in 1940 had grown to 42,000 persons employed in 11 divisions and 48 districts with an annual budget of about $280 million. The existence of this engineering organization in the Army was an important consideration when responsibility for construction for the Air Corps was transferred from the Quartermaster General to the Chief of Engineers in 1940 and when all other Army construction was transferred to the Corps in 1941. The civil works organization was able to adapt quickly and, by June 1942, had military construction underway at the rate of $20 million per day. In the period 1940 to 1945 the Corps completed approximately $11 billion in construction of some 3,000 command installations, 300 major industrial projects, and numerous miscellaneous facilities.

During World War II the Corps was also entrusted with the management of the Manhattan project for development of the atomic bomb.

Since World War II, the Corps has been assigned, in addition to its continuing programs of military construction for the Army and Air Force, major functions in the intercontinental ballistics missile program, the national aeronautics and space programs, civil defense, and disaster recovery operations.

Meanwhile, the civil works program had grown from a curtailed World War II level of just over $100 million to over a billion dollars annually. The Corps program is the largest single Federal activity in this area, constituting more than one-third of all Federal civil public works exclusive of loan and grant programs such as that of the Bureau of Public Roads.

In summary, the civil works program has accumulated, since 1824 about 4,477 project authorizations with a total estimated Federal cost of $35.8 billion. Approximately $16.7 billion will be required to complete the active authorized improvements of more than 1,250 projects.

The Federal program for the improvement of rivers and harbors consists of three major parts: Coastal harbors and channels, Great Lakes harbors and channels, and the inland and intracoastal waterways. Each of these systems has more than justified construction and operating costs by savings in transportation costs.

Coastal harbors and channels accommodated 334 billion ton-miles of foreign and coastwise traffic in calendar year 1967. Harbors and channels of lesser depths also have been provided for commercial fishing, recreational boating, and harbors of refuge.

The vast water areas of the Great Lakes, joined by improved connecting channels, provide a low-cost transport artery that permits movement of material and products in huge quantities to advantageously located industrial areas. In calendar year 1968 waterborne commerce at Great Lakes harbors and channels totaled 108.4 billion ton-miles.

The Federal Government has improved in varying degree some 19,000 miles of inland and intracoastal waterways. Commerce on these waterways has surpassed 287 billion ton-miles annually. The authorized flood control program, including the Mississippi River and tributaries project, is estimated to cost $14 billion. Since 1936, the Corps has completed 675 specifically authorized projects, with an estimated cost of about $3.8 billion. Projects having an estimated cost of about $6.3 billion are under construction, and many of these have been advanced to the point where they are at least partially effective for flood control. The remainder of the active flood control program estimated to cost $3.9 billion, has not been started. Many multiple-purpose reservoir projects with power provide important flood control benefits. There are 917 Corps of Engineers projects of all categories now fully or partially effective for flood control and, during the limited period they have been in operation, they have prevented about $18 billion of flood damages.

About 5.5 million acre-feet of water supply storage space in reservoirs supplements the water supplies for over 2 million people in almost 100 cities, towns, and rural areas. This storage provides the main water source for many communities. A dependable supply in excess of 3.5 billion gallons per day is available from storage space now in operation. There will be about 2.5 million acre-feet of additional domestic and industrial water supply storage in 23 reservoirs under construction. More than 6 million acre-feet of storage is available for irrigation use from 20 reservoirs. There are almost 11 million kilowatts of installed hydroelectric capacity producing about 3.7 percent of the total generating capacity and 22 percent of the hydroelectric generating capacity throughout the Nation. Basic facilities have been provided which permitted recreational use amounting to 254 million visitations in 1968 as compared with 16 million only 18 years earlier. The reservoirs also provide substantial fish and wildlife benefit and improved water quality through low flow augmentation.

In an anniversary message addressed to the members of the U.S. Army Corps of Engineers, Gen. W. C. Westmoreland, Chief of Staff, U.S. Army said:

> The men and women of the United States Army join me in a salute to the members of the Corps of Engineers honoring its 195th anniversary. It is with distinct pleasure that we extend our congratulations and best wishes.
>
> As members of a proud and distinguished Corps, you can take justifiable pride in the dedicated service given our country for almost two centuries. During the past year, in keeping with this tradition, you have demonstrated unsurpassed professional skill and enthusiasm in accomplishing your manifold responsibilities to our Army and our Nation. Throughout the free world, and particularly in Vietnam, your achievements have earned the respect and appreciation of all who seek a lasting peace.
>
> Speaking for your fellow soldiers, I heartily commend your past performance, and express our confidence that you will meet the challenges of the future with continued success.

Mr. Speaker, as chairman of the Committee on Public Works, I am proud to note the contribution to the Nation which has resulted from the water resource development projects of the Corps of Engineers—projects which the committee has recommended and which the Congress has authorized. These projects have created vast opportunities for our fellow Americans to live safe from repetitive devastating floods, to utilize the most modern waterway transportation areas and many miles of shorelines for outdoor recreation, and to enjoy the economic advances which accompany water resources development.

Mr. Speaker, I am proud of my association with the good people, both military and civilian, who make up the Corps of Engineers. I wish for them many, many years of continued success.

JUSTICE DEPARTMENT NEGOTIATIONS UNDERMINE ADMINISTRATION CLASS ACTION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY), is recognized for 30 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, 2 weeks ago today the Federal Trade Commission declared a crackdown on magazine subscription sales abuses that have victimized American consumers for three decades or more.

Briefly, the FTC declared its intent to issue formal complaints charging four prominent publishing houses and 10 of their subsidiaries with use of deceptive methods to sell long-term subscriptions and with use of harassment to collect contract payments from deceived subscribers. All of the firms named in the FTC action sell multiple, long-term magazine subscriptions on a budget payment plan known in the industry as "PDS—Pay During Service."

Each of the four parent organizations, which the FTC said it has "reason to believe" have committed violations of the law, has been afforded the opportunity to sign consent orders, thereby agreeing to "cease and desist" from engaging in a long list of deceptive and harassing practices.

Identified in the FTC action are the following firms:

> Cowles Communications, Inc., 488 Madison Ave., New York City; and five wholly owned subsidiaries—Civic Reading Club, Inc., Educational Book Club, Inc., Home Reader Service, Inc., Mutual Readers League, Inc., and Home Reference Library, Inc., all located at 111 Tenth St., Des Moines, Iowa.
>
> Perfect Film & Chemical Corp., 641 Lexington Ave., New York City, and its wholly owned subsidiary, Perfect Subscription Co., Independence Square, Philadelphia, and a wholly owned subsidiary of Perfect Subscription, Keystone Readers' Service, Inc., Seventh and Main Streets, Fort Worth, Tex.
>
> The Hearst Corp., 959 Eighth Ave., New York City, its wholly owned subsidiary, Periodical Publishers' Service Bureau, Inc., 310 N. Superior St., Sandusky, Ohio, and International Magazine Service of the Mid-Atlantic, Inc., 2518–2524 N. Charles St., Baltimore, a franchisee of Periodical Publishers.
>
> Time Incorporated, Time-Life Building, New York City, and its wholly owned subsidiary, Family Publications Service, Inc., 1212 Avenue of the Americas, New York City.

The FTC crackdown on the PDS division of the magazine industry was a firm beginning—but it was only a beginning. If magazine sales are to be cleaned up

fully, other aspects of the industry's operations must receive official attention.

One of these is the method by which magazine sales agencies pressure reluctant subscribers to pay for unwanted magazines. It is common practice for these agencies to operate their own collection bureaus, subjecting subscribers who wish to cancel their subscriptions to months of collection harassment by mail and by telephone.

In February, after efforts to seek corrective action directly through Chesapeake & Potomac Telephone Co. of Maryland, I submitted subscriber complaints of telephone harassment by International Magazine Service of the Mid-Atlantic, based in Baltimore, to the Federal Communications Commission. IMS of the Mid-Atlantic has been temporarily enjoined from engaging in deceptive practices in New Jersey, is the target of legal action by the Bureau of Consumer Protection in Pennsylvania, and was named in the FTC action 2 weeks ago. It is a Hearst subsidiary.

IMS is not the only magazine agency that engages in telephone harassment of tardy customers. Most of the other agencies named in the FTC action subject their customers to similar pressures. IMS merely stands out as having one of the more forceful collection operations, sometimes calling employers, friends, and relatives to report that subscribers are delinquent in their accounts, threatening law suits, jail sentences, or even deportation if accounts are not paid.

Since first reporting the IMS collection tactics, I have supplied the FCC of telephone harassment by other agencies as well. The FCC has initiated an investigation of the IMS operations, seeking to determine whether Chesapeake & Potomac Telephone Co. of Maryland has failed to enforce its own rules which forbid harassing telephone calls.

However, while that specific matter is still unresolved, the Federal Communications Commission has taken action to halt misuse of telephones by agencies engaged in high pressure collection of claimed debts.

The FCC served warning on all telephone companies that the consumer has a right "not to be harassed by telephone." By a unanimous 5 to zero vote, the FCC issued an order in which it declared the Commission has received information that interstate telephone service "is being increasingly used for collection of claimed debts in ways that are or may be in violation" of telephone company rules and Federal criminal laws.

The invasion of the American consumer's privacy by way of telephone circuits has become a national disgrace. The FCC's affirmation of the public's right not to be subjected to abuse via telephone service for which it pays a high premium is a commendable step in the right direction. I urge every telephone subscriber who receives harassing calls to report them in writing to his telephone company and to mail a copy of the complaint to the FCC, to insure this right is not compromised.

In sharp contrast to the FTC's firm stance on magazine sales abuses and the FCC's crackdown on telephone harassment for the collection of disputed debts is the foot shuffling taking place within the U.S. Department of Justice in regard to some of the more serious magazine sales abuses.

I refer to the Justice Department's interference with the orderly investigation by a Federal grand jury of possible postal fraud involving magazine sales subsidiaries of Cowles Communications.

This Federal grand jury was convened in Des Moines, Iowa, February 17, 1970. For 3 days it probed anxiously and perceptively into the selling methods and business operations of Cowles' subsidiaries, as described by a string of 10 witnesses.

Before the grand jury could resume its investigation in March, Cowles initiated a series of moves that disrupted the investigation. Within a period of several weeks, attorneys for the publishing house filed a succession of motions alleging improper investigative techniques by two U.S. postal inspectors. The third of these motions sought to have the grand jury investigation scrapped entirely.

Subsequently, a hearing in open court was scheduled for April 20 to take up the Cowles' motions. But in an unexpected 11th hour move, the U.S. attorney at Des Moines requested postponement. Surprised U.S. postal inspectors learned of the postponement when they read it in the newspapers.

I have since learned and verified that attorneys for Cowles are engaged in negotiations with the Justice Department to reach a compromise agreement. Based on information I have gleaned from a number of sources and circumstances, I have reason to believe Cowles may be willing to plead "guilty" or "nolo contendere" to postal fraud on behalf of its five subscription-selling subsidiaries provided the parent corporation—Cowles, itself—and its assets and key executives are protected from criminal proceedings.

Although such a settlement may seem satisfactory to the Justice Department, I am concerned it would be contrary to the public interest and, possibly, the national interest as well.

There is a very real possibility, for example, that the Internal Revenue Service will have an interest in the outcome of the proceedings begun in Des Moines. Therefore, I want to be absolutely certain this potential interest is fully safeguarded in any negotiations conducted within the Justice Department.

Further, if the investigative proceedings initiated by the U.S. Postal Inspection Service and continued by the Federal grand jury were successful in establishing evidence of postal fraud, it is likely that civil proceedings will subsequently be initiated by consumers, by agents of the subsidiaries, or advertisers who may have received substandard returns on their advertising dollars. Thus, it is important the public interests in these proceedings likewise be fully safeguarded.

There is one other immediately significant aspect of the negotiations between Justice and Cowles' attorneys. It is their potential to deactivate the trigger mechanism in class action legislation of the type advocated by President Nixon.

Consumer advocates and business groups currently are locked in controversy over two alternative approaches to consumer class action suits to counteract sales abuses. The Nixon administration's bill would allow class action suits only after the Federal Trade Commission or the Justice Department has initiated the trigger action. Under the stronger Eckhardt bill, of which I am a cosponsor, such Federal trigger action is not required.

Obviously, if the Justice Department proceeds with negotiation of a settlement of this very significant case in Des Moines it will have demonstrated clearly how the administration bill can be rendered a worthless instrument of consumer protection. In this sense, the administration bill would stand exposed as a hoax.

The grand jury investigation of Cowles' selling practices is directed at hundreds of millions of dollars worth of subscription contracts. It involves business practices carried out across the entire United States and beyond. The Justice Department's negotiations, if they result in any agreement which fails to safeguard fully the interests of the public and the Nation, must be regarded as improper.

The specter of the Justice Department busily engaged in settling out of court other major consumer cases in the future must be recognized now as fair warning to the Congress that the administration's class action bill is a hoax that we dare not substitute for the more effective measure now pending in the Committee on Interstate and Foreign Commerce.

It is appropriate that I point out my disclosure today of these negotiations does not come as a surprise to the Justice Department, nor does it in any way compromise the confidential nature of the Federal grand jury proceedings in Des Moines.

Under date of May 7, 1970, I wrote to the Attorney General and requested a briefing on the negotiations which are being conducted outside the realm of the grand jury investigation. I did not request nor expect any information about proceedings conducted in secrecy by the Federal grand jury. There is no need to ask that. Much of the information was developed in my own office and involves situations and practices with which I am intimately familiar. Thus, Justice's response was irrelevant.

Because of the Post Office Department's direct interest in the investigation, the Chief Postal Inspector also was supplied a copy of my letter to Justice. I think it is a fair observation to say the Postal Inspection Service is not entranced by the negotiations underway.

In addition, I alerted the office of the President's adviser on consumer affairs, Mrs. Virginia Knauer, last week. I believe that office, too, is fully cognizant of the harmful impact negotiations of this kind could have on the effectiveness of the administration's class action measure, should it become law. Mrs. Knauer, who was Pennsylvania's chief consumer protection officer before joining the President's staff, was herself engaged in the investigation of magazine sales practices in Pennsylvania and is keenly familiar with the abuses.

Thus, I feel I have been more than fair in attempting to protect the administration from itself in this instance. In addition to my own direct request for discussion with the Justice Department, I have been advised that two other requests for direct communication between Justice and my office were made by individuals within the executive branch. The total lack of response to these overtures leaves no recourse but to make this issue a matter of public record.

There are, Mr. Speaker, other aspects of my investigation of magazine sales methods which must be regarded as "unfinished business" at this time. I would like to make note of some of these at this time.

First, in addition to those "PDS" subscription sales agencies named in the Federal Trade Commission action 2 weeks ago, there are other PDS agencies which employ many of the same deceptive practices which have not been identified by the FTC. I urge the FTC to take simliar steps to stop selling and collection abuses by these other agencies. Among them are Neighborhood Periodical Club, a comparatively new organization, and Franklin Reader Service, the latter a Washington-based organization which sells subscription packages, coupled with a variety of bonus books and other items, having a total cost of about $450. Franklin Reader Service has a tendency to prey on young married servicemen and apparently concentrates some of its sales activities around military installations.

I also urge the FTC to move swiftly to attack the chief nemesis of the American householder—the roving magazine crew which sells magazine subscriptions for cash payments in amounts as high as the traffic will bear. Almost without exception, these traveling magazine sales crews represent themselves to be students "working their way through college" when they are not even enrolled in colleges, or individuals supposedly associated with prominent foundations, institutions, or Government programs, when in fact they are nothing more or less than magazine salesmen.

I have alerted the FTC to these and numerous other misrepresentations of agents selling magazines for: Local Reader Service, Leisure Reader Service, and Literary Reader Service, all based in Terre Haute, Ind., and having among their corporate officials one or more individuals who figure prominently in the management of PDS sales agencies owned by Cowles Communications, Inc.; Subscriptions Bureau, limited, which recently shifted its corporate base from Arlington to Fairfax County, Va.; Universal Readers Service, Terre Haute, Ind.; Interstate Publishers Service, Kansas City, Mo.; Publishers Continental Sales Corp., Michigan City, Ind., and others.

Because it is my understanding that the FTC considers these cash sales agencies under "active" investigation at the present time, I anticipate that they may soon confront the new brand of FTC "broom" that has a welcome quality to sweep clean.

In this regard, I commend Chairman Caspar Weinberger for the "consumer conscious" image he has given the Federal Trade Commission since assuming its chairmanship in January. I regret that he is leaving the Commission after so short a time but hope that his successor will bring to that post the same high qualities of leadership, management, and determination Chairman Weinberger possesses.

Still other aspects of magazine sales are deserving of attention. There is a vast collection of skeletons in the magazine industry's closets which have not yet been subjected to scrutiny.

There are, for example, very substantial indications that magazine sales for many years have been conducted in a discriminatory manner, in that various sales agencies reject as a matter of course any subscription orders they can identify as having been placed by Negroes.

The current trend among magazines to concentrate their circulation among high-income consumers is, of itself discriminatory because it represents a conscious effort to exclude or purge from circulation lists the low- and moderate-income families of the Nation, among them the majority of many minority groups. It is these same lower income families who might benefit most, for example, from the opportunity to buy several long-term magazine subscriptions through the budget payment plan offered by PDS agencies. Yet, automatic rejection of identifiable Negro orders is a practice common among the PDS agencies, as numerous dealers and corporate personnel have confirmed during my investigation of sales methods. Negro sales are commonly averted by declaring low-income sectors of urban communities, predominantly the black neighborhoods, off limits. The industry's justification for the discrimination is that persons from the lower income neighborhoods are "poor credit risks."

Another problem area is the failure of the Audit Bureau of Circulation, ABC as it is known to publishers of all kinds, to detect sales trickery and fraud in its audits of "paid circulation" of magazines, newspaper and other periodicals. Advertising rates for individual publications are based on circulation figures supposedly verified by ABC audits.

I think it is time to ask where ABC has been during the years of magazine sales trickery. What has ABC done, and what is it doing now, to insure advertisers they are receiving a fair return for their advertising dollars? If advertisers haven't started asking these questions, then there could be no more appropriate time than the present.

In conclusion, I want to make note of just one more aspect of the magazine scandal. The sales abuses uncovered by my investigation and cited by the FTC are not restricted to sales activities in the United States.

Many agencies which sell magazines in this country, also conduct sales in neigboring Canada, for example, as well as in American communities near U.S. military installations and elsewhere in many parts of the world. American encyclopedia sales companies have been on the "hot seat" in several Scandinavian countries for a number of years.

In this regard, I am pleased to announce that I have gathered information about magazine sales activities by several agencies operating in Canada and that this information now is in the hands of a member of the Canadian Parliament and several Provincial and national agencies engaged in protection of the Canadian consumer.

To supplement my remarks, I would like to call attention to the FCC order regarding telephone harassment which appears in today's Federal Register and to insert in the RECORD my exchange of correspondence with the Department of Justice:

MAY 7, 1970.

THE ATTORNEY GENERAL OF THE UNITED STATES, *Department of Justice, Washington, D.C.*

DEAR MR. ATTORNEY GENERAL: A series of events, as well as information which has come to my attention, and a discussion my Administrative Assistant recently had with Mr. John C. Keeney, Director of the Fraud Section, Department of Justice Criminal Division, prompt this request for a full briefing on disposition of a Federal Grand Jury investigation of postal law violations involving five wholly-owned subscription sales agencies of Cowles Communications, Inc.

Having been instrumental in providing U.S. Postal Inspectors with information, evidence and witnesses to establish the corporate role in selling abuses which postal authorities believe constitute mail fraud, as evidenced by this Grand Jury Proceeding. I am keenly aware of the tremendous volume of evidence of very serious business practices at issue.

Thus, I feel I am justifiably concerned by reports that the Justice Department is negotiating some agreement with Cowles Communications, Inc., whereby the Grand Jury proceedings begun on February 17, 1970, will not run their intended full course, and/or that portions of the Cowles corporate complex will be protected from involvement in any further proceedings.

Information compiled in my own investigation indicates to me that there is substantial basis to seek indictments for wholesale and blatantly fraudulent business practices. . . . Literally dozens of individuals who have held a variety of jobs within the Cowles subscription sales organizations have volunteered evidence and testimony.

The volume of sales alone which must be considered suspect as the result of possibly unlawful acts totals several hundred million dollars at the very least. These sales, in turn, were reported as paid circulation of periodicals owned by Cowles and other publishers. Thus, advertising revenues based upon paid circulation figures possibly inflated by fraudulent acts may very well total hundreds of millions of dollars more. To carry this progression one step farther, the combined business activity represented by suspect subscription sales, and suspect advertising revenues, is directly reflected in the total financial condition of Cowles Communications, Inc., and its performance on the stock market.

In short, if the Justice Department were to negotiate any settlement of this matter which would allow Cowles Communications to enter "guilty" or any other pleadings on behalf of wholly-owned subsidiaries which are and were controlled by officials who serve also as corporate officials of the parent Cowles Communications, while in any way exonerating or rendering blameless the parent Cowles Communications, particularly in regard to financial liability, I believe such

a move would be contrary to the public interest and the national interest.

Statements have been attributed to the U.S. Attorney in Des Moines that it is not his intention to "destroy an industry." Initially, it appeared his remark referred to the "magazine industry" and my Administrative Assistant assured Mr. Keeney of your staff that it is not now, nor has it ever been, my intention to destroy the magazine industry, nor for that matter any individual industry which engages in legitimate business practices. However, the Justice Department has no right whatsoever to protect any industry from government prosecution or private prosecution for unlawful acts if such protection places private interests above the public interests.

It seems likely that the settlement reportedly taking shape within the Justice Department, even though it may include pleadings of guilt to criminal acts, is not in the public interest if the Cowles Corporation is protected in any way from total liability in any civil proceedings that are likely to result.

Over the years, Cowles has frequently operated and discontinued not only franchise dealerships but entire sales subsidiaries. It already has announced plans to enter a new sales venture, Select Magazines, Inc., discontinuing five subsidiaries which, because their questionable business practices were detected, have outlived their usefulness, would be no great sacrifice if the parent organization, Cowles Communications, Inc., and its assets were rendered invulnerable by the Justice Department to private suits for damages.

Because of the tremendous public interest at stake here, I ask that I, as well as my Administrative and Legislative Assistants, be afforded a full and thorough briefing on the precise state of negotiations with Cowles, and the objectives which the Department of Justice seeks to obtain, and the minimum objectives the Department of Justice will accept in settlement.

I also request that I be advised why a hearing in open court on three motions filed by Cowles challenging investigative procedures of U.S. Postal inspectors scheduled for April 20th was postponed without informing the accused inspectors, and why these same inspectors are totally unaware of what is occurring in secret negotiations and maneuverings at this time, when the entire case hinges on the evidence and testimony their investigation is producing. Is it correct that the Grand Jury is scheduled to reconvene on May 19, 1970, and that it cannot resume its activity until or unless the pending motions are resolved, dismissed or withdrawn prior to that date?

I trust this matter will receive your prompt attention and response. The public interest in this matter requires that I take steps to have the possibility of a compromise settlement of this subject fully explored in Congressional Committee or publicly aired prior to its consummation, in the event I am not satisfied that the solution is in the public interest.

With kind personal regards, I am

Sincerely yours,

FRED B. ROONEY,
Member of Congress.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., May 11, 1970.

Hon. FRED B. ROONEY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ROONEY: This acknowledges your communication of May 7, 1970. It has been referred for appropriate action and a reply may be expected in the near future.

If you have any questions regarding your communication before receipt of a formal reply, please contact Mr. Harry Kulick, of my office on code 187, extension 3128.

Sincerely,

L. M. PELLERZI,
Assistant Attorney General for Administration.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., May 22, 1970.

Hon. FRED B. ROONEY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: This is in response to your letter of May 7, 1970, addressed to the Attorney General, wherein you request a briefing with respect to an investigation involving subscription sales agencies of Cowles Communications, Inc.

While we are most appreciative of your continuing interest in this investigation, I know you will understand that it would be inappropriate for this Department to brief you on a matter that is now pending before a grand jury.

Sincerely,

WILL WILSON,
Assistant Attorney General.

SUPPORT FOR MR. NIXON

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include an editorial.)

Mr. DEVINE. Mr. Speaker, recently one of the outstanding scholars of our time, Prof. Gottfried Haberler, the Galen L. Stone professor of international trade at Harvard University, voiced his support for President Nixon's actions in Vietnam and Cambodia.

Professor Haberler, in a letter to the editor of the Wall Street Journal, noted that misunderstandings of the President's move, or willful misinterpretations of it, polarize American society, encourage the enemy, and may well prolong the war.

Under unanimous consent I insert Professor Haberler's letter in the RECORD at this point.

SUPPORT FOR MR. NIXON

EDITOR, THE WALL STREET JOURNAL:

The war in Vietnam is a national disaster, The Eisenhower and Kennedy Administrations should not have started it and Johnson should not have escalated it, at least not piecemeal. If the war had to go on he should have immediately hit hard. For example, if seaborne supplies to the enemy through Haiphong and Cambodia had been halted, the war would probably have been finished some time ago. But all that cannot be changed any more. The problem now is to get out as fast as possible with a minimum of human and political loss. This is what the present Administration is trying to do, with some success. Troop strength has been substantially reduced and Vietnamization is apparently making good progress.

The foray into Cambodia is no real escalation. On the face of it, it makes excellent sense. There was after all an anti-Communist revolution and the sanctuaries 30 miles from Saigon are right before our noses. This offered a rare opportunity with very little military risk to greatly improve the military situation, to cut down losses and enhance the chances of an eventual disengagement. It would have been gross negligence to miss this unique opportunity. It nevertheless required great courage to act.

The internal reaction has been deplorable and threatens, by encouraging the enemy, to nullify the military benefits and to reduce the chances of an acceptable peace.

That militant students would seize the opportunity to intensify violence and disruptions was to be expected. That they were able to carry along many moderates is most unfortunate, though understandable. But the students' protest would have been less irrational and destructive without the hysterical and irresponsible reaction of many of their elders. The eagerness of many embattled university administrators and professors to make common cause with the student activists is a sorry spectacle. Sure, it deflects student pressure from the universities to Washington, but it also diverts the universities from their tasks and turns them into political battle wagons. Blaming the campus turmoil on "inflammatory" statements on the campus disruptures, their abettors and tolerators, by the President and Vice President is a transparent diversionary maneuver. Throwing fire bombs is evidently not inflammatory, but castigating the bomb throwers is!

That so many professors, journalists, other intellectuals and politicians completely misunderstand or willfully misinterpret the opportunities and limited nature of the Cambodian operation is a real tragedy. It polarizes American society, encourages the enemy, and may well prolong the war and lead to defeat. Victory does, of course, not mean—let it be repeated—military or political subjugation of Hanoi but merely withdrawal of U.S. forces without immediate surrender of South Vietnam to the Communists.

All Americans are sick and tired of the war, but there should be no blinking at the fact that many have acquired a strong vested interest in American defeat and humiliation, especially if the present Administration has to preside over the ordeal. To understand this, it is sufficient to imagine what a tolerate termination of the war would mean in terms of political prestige and elections. Many politicians would lose their elections, innumerable doubters, defeatists and Nixon-haters in the press (from the New York Times down) and elsewhere would stand revealed and embarrassed, and the many professor-politicians who have found shelter in the universities would find their chances of returning to the corridors of power in Washington drastically reduced.

To the ordinary citizens this will look as a small price to pay for extricating the country from its terrible predicament. But the power of intellectuals to convince themselves—and others of the truth and righteousness of a basically absurd and indefensible position should not be underrated.

GOTTFRIED HABERLER,
Galen L. Stone Professor of International Trade, Harvard University.
CAMBRIDGE.

THIS NATION CANNOT TOLERATE A RETARDED-MONKEY GAP

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

Mr. LEGGETT. Mr. Speaker, there are at this time seven primate research centers in the United States. These centers perform invaluable research in physiology, pharmacology, biochemistry, epidemiology, and other fields having direct relation to human health and life expectancy.

Last month there was something of a misunderstanding regarding the administration and land use of the primate research center at Davis, Calif., but I believe this has been cleared up to everyone's satisfaction. Under unanimous con-

sent agreement, I include an editorial entitled "Monkey Business," from the Wall Street Journal of May 18, 1970, and a responding letter to the editorial from the center's director, Dr. Robert E. Stowell, in the RECORD at the conclusion of my remarks. These inserts will explain and resolve the misunderstanding.

We all know that primates make the best experimental subjects, for they are the most humanlike of animals. Not only do the biologists tell us the monkey is much like the man; I am sure this thought has crossed the minds of all of us at one time or another as we have listened to the expostulations of those who disagreed with us.

So there should be no doubt that primate research is important and relevant. One of the most promising projects deals with artificially induced mental retardation, which has taught us a great deal about some of the tragic conditions of metabolically induced mental retardation sometimes found in human children.

But now this vital program is threatened by a crippling cutback. The Bureau of the Budget has recommended that only $8.1 million be allocated to the primate research centers in 1971, as opposed to $10.5 million appropriated in 1970 and $12.5 million requested for 1971.

This cut of $2.4 million below the present level does not seem like much, compared to the defense appropriation figures we are accustomed to throwing around. For $2.4 million, we could prosecute the war in Vietnam for perhaps 1 hour. Or we could buy one Phantom fighter plane. Or we could buy one-half of one Spartan ABM interceptor. But this seemingly trival sum represents a crippling 25-percent reduction in the primate research centers' budgets.

Mr. Speaker, the world in which we live may not always be pleasant, but we must have the courage and the resolve to face bitter reality.

I have it on good authority that the Soviets are pushing ahead full speed on the retarded-monkey research. In addition, the yellow hordes of China are beginning a program while quite small at the moment, may some day well overtake ours.

Mr. Speaker, if these funds are not restored in committee or on the floor, I am terribly afraid that one morning we are going to wake up and find ourselves on the short end of a retarded-monkey gap. The article follows:

[From the Wall Street Journal, May 18, 1970]

MONKEY BUSINESS

The General Accounting Office spends its time looking into all sorts of Federal operations, and it's a good thing too.

In recent years, for example, the Department of Health, Education and Welfare has granted $64 million to seven schools to build and operate primate research centers. This sort of work can be highly useful, since studies of monkeys can have revelance to that other primate—man.

At the Davis campus of the University of California, says the GAO, $465,000 of Federal money was used to buy 300 acres of land. According to the Federal investigators, though, the school used only 11 acres for the center and devoted the rest to its own agricultural research.

Now, the agricultural studies may be useful, too, but they surely aren't what Washington had in mind. With the Federal budget skidding once again into a deficit, you can't help wondering how much more of this sort of monkey business there may be around.

MAY 22, 1970.

Mr. VERMONT ROYSTER,
Editor, Wall Street Journal,
New York, N.Y.

DEAR MR. ROYSTER: In your editorial in the May 18, 1970, issue, "Monkey Business," we believe that the *Wall Street Journal* has served to plant a serious misconception in the minds of its readers about the University of California, Davis and the National Center for Primate Biology.

The editorial remarked on a December 1969 Government Accounting Office report to the Congress about the National Primate Research Centers Program supported by the National Institutes of Health of the Department of Health, Education and Welfare.

In terms of the overall supervision of the Davis facility and six other primate research centers, the *first* findings of the report were that federal officials had "discharged their administrative responsibilities in a generally satisfactory manner."

The GAO audit of the primate research centers was conducted in 1966–67. Frankly, we are surprised, yea astonished, that information covering only a small portion of an otherwise favorable report should receive this kind of treatment in your pages, completely out of context.

Your editorial said that the University of California, Davis used 289 acres of the National Center's federally funded 300 acres for agricultural research. It implied some kind of hanky panky on the part of the University and the Center in regard to land use. This we categorically deny.

In truth, the National Center uses nearly 50 acres of the 300 for its own activities. The University of California, Davis, as agreed upon by the UCD administration, statewide UC officials, and the National Institutes of Health, has used since its purchase approximately 250 acres for cash agricultural crops with the net proceedings being turned over to the National Center to help fund human-health-related medical research.

Surely in these times of declining federal budgets for medical research the *Wall Street Journal* is in favor of a little free enterprise to keep the health sciences viable.

The reason that the National Center for Primate Biology is not using the entire 300 acres provided by the federal government, as specified in its original growth plan, is directly due to the current limited funds made available by Congress for research. The National Institutes of Health is simply not able to fund our research program fully. Naturally, in the current climate, the University of California, Davis, other universities, and private foundations are not able to fill the gap. The National Center presently has the largest colony of nonhuman primates available for medical research.

Because of our research programs, we have a requirement for a relatively large number of breeding primates. The animals are, in a large part, in portable outdoor cages. Because of sanitary and health considerations, it is necessary to move these cages periodically around the Center's land. Thus we need extra space.

Frankly, we also find it imperative to have a significant buffer zone between the National Center and the surrounding community. Not many of your readers, especially those close to the Center at Davis, would want to live next door to a primate center with its several thousand large, noisy monkeys.

We thought your readers would be interested in these facts back of your editorial implications.

Sincerely yours,

ROBERT E. STOWELL,
Director.

SCHOLARSHIP AND ACTIVISM AT THE UNIVERSITY OF CALIFORNIA

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

Mr. LEGGETT. Mr. Speaker, there is a popular misconception that there are "responsible" students who do nothing but keep their noses in their books, go to football games, and occasionally participate in a panty raid, and there are "irresponsible" students who spend all their time agitating and never crack a book.

While I am sure one could find a few individuals who would conform to these descriptions, they would be the exceptions rather than the rule.

As a recent speech by President Charles J. Hitch of the University of California points out, scholarship, political concern, and activism are complementary rather than antagonistic.

President Hitch points out that the University of California, which in recent years has become known as the Nation's most politically active university, remains a first-rate academic institution by any standard. It boasts more Nobel Prize winners and more National Merit scholars than any other educational institution in the world. It ranks first in the production of Ph. D.'s, of Woodrow Wilson fellows, and of Peace Corpsmen.

And at the same time President Hitch points out:

> Student protest involves what is no longer a minority but a clear majority of the academic community—engineers as well as humanities students, athletes as well as student government leaders, sorority and fraternity members and many other student groups that have not until now been activists.

And among these "new" activists, as well as the "old" activists, one will find more honor students than dropouts. So let there be no doubt that activism has become a way of life for the best and brightest of our young people—and I for one am confident that they, the universities, and the Nation will be the better for it.

Under unanimous consent agreement, I include the address, "What Else Is Happening at the University of California," given by President Charles J. Hitch at the Commonwealth Club in San Francisco on May 29, 1970, at this point in the RECORD:

PRESIDENT HITCH EXPLAINS: WHAT ELSE IS HAPPENING AT THE UNIVERSITY OF CALIFORNIA

It is a privilege and a pleasure for me to be at this distinguished forum. Frankly, I have been on the listening end of quite a few remarks about the University these past few weeks, and it's rather a relief to be on the speaking end for a brief time. It's also a welcome opportunity, and one for which I am most grateful, to say some things that I believe are important and need saying about the University of California.

Like many other institutions of higher education, the University of California has experienced an appreciable amount of student unrest in recent years. This fact has created at least two difficult tasks for university administrators. The first is to deal as effectively and fairly as possible with the unrest itself. The second is to cope with problems arising from the institutional image that the unrest tends to create.

The University's image is in many ways as crucial as its reality. The essential support of the legislature and the general public is based in large part on the image they have of the institution. For some years the image was an outstanding academic institution with a fine football team. Then, for awhile, the image was an outstanding academic institution with a miserable football team—but the public charitably overlooked the poor football and continued it's support. Today, the image has come to focus so sharply on student unrest that the other part of the picture—the outstanding academic institution—is almost lost to view. And the consequences in terms of public support and thus continued institutional well-being are all too predictable.

COMPLEX UNIVERSITY

In his contribution to our new volume of centennial essays entitled *There Was Light*, Daniel Koshland, Jr., comments:

"The critics of the University always seem like the blind man with the elephant—they can grab one part of its enormously complex structure and believe that is the whole."

Well, my job today is to bring you the rest of the elephant—no partisan political symbolism intended. In short, I want to try to bring image and reality closer together by telling you what *else* is happening at the University of California.

First, some broad indices. I've selected the five-year period from the academic year 1964–65 when the Free Speech Movement erupted, to 1968–69, the most recent year for which we have final figures. You may recall that the gloomier observers of the FSM scene predicted it would lead to the demise, or at least the serious decline, of the University. Certainly those first tumultuous events had their impacts on the University, for good and ill, but demise or decline was not among them.

RECORD GROWTH

In the fall of 1964, University enrollment stood at 71,000 students. Five years later, it reached 99,000, an increase of 28,000 students. During that five-year period the University launched three entirely new general campuses—San Diego, Irvine, and Santa Cruz—whose combined enrollments by the fall of 1968 reached more than 10,000 students. And in response to the state's critical health care needs, the University established three new medical schools: at Davis, Irvine, and San Diego. I do not know of another university of comparable stature anywhere that has matched this record of growth. While I am not automatically equating great growth with progress, the absence of University growth would be the denial of a university education for thousands of our sons and daughters and grandchildren.

Despite predictions of a mass faculty exodus, the total instructional staff grew from 6,700 in 1964–65 to 9,100 in 1968–69, a staggering record of recruitment and retention in a period of sharp competition. Of course we can't claim the entire credit for holding our faculty—some credit is due the negative effects of the growing evidence that other major institutions no longer offered attractive sanctuaries from social turmoil. I have often thought about the few faculty members who did leave Berkeley because of the student unrest here, and how they must have felt the past year or so at their new institutions: Harvard, Columbia, Cornell. . . .

MEASURES OF QUALITY

During five years of the most concentrated student unrest and protest in our history, educational accomplishment at the University of California has forged steadily ahead—as witness the granting of a total of 93,330 degrees on our campuses over that period. Private gifts and endowments have risen steadily.

What about measures of quality? Admittedly, the quality of an academic institution is more difficult to gauge. But there are enough different kinds of measures to suggest the level of quality of the University over the past five years. In 1966, for example, the American Council on Education announced the results of its two-year study of graduate work in 106 major American universities. The study found the Berkeley campus to be "the best balanced distinguished university in the country." I would be very surprised if its rank is significantly different now. A further indication of Berkeley's graduate strength is the number of doctoral candidates this campus continues to attract from around the world. A 1968 study by the National Academy of Sciences showed Berkeley to be the nation's leading producer of academic doctoral degrees.

The University of California faculty now includes the largest group of Nobel Prize winners in the world—a total of 14. Eleven of the Nobel Laureates are at Berkeley.

FACULTY AND STUDENTS

The University of California now holds first place in number of faculty invited to membership in the prestigious National Academy of Sciences, and is second only to Harvard in faculty membership in the American Academy of Arts and Sciences, one of the nation's oldest and most distinguished learned societies.

Direct measures of undergraduate quality are harder to come by and I am well aware of the criticism that we slight undergraduates. But I find it impressive that year after year more National Merit Scholars choose to enroll at the University of California than at any other institution in the United States.

RELEVANCY

I hope these broad indices will begin to give you some sense of what else has been happening at the University over the last few years. At the risk of boring you—the reality is never as dramatic as the image—let me mention a few more illustrations.

The University is occasionally charged with not being relevant. I might mention just one of our more relevant programs, Project Clean Air. This is a massive applied research program which will involve—if we get the funds—more than 200 University of California scientists on all our campuses in a concerted attack on California's air pollution cities.

While some of our students and faculty are concentrating on the planet Earth and its problems, others at Lick Observatory have been focusing on the moon. They succeeded in bouncing back a laser beam from a reflector left by the Apollo 11 astronauts, thus gaining greater accuracy in measuring the moon's distance—a great aid to geophysics and lunar physics.

GOOD TEACHING

Contrary to some popular opinion, our scientific faculty also focuses on classroom work. From many such examples I might mention Professor Joseph Mayer of our San Diego campus, who last fall received the American Chemical Society award as Outstanding Teacher of Chemistry. Or Professor Sydney Rittenberg of our Los Angeles campus, to whom the American Society of Microbiology presented its 1969 award for outstanding teaching of microbiology to undergraduate students and for encouraging them to subsequent achievement.

And the art of teaching evidently interests our students as well. This spring, University of California students once again led the entire nation in the number of Woodrow Wilson fellowships awarded to outstanding seniors who plan to become college teachers.

WORKING WITHIN

Students are often criticized these days for not working within the system for a better world. Well, they do. You may have heard of the University of California's record as the nation's outstanding producer of Peace Corps members. But perhaps you didn't know about the Santa Barbara students—I mean the 3,000 who have donated a total of 160,000 hours to such community service projects as tutoring, providing hot breakfasts for pupils from poor families, taking youngsters on camping trips, helping an Indian tribe build a water system, and working with handicapped and mentally disturbed children. Perhaps it hasn't come to wide public attention that Riverside student government leaders donated their entire stipends for official duties this year to help finance student-sponsored community service programs. Or that the Davis campus students called Davis Amigos again this year gave up their spring vacations—this time to help build a health clinic and a storehouse at a migrant labor camp in Yolo County. Or that Berkeley students have helped raise funds to provide scholarship assistance to more than 1,100 low-income and minority students under our Educational Opportunity Program since 1966.

STUDENT UNREST

These are the kinds of students and faculty and programs the people of California are supporting with their tax dollars. These are the kinds of people and programs that will suffer if those tax dollars are curtailed or bond issues disapproved because of public reaction to student unrest.

And now, having described some of what else is happening in order to provide perspective, let me turn to the specific subject of student unrest. I want to share some of the facts and impressions that have come out of our experiences to date and tell you about the measures we are taking to maintain the effective operation of the University.

NONSTUDENTS

First, what is broadly called student protest usually does take place on or near a University campus but often involves many other persons besides University students. Sometimes students are in a small minority—only one-third of the persons arrested in the People's Park controversy last year were students. Yet the event is rather uniformly attributed to the University community. I suppose as a practical matter there is little we can do about this except to keep reiterating the facts.

Next, I want to comment briefly about the special case of violence, which is actually and fortunately a quite limited aspect of student protest. There is a very small group—most of them so-called street people rather than students—who seem from the available evidence to pursue violence for the sheer sake of violence. They are a group that seem frighteningly alienated from society. This alienation is a subject for sober concern, but it is only peripherally a part of my subject today. Another very small group has become sadly evident in recent months—rock-throwing juveniles who seem to be playing a kind of "for-real cops and robbers." Some of the children who have been apprehended on campus are only fourteen years old—a few, only thirteen. Unfortunately, these children have made some incidents substantially worse—their rocks are quite as capable as anyone else's of cracking windows and even bones. Finally, there are some students and nonstudents—and again the number is small—who have used violence either as a deliberate tactic to gain a specific end or whose momentary frustration at the failure of other tactics may lead to violence during emotional demonstrations.

THREE RECOURSES

We have three general recourses against the commission of violence. One is civil law enforcement—and a number of persons, including students, have paid civil penalties including jail sentences. Another recourse, if the violent individual is a student, is University discipline. And we have severely disciplined some students—I want to return to the discipline question a little later. Finally,

there is the recourse of strong community disapproval (I mean the University community)—and this is much more effective than you might think. During mass meetings of students and faculty at Berkeley the past several weeks, the audience has decisively shouted its disapproval of speakers who proposed violent action to oppose the government's Cambodian operation. And I think the realization that the vast majority of student protesters would strenuously oppose such attempts has been a major factor in the relatively violence-free form of student protest during these tense recent weeks at Berkeley.

CLEAR MAJORITY

Now I want to turn from the special case of violence to the main body of student protest. Up to a month ago student protesters have been a minority of college and university students. But they have often included some of our brightest and most highly motivated young people—what *Fortune* magazine has called our forerunners. These student protesters have felt deeply about specific issues which they believe involve injustice or other social ills, and particularly about Vietnam and about racial inequality and poverty at home. Most of these students do *not* propose tearing down the democratic system but rather making it work as ideally as it should. But their idealism coupled with their impatience and dedication have not always made life easy on campus. I very much appreciated a little story I came across the other day, about the professor at the London School of Economics who was heard to remark to a colleague during a protest there, "You'd never believe that a group could be so dedicated and saintly and such a terrible nuisance."

RESPONSE TO PROTEST

While the main body of student protesters has pressed its causes in nonviolent ways, the tactics have sometimes been disruptive and in violation of University regulations.

Our response to student protest has varied with the circumstances. In some cases we have found that the students had a legitimate cause for complaint about University matters, and we have sought to be responsive to these complaints. More often the protest activity has been on the campus but the target has been an off-campus issue. In all cases we have insisted that on-campus dissent be expressed within the bounds of civil and University regulations. When violations have occurred on campus, we have imposed discipline as fairly as we knew how to do so, and as firmly or flexibly as the circumstances appeared to warrant.

STUDENT DISCIPLINE

Our disciplinary measures range from warning and censure through dismissal from the University, and I am sorry to say we have found it necessary to resort to the most drastic penalty of dismissal in some 65 cases over the last two years alone, with a number of other possible dismissal cases still in proceedings. Dismissal means that the student is barred indefinitely from the University. In addition, many students have been suspended for definite periods ranging from two weeks to a year, and many more placed on interim suspension and probation, which are very effective penalties.

Our disciplinary measures are intended to remind the student of his obligations to respect the law and to assure that the educational functions of the University may go forward—I hope my earlier account of University achievements will indicate that this goal has been met. I am surprised and disturbed by the vehemence and vindictiveness of some of the proposals I have received for handling student discipline. We have sought to handle our disciplinary cases with firmness and fairness, following due process, remembering always that these violators are not some foreign enemy but our own sons and daughters and the generation that will soon succeed us in assuming the obligations of our society.

LAW'S DOUBLE STANDARD

I might mention a special difficulty we encounter in maintaining discipline, and that is a kind of double standard that exists today about respect for the law. The public is quick to demand stringent punishment for campus violations. Yet unlawful acts seems to be tolerated and go unpunished in many other arenas of our national life—from illegal strikes of postal workers to Indian occupations of Alcatraz to violations of court injunctions by southern governors and California teamsters. I am not arguing that all these actions should be dealt with harshly—merely that the same degree of patience and restraint used in other instances might with equally good reason be extended on occasion to our campuses. For, as columnist Vermont Royster commented ruefully the other day in the Wall Street Journal: ". . . while we are drawing up our indictments of the younger generation, we ought to berate them most for following the parental example."

SITUATION TODAY

Now I want to take up very briefly the situation on our campuses today, which is different from past student protest in several very important respects. First, it involves what is no longer a minority but a clear majority of the academic community—engineers as well as humanities students, athletes as well as student government officers, sorority and fraternity members and many other student groups that have not until now been activists. The Cambodian operation and the shock of Kent State and Jackson State have galvanized a broad cross-section of the campus population.

A second marked difference is that this broad cross-section is more moderate in its tactics, and determined to prevent violence—although whether they can be totally successful in such a volatile atmosphere depends on day-to-day developments both locally and nationally.

COMMUNITY ACTION

Thirdly, the tactics have taken a major change in direction—from picket lines and other demonstrations to a massive attempt at community and political action. The moderate students have been saying all along that the system can be made to work and to respond—now they are out to prove it. And whether or not we agree with their particular points of view, I think it is essential that we respect and encourage this approach. For example, students in a number of different fields at Berkeley and Stanford and other institutions have been trying to set up discussion meetings with their counterparts in business and the professions. "We're not trying to get signatures on petitions or that kind of thing," one of the students told me the other day. "Just a chance to tell people in offices and plants how we feel about the issues—a kind of 'free speech on the lunch hour'." If you are offered an opportunity to meet with students, I hope you will accept. For you need to know their views—and, equally important they need to know yours.

FLEXIBILITY

At the University of California, as at most universities, we are trying to be generous and flexible about student academic work and grades this quarter. On an earlier occasion, in April of 1906, following the San Francisco earthquake, the University granted grades for the term on the basis of work completed to date and permitted students to leave to help with a community crisis. The events of the past four weeks have amounted to a kind of societal earthquake on American campuses, and I believe fully justify some flexibility, although not the free ride of 1906.

CAREFUL CHECK

At the same time we are insisting that faculty and staff members fulfill their contractual obligations to the University and to the students. We must not and will not permit the University to be used as an instrument of partisan political action. We know that some formal class structures have been altered. In some cases these alternatives are defensible and desirable. In other cases I am sure they are not. The Chancellors and I are in firm agreement that reported abuses—and there are some—must be promptly investigated and violations appropriately dealt with.

I happened to speak the other day to a Berkeley graduate who is currently a graduate engineering student at Stanford. He said he was taking an Incomplete for this term but was learning much of value through his political action work. I said, "Yes, but about engineering?" And he replied, "A civil engineer has to learn to work with people. And I've learned more about working with people these past two weeks than I might have learned in years of professional training." I think no one close to the scene can doubt that this has been for most students a time of intense learning about their community, their nation, its institutions, and the obligations of citizenship.

STUDENTS' SINCERITY

I think too that no one close to the scene could help being impressed, as I am, with the vast majority of our university students today—their sincerity, their devotion to the values of justice and equality and peace, their commitment to work within a democratic framework they deeply believe in to correct its shortcomings. They may sometimes act more rashly, more stridently, more impatiently than is comfortable for the rest of society. They may and do make mistakes—as we also have done. But this is a generation that cares—and cares very deeply—about the future of its nation, its world, and its fellow men.

This, then, is what is happening at the University of California—the headline events and the steady day-by-day "what else" that make up the reality of the institution. It is as honest a picture as I know how to portray. And I hope most profoundly that Californians who have an opportunity to see the reality as well as the image will feel renewed pride in their state University of California.

MORTGAGE IDEA ATTACKED

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

Mr. BARRETT. Mr. Speaker, it is highly unusual for members of the Federal Reserve Board to criticize directly the fiscal and monetary plans and actions of the executive branch. However, the announced plan of this administration to deal with the shortage of mortgage credit by accumulating budget surpluses to pay off the national debt is so remarkable that one highly respected member of the Board apparently could not refrain from commenting.

Gov. Sherman J. Maisel—the acknowledged housing expert of the Fed—likens the plan to pay off the national debt to "running after a mirage." Of course, he is right, and Members of Congress should be the first to recognize it.

Just a short time ago, administration officials were talking in terms of a "peace

dividend," which would see billions of dollars made available for domestic needs as a result of the President's Vietnamization program. Then, even before the "dividend" came in danger of being declared, the President's counselor, Daniel P. Moynihan, said that it had "vanished" because of the additional appropriations needed for our existing programs. It is obvious that, as Governor Maisel states, "distant budget surpluses disappear into increased expenditures or tax reductions."

Mr. Speaker, it is obvious to many members of the Subcommittee on Housing that the administration has not considered carefully the existing and potential mortgage credit crisis facing the country. With demand for credit high in every sector, there is no assurance that our short- or long-term housing needs will be met. Twenty-six million housing units over 10 years will not be produced by a policy of "running after a mirage."

I include in the RECORD a news article containing Mr. Maisel's comments from the June 6, 1970, issue of the Washington Post:

MORTGAGE IDEA ATTACKED

(By Norman Kempster)

A member of the Federal Reserve Board says the Nixon administration's plan to increase private funds available for home loans by starting to pay off the national debt is "like running after a mirage."

Sherman J. Maisel says it would make far more sense for the Government to stimulate housing directly, either through increased subsidies or direct loans.

The administration believes that if the Government begins to repay the $278.5 billion it owes to private lenders, the money would flow into other investments, including housing. With more money available for loans, interest rates would drop.

The plan, advocated by Nixon's Council of Economic Advisers, would require the Government to collect in taxes more than it spends year after year. Backers of the proposal concede it requires bigger surpluses than the $1.3 billion projected for the fiscal year beginning July 1.

Maisel, who was appointed to the Federal Reserve Board by former President Lyndon B. Johnson, questioned the economic basis for the administration plan.

"Running a surplus is an indirect and inefficient method of doing what can be done more directly," he said in a speech.

He said that if the administration hopes to achieve the national goal of building 2.6 million new homes a year, "housing would have to be given an actual rather than a rhetorical position in our national spending priorities."

Administration economists believe the nation faces a shortage of private capital available for investment during the 1970s. They argue that if the Government ran large surpluses in its budget, the result would be to increase the total investment pool.

Maisel commented: "I side with those who believe that such a policy is like running after a mirage, since there is a modification of Parkinson's law which states that distant budget surpluses disappear into increased expenditures or tax reductions.

"The idea that housing should be supported primarily through a large surplus neglects the traditional and most important form of support by the Government, namely, inclusion in the budget," he said. "I see no logical reason why any item of high national priority should not have a place in the budget."

Maisel noted that the Government already provides numerous direct and indirect subsidies for housing. If more money is needed for investment, he said, it should be provided.

TAKE PRIDE IN AMERICA

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

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 margarine. In 1966 the United States produced 2,401,000 metric tons of margarine. This was over three times more than that produced by West Germany, the second-ranked nation.

"THE DILIGENT DESTROYERS" AND DICKEY-LINCOLN

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

Mr. SAYLOR. Mr. Speaker, a very interesting and readable new book was recently brought to my attention concerning the agencies and activities which are permanently defacing our American landscape. It is "The Diligent Destroyers," by George Laycock. The author is a recognized naturalist who has written a number of other books and magazine articles on natural resources.

I recommend this book to my concerned colleagues because it pulls no punches in identifying "The Diligent Destroyers" who are ravaging our Nation's countryside and threatening the very well-being of every American now and in the future. This is not a highly charged, emotional plea of a Sunday morning do-gooder, but, rather, it is a thoroughly researched, closely reasoned, hard-hitting, recitation of the billions of dollars squandered, the recreational opportunities lost forever, and the Nation's wealth and natural resources destroyed. And in Mr. Laycock's words:

The Army Corps of Engineers, as our major water agency, is examined at some length.

The Army Corps of Engineers is characterized in "The Diligent Destroyers" as an agency whose one guiding urgency and dominant interest is that of thinking big water. It is the big job, the spectacular structure, the multimillion-dollar project, that provides a real challenge to the Corps of Engineers.

Author Laycock has a special example in his book of how the Corps of Engineers—with apparent utter disregard for the destruction of irreplaceable natural beauty—can create a skirmish and a controversy where the scars of the controversy will not heal for years. This example is the Dickey-Lincoln project in northern Maine.

Mr. Speaker, the strength of George Laycock's presentation concerning Dickey-Lincoln can best be appreciated by my quoting directly from "The Diligent Destroyers." His thoughts could be paraphrased, but I feel it would be better to excerpt his writing directly.

Concerning Dickey-Lincoln and the Corps of Engineers, George Laycock said:

This massive construction project, known as "Dickey-Lincoln," was conceived primarily as a multimillion dollar consolation prize. The story had its beginning in the spectacular tides of the Bay of Fundy which twice a day come surging inland, raising the water levels in the bay more than forty feet. What comes in, must go out, and the amount of water in each of these giant tides has been computed at more than 3600 billion cubic feet.

That this source of potential power might be tapped for the generation of electricity is an idea that goes back at least a half a century. Over the years the possibility came up for congressional consideration. But eventually it was dismissed because of a combination of high cost and the fact that the coming and going of the tides was not coordinated with peak power.

Next, attention turned to the more common practice of simply damming one more old-fashioned river, and constructing there an orthodox plant.

Laycock continues by asking the rhetorical question:

Where could the Engineers build a dam in the Caine countryside?

There was the St. John River some two hundred miles to the North and the proper place on it, said the Corps of Engineers, seemed to be in the vicinity of two small towns—Lincoln School and Dickey, Congress, and just about everyone else, was to hear more about Dickey-Lincoln in the months ahead than they really cared to hear, as Maine's two senators and assorted representatives lined up in support of the project and worked long and hard in its behalf.

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As might be expected, New England power companies lined up early in determined, solid opposition to Dickey-Lincoln and its threat of government-produced kilowatts. But more was involved than a struggle between private and public power.

Naturalist Laycock goes on to identify a more basic issue. He points out:

Conservationists and economists both offered arguments that could not be lightly dismissed. The Corps of Engineers had duly computed the price of the Dickey-Lincoln job, including the transmission lines to carry the power 340 miles south to the Boston area where there seemed some chance of marketing it. The estimated cost was $380 million. But this was figured at 1966 levels with no added computations to take into account the steadily rising costs of construction during the years it was in the works. Private power, meanwhile, claimed it could build facilities to supply the same amount of power at a cost of $75 million, and, not surprisingly, contended that there was no real need for the added power.

The political leaders, and others favoring the project, said the opposition was the product of massive lobbying by private power companies. The charges and countercharges only served to fog the issue.

With this background, Laycock begins to zero in on the genuine significance of the project for future generations, as follows:

But there was another aspect which, through the coming decades, might be even more significant to the Northeast than the cost of the kilowatt. This was the question of whether or not to flood out 100,000 acres of magnificent Maine wild country. In Oc-

tober, 1967, the Maine State Biologists Association added its voice. The Association's president, Dr. Robert M. Chute of the Department of Biology, at Bates College in Lewiston, explained that the biologists were not so much interested in the question of public versus private power as they were in the lack of good planning for Maine's future development. Stating that the proposed project might have made sense as a public works program in the 1930's. . . . Even more important, the biologists felt, was the question of whether to inundate one of the remaining rare areas which holds economic promise as an outdoor-recreation area.

Mr. Speaker, I could have told Dr. Chute from my own experience that he would be bitterly attacked for his defense of conservation. Laycock chronicled this development by continuing:

Such pronouncements brought the usual accusations that the objecting biologists were serving the cause of private power interests. There were derogatory references in the letter columns of regional weekly newspapers about the "chickadee-loving conservationists." Dr. Chute commented further on why he thought Dickey-Lincoln would be a debasement of the Maine landscape. "The point the conservationists are trying to make," he wrote in a letter to the Portland *Press-Herald*, "is a serious, well-considered one. They believe the best conservation and development use for the Upper St. John region is to preserve a wild river; feeling this has greater recreation and resource value than an artificial lake of dubious quality. Only the shortsighted can fail to see how rapidly and truly wild areas of New England are vanishing."

George Laycock concludes his discussion of the Dickey-Lincoln project by identifying another one of the attributes of the Corps of Engineers—the attribute of patience. He says:

Through it all the Corps leaned quietly on its shovel and waited patiently. With the project authorized, a major barrier has been cleared. The authorization carries no expiration date, and the possibility that the Corps will recommend to Congress deauthorization is slim indeed. More probably, as the Corps realizes, Congress will, in its own time, make available the funds for Dickey-Lincoln to smother the St. John Valley. Farewell to one more American river.

Mr. Speaker, these facts relative to Dickey-Lincoln have been brought out today because, as I understand it, the Committee on Appropriations is scheduled to consider the Public Works Appropriation bill for fiscal year 1971 in the next few days. Last year that committee refused to appropriate funds for the final preconstruction planning of Dickey-Lincoln despite the observation of Mr. Laycock that "Congress will, in its own time, make available the funds for Dickey-Lincoln."

I sincerely call upon each of our colleagues on the Appropriations Committee to reject again funds for the unnecessary and uneconomic Dickey-Lincoln project and be guided instead by the urgent need to protect the beautiful Maine woods and the natural state of the St. John River from "The Diligent Destroyers."

IMPACT ON MUNICIPAL BOND ISSUES OF GRANTING 18-YEAR-OLDS THE RIGHT TO VOTE

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

Mr. GERALD R. FORD. Mr. Speaker, I have been greatly concerned about the serious impact on municipal bond issues of approval through statutory action of the Congress of the provision granting 18-year-olds the right to vote in local, State, and Federal elections.

I am reliably informed by able and knowledgeable municipal bond attorneys that the salability of municipal bonds will be in jeopardy when 18-year-olds register and vote under this Federal legislation. The following memorandum points out it will take a minimum of 4 months and possibly as long as 10 months before the Supreme Court will pass judgment on the constitutionality of the right of Congress by statute to authorize 18-year-olds to vote in municipal and State elections. This means at least for most of 1971 all local and State bond issues for water pollution plants, school facilities, and other projects will not be salable or at the least their validity will be questioned.

I urge all Members to read the following memorandum from William H. Rehnquist, Assistant Attorney General:

EFFECT OF H.R. 4249 (VOTING RIGHTS ACT) ON LOCAL ELECTIONS

Section 302 of H.R. 4249 provides as follows: ". . . no citizen of the United States who is otherwise qualified to vote in *any State or political subdivision* in *any* primary or in *any* election shall be denied the right to vote in any such primary or in any election on account of age if such citizen is 18 years of age or older."

The quoted language clearly embraces not merely *federal* and *state* elections, but *municipal, school board,* and *bond* elections as well.

Section 305 of the bill provides that "the provisions of Title III shall take effect with respect to any primary or election held on or after January 1, 1971."

The purpose of placing a delayed effective date in the act was explained on the floor of the Senate by one of the bill's principal backers, Senator Cook, as follows:

"We have established, by an amendment to this amendment, a deadline of January 1, 1971, for the benefit of the class involved, the 18- 19- and 20-year old, and also for the benefit of the Courts, to give them time to make a determination so that no election in the United States, whether it be local or whether it be national, would in any way be put in jeopardy in relation to the eligibility of the voter. There need be no discussion, I would think, on the basis of opening up a Pandora's Box, when the legislative history shows it is based on giving the courts ample time to make a determination and come up with a decision on this particular subject." Congressional Record, Senate, March 11, 1970, S. 3991.

Unfortunately, while the delayed effective date of the Act undoubtedly assures sufficient time for a final decision of the Supreme Court of the United States prior to the first of the 1972 Presidential primaries (New Hampshire, in March, 1972), it allows completely insufficient time for the numerous municipal election regularly scheduled in the spring of 1971, and for any sort of determination prior to the holding of bond elections, which under statutes of many states may be held at such time during the year as the responsible public authority determines. Such elections, in the absence of doubt as to voter eligibility, could be expected to be scheduled within weeks after January 1, 1971; numerous municipal elections and the gubernatorial election of at least one state (Kentucky) are required by applicable statutes and ordinances to be held at various time during the spring of 1971. The question naturally arises, is there even a remote possibility of getting a final judicial decision as to the validity of this provision before such elections are held, in order to prevent the most serious sort of confusion as to who is eligible to vote, and indeed, as to the outcome of the election in the event that the votes of the newly enfranchised class are sequestered pending such a determination.

The two pertinent examples of the time in which it has taken the Supreme Court of the United States to decide a question such as that involved here are the cases of *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966), and *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966).

Senator Cook in the debate in the Senate on this bill, referred to *South Carolina* v. *Katzenbach* as an example of the speed with which the Supreme Court of the United States could handle an important constitutional question. Congressional Record, Senate, March 11, 1970, S. 3491. In that case, South Carolina, on November 5, 1965, obtained leave to file an original bill in the Supreme Court of the United States, 382 U.S. 898, seeking a declaration that certain provisions of the Voting Rights Act of 1965 were unconstitutional, and seeking to enjoin their enforcement by the Attorney General. The Supreme Court prescribed an accelerated schedule of pleading and argument, because of South Carolina's request that it obtain a determination prior to holding its primary in June, 1966. As a result, the case was argued on January 17 and 18, 1966, and decided on March 7, 1966.

Unfortunately, the original jurisdiction of the Supreme Court is available only to states and not to local governments. The only specific enforcement provision of H.R. 4249 confers enforcement power on the Attorney General, and requires that an action brought by him be heard by a three-judge district court under the provisions of 28 U.S.C. 2284, with an appeal from the judgment of that court lying to the Supreme Court. Thus, while even the four-month delay between first pleading and decision in *South Carolina* v. *Katzenbach, supra,* would be bound to unsettle questions of eligibility and election results until May 1, 1971, in view of the statutory scheme for judicial review that timetable is probably too optimistic. A more reliable guide would be *Katzenbach* v. *Morgan, supra,* which was first heard by a three-judge district court and then decided by the Supreme Court of the United States (just as the statutory review provision in H.R. 4249 would provide).

Katzenbach v. *Morgan, supra,* appears to have been a model of expedited procedure. On August 6, 1965—the day on which the law was enacted—plaintiffs who challenged its constitutionality filed their complaint in the United States District Court for the District of Columbia (the only court under which the provisions of that Act could give them relief). Additional defendants were impleaded, the case was briefed and orally argued, and the Court handed down its decision on November 15, 1965. The lower federal court decided that the law was unconstitutional, and the United States sought review in the Supreme Court of the United States. On January 24, 1966, the Supreme Court agreed to hear the case; it was argued April 18, 1966, and decided on June 13, 1966—approximately ten months after the complaint had first been filed in the district court. A comparable time for deciding the constitutionality of H.R. 4249, assuming that all of the parties were as diligent as those in *Katzenbach* v. *Morgan,* would give a decision in October, 1971.

So far as unsettling effects are concerned, section 4(e) of the Voting Rights Act of 1965, which was involved in *Katzenbach* v. *Morgan,* dealt basically with the election laws of

only one state—New York—and with a factual situation which existed only in a small part of that state. Exclusive jurisdiction to determine its validity was conferred on the district court for the District of Columbia, so that those affected by the law were at all times subject to the jurisdiction of a single court. By contrast, the Attorney General is presumably obligated to seek out any state or local election authority which contests the validity of H.R. 4249, and sue that authority in the federal judicial district where it is found. Until final decision by the Supreme Court of the United States, a maze of conflicting temporary and preliminary orders from these various courts would not be unusual. The consequences of this situation to all local, municipal, and bond elections held during the most of 1971, as well as to any state elections held during the first ten months of that year, can only be described as unknown and unpredictable. It would not be unreasonable to suppose that school district and local improvement authorities which require voter approval for capital improvements to be paid for by bond issues might completely postpone any such improvements during the period of hiatus.

Should the Attorney General or some local election official seek to test the validity of the Act as soon as it has passed, as was done in *Katzenbach* v. *Morgan, supra,* the case would probably be dismissed as premature because of the provision of section 305 of H.R. 4249 providing that the Act shall take effect only with respect to elections held on or after January 1, 1971. While this problem might be mitigated in part by changing section 305 providing that its provision should take effect as to registration to vote on January 1, 1971, but as to actual voting not until January 1, 1972, such a provision would of course require an amendment to the bill. The Supreme Court in *South Carolina* v. *Katzenbach, supra,* found a portion of the state's attack on the Voting Rights Act of 1965 as being premature, saying that "no person has yet been subject to, or even threatened with, the criminal sanctions which these sections of the act authorize." 383 U.S. at 317.

There is no doubt that the Senate sponsors of this portion of the bill intended to include all forms of elections—national, state, and local. There is likewise no doubt that they were aware of the "Pandora's Box" problem, and sought to solve it by giving the Act a delayed effective date. Unfortunately, the solution for the "Pandora's Box" problem appears to have been with only a view to biennial fall elections—with respect to which it is perfectly adequate—and not with a view to the numerous regularly scheduled state, municipal, and school board elections regularly scheduled during the first part of 1971, nor with respect to bond elections which are customarily held throughout the year on a date prescribed by the appropriate public authority. The result is that enormous confusion with respect to eligibility to vote in all of these latter kind of elections, and with respect to the outcome of some of them, is bound to be the result.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. GAYDOS (at the request of Mr. ALBERT), for the week of June 15, on account of illness.

Mr. HAGAN (at the request of Mr. BRINKLEY), for today, on account of official business.

Mr. CORMAN, for Tuesday, June 16, on account of official business.

SPECIAL ORDER OF BUSINESS

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

Mr. KEE, for 5 minutes, today.

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

(The following Members (at the request of Mr. VIGORITO), to revise and extend their remarks and to include extraneous matter to:)

Mr. FLOOD, today, for 30 minutes.

Mr. FALLON, today, for 10 minutes.

Mr. ROONEY of Pennsylvania, today, for 30 minutes.

EXTENSION OF REMARKS

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

Mr. MIZE, immediately following the remarks of Mr. GROSS during general debate in the Committee of the Whole today.

Mr. OLSEN, to revise and extend his remarks made while speaking on the rule today.

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

Mr. TALCOTT.
Mr. RAILSBACK.
Mr. BUTTON in two instances.
Mr. HORTON.
Mr. ROBISON in two instances.
Mr. BRAY in three instances.
Mr. BROYHILL of Virginia.
Mr. HUNT.
Mr. KYL.
Mr. RHODES.
Mr. WOLD in two instances.
Mr. COUGHLIN.
Mr. ASHBROOK.
Mr. DENNEY.
Mr. MCCLOSKEY.
Mr. MICHEL.
Mr. SCHERLE.
Mr. RIEGLE.
Mr. LATTA.
Mr. HARVEY.
Mr. STANTON.
Mr. BIESTER in two instances.
Mr. QUIE.
Mr. SMITH of California.

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

Mrs. GRIFFITHS in two instances.
Mr. HOWARD.
Mr. HÉBERT.
Mr. FLOOD.
Mr. ADDABBO in two instances.
Mr. EDWARDS of California in three instances.
Mr. RARICK in two instances.
Mr. KYROS in five instances.
Mr. CLAY in six instances.
Mr. CLARK in three instances.
Mr. RODINO in three instances.
Mr. HATHAWAY in five instances.
Mr. MACDONALD of Massachusetts in two instances.
Mr. ROSENTHAL in five instances.
Mr. CHARLES H. WILSON.
Mr. ANDERSON of California.
Mr. OLSEN in two instances.
Mr. PURCELL in two instances.
Mr. RYAN in five instances.
Mr. MURPHY of Illinois.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1732. An act to designate certain lands in the Craters of the Moon National Monument in Idaho as wilderness; to the Committee on Interior and Insular Affairs.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 887. An act to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes;

S. 1479. An act to amend title 38, United States Code, to authorize a maximum of $15,000 coverage under servicemen's group life insurance, to enlarge the classes eligible for such insurance, to improve the administration of the programs of life insurance provided for servicemen and veterans, and for other purposes; and

S. 2940. To amend the act of June 28, 1948, as amended, relating to the acquisition of property for the Independence National Historical Park.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on June 15, 1970, present to the President, for his approval, bills of the House of the following titles:

H.R. 2012. To amend the Act of October 25, 1949 (63 Stat. 1205), authorizing the Secretary of the Interior to convey a tract of land to Lillian I. Anderson;

H.R. 9854. To authorize the Secretary of the Interior to construct, operate, and maintain the East Greenacres unit, Rathdrum Prairie project, Idaho, and for other purposes.

H.R. 12860. To establish the Ford's Theatre National Historic Site, and for other purposes; and

H.R. 14300. To amend title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 5 o'clock and 46 minutes p.m.) the House adjourned until tomorrow, Wednesday, June 17, 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:

2131. A letter from the Assistant Secretary

of Defense, transmitting a report of receipts and disbursements pertaining to the disposal of surplus military supplies and for expenses involving the production of lumber products, pursuant to section 10 U.S.C. 2665, during the first 9 months of fiscal year 1970; to the Committee on Appropriations.

2132. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967; to the Committee on the Judiciary.

2133. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to assure performance by railroads engaged in interstate commerce of transportation services necessary to the maintenance of a national transportation system, and for other purposes; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASPINALL: Committee of conference. Conference report on S. 743 (Rept. No. 91–1196). Ordered to be printed.

Mr. ASPINALL: Committee of conference. Conference report on S. 2062 (Rept. No. 91–1197). Ordered to be printed.

Mr. PHILBIN: Committee of conference. Conference report on H.R. 15837 (Rept. No. 91–1198). Ordered to be printed.

Mr. PHILBIN: Committee of conference. Conference report on H.R. 15838 (Rept. No. 91–1199). Ordered to be printed.

Mr. PHILBIN: Committee of conference. Conference report on H.R. 16289 (Rept. No. 91–1200). Ordered to be printed.

Mr. PHILBIN: Committee of conference. Conference report on H.R. 12941 (Rept. No. 91–1201). Ordered to be printed.

Mr. PHILBIN: Committee of conference. Conference report on H.R. 15835 (Rept. No. 91–1202). Ordered to be printed.

Mr. PHILBIN: Committee of conference. Conference report on H.R. 16292 (Rept. No. 91–1203). Ordered to be printed.

Mr. PHILBIN: Committee of Conference. Conference report on H.R. 15831 (Rept. No. 91–1204). Ordered to be printed.

Mr. PHILBIN: Committee of Conference. Conference report on H.R. 16295 (Rept. No. 91–1205). Ordered to be printed.

Mr. PHILBIN: Committee of Conference. Conference report on H.R. 15832 (Rept. No. 91–1206). Ordered to be printed.

Mr. PHILBIN: Committee of Conference. Conference report on H.R. 15833 (Rept. No. 91–1207). Ordered to be printed.

Mr. PHILBIN: Committee of Conference. Conference report on H.R. 16297 (Rept. No. 91–1208). Ordered to be printed.

Mr. PHILBIN: Committee of Conference. Conference report on H.R. 15998 (Rept. No. 91–1209). Ordered to be printed.

Mr. PHILBIN: Committee of conference. Conference report on H.R. 15839 (Rept. No. 91–1210). Ordered to be printed.

Mr. PHILBIN: Committee of conference. Conference report on H.R. 15836 (Rept. No. 91–1211). Ordered to be printed.

Mr. PHILBIN: Committee of conference. Conference report on H.R. 15021 (Rept. No. 91–1212). Ordered to be printed.

Mr. PHILBIN: Committee of conference. Conference report on H.R. 16290 (Rept. No. 91–1213). Ordered to be printed.

Mr. PHILBIN: Committee of conference. Conference report on H.R. 16291 (Rept. 91–1214). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. DELANEY:

H.R. 18073. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced in such country from entering the United States unlawfully; to the Committee on Foreign Affairs.

H.R. 18074. A bill to protect the public health and safety to provide new means for the control of the depressant, stimulant, and hallucinogenic drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 18075. A bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Pennsylvania:

H.R. 18076. A bill to authorize the Secretary of the Interior to study the desirability of establishing a national wildlife refuge in California and/or adjacent Western States for the preservation of the California tule elk; to the Committee on Merchant Marine and Fisheries.

H.R. 18077. A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft; to the Committee on Merchant Marine and Fisheries.

By Mr. GALLAGHER:

H.R. 18078. A bill to amend the Northwest Atlantic Fisheries Act of 1950 as amended, the North Pacific Fisheries Act of 1954 as amended, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LEGGETT:

H.R. 18079. A bill to amend the maritime lien provisions of the Ship Mortgage Act of 1920; to the Committee on Merchant Marine and Fisheries.

By Mr. McCULLOCH (for himself and Mr. BOGGS):

H.R. 18080. A bill to make it unlawful to interfere in any way with any person's exercise of his constitutional rights of religion, speech, press, assembly, or petition; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 18081. A bill to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges; to the Committee on Interstate and Foreign Commerce.

By Mr. O'KONSKI:

H.R. 18082. A bill to amend the Tariff Schedules of the United States with respect to the method of determining what articles fall within the additional import restrictions set forth in part 3 of the appendix of such schedules; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 18083. A bill to amend the Tariff Schedules of the United States with respect to the method of determining what articles fall within the additional import restrictions set forth in part 3 of the appendix of such schedules; to the Committee on Ways and Means.

By Mrs. DWYER:

H.R. 18084. A bill to provide for the development of price-wage guideposts within the context of sound fiscal and monetary policies in order to promote maximum employment, production, and purchasing power, including reasonable price stability; to the Committee on Government Operations.

By Mr. McCULLOCH (for himself, Mr. MACGREGOR, Mr. SMITH of New York, Mr. SANDMAN, Mr. DEVINE, Mr. BOW, Mr. HARSHA, Mr. BETTS, Mr. LATTA, Mr. CLANCY, Mr. ASHBROOK, Mr. MILLER of Ohio, Mr. MOSHER, and Mr. STANTON):

H.R. 18085. A bill to make it unlawful to interfere in any way with any person's exercise of his constitutional rights of religion, speech, press, assembly, or petition; to the Committee on the Judiciary.

By Mr. SCOTT:

H.R. 18086. A bill to authorize the Commissioner of the District of Columbia to sell or exchange certain real property owned by the District in Prince William County, Va.; to the Committee on the District of Columbia.

By Mr. CONABLE:

H.J. Res. 1260. Joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. BLACKBURN:

H.J. Res. 1261. Joint resolution to proclaim the second week in July as National Salesmen's Week; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H. Con. Res. 661. Concurrent resolution to modify certain tariff concessions granted by the United States; to the Committee on Ways and Means.

By Mr. WIDNALL:

H. Res. 1083. Resolution providing for agreement to the Senate amendments to the House amendments to Senate Joint Resolution 158; to the Committee on Rules.

By Mr. CONTE (for himself and Mr. CLARK):

H. Res. 1084. Resolution designating the evening of the 24th day of June 1970 as "John W. McCormack Night"; to the Committee on the Judiciary.

By Mr. CULVER:

H. Res. 1085. Resolution urging withdrawal of Russian personnel from the Middle East; to the Committee on Foreign Affairs.

By Mr. GALLAGHER (for himself, Mr. ADDABBO, Mr. ANDERSON of California, Mr. ANDREWS of Alabama, Mr. ANDREWS of North Dakota, Mr. BARING, Mr. BARRETT, Mr. BOLAND, Mr. BRADEMAS, Mr. BRASCO, Mr. BROWN of California, Mr. BUCHANAN, Mr. BURTON of California, Mr. BUTTON, Mr. BYRNE of Pennsylvania, Mr. CAFFERY, Mr. CHAPPELL, Mrs. CHISHOLM, Mr. DON H. CLAUSEN, Mr. CLAY, Mr. CÓRDOVA, Mr. DADDARIO, Mr. DANIELS of New Jersey, and Mr. DAVIS of Georgia):

H. Res. 1086. Resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER (for himself, Mr. DINGELL, Mr. DONOHUE, Mr. DUNCAN, Mr. EDWARDS of California, Mr. FARBSTEIN, Mr. FRASER, Mr. FRIEDEL, Mr. FULTON of Tennessee, Mr. FUQUA, Mr. GETTYS, Mr. GIAIMO, Mr. GRAY, Mrs. GREEN of Oregon, Mr. HALPERN, Mr. HAMILTON, Mr. HANLEY, Mr. HANSEN, of Idaho, Mr. HARVEY, Mr. HATHAWAY, Mr. HAWKINS, Mr. HELSTOSKI, Mr. HICKS, Mr. HOGAN, and Mr. HORTON):

H. Res. 1087. Resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER (for himself, Mr. HOWARD, Mr. JACOBS, Mr. LOWENSTEIN, Mr. LUJAN, Mr. LUKENS, Mr. McCLOSKEY, Mr. McKNEALLY, Mr. MATSUNAGA, Mr. MELCHER, Mr. MESKILL, Mr. MIKVA, Mr. MINISH, Mr. MURPHY of New York, Mr. NIX, Mr. O'NEILL of Massachusetts, Mr. OTTINGER, Mr. PELLY, Mr. PEPPER, Mr. PHILBIN, Mr. PODELL, Mr. POWELL, Mr. PREYER of North Carolina, Mr.

PRICE of Illinois, and Mr. PRYOR of Arkansas):

H. Res. 1088. Resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER (for himself, Mr. REES, Mr. ROE, Mr. ROONEY of Pennsylvania, Mr. ROSENTHAL, Mr. RYAN, Mr. ST GERMAIN, Mr. SANDMAN, Mr. STOKES, Mr. TUNNEY, Mr. CHARLES H. WILSON, Mr. WRIGHT, and Mr. YATES):

H. Res. 1089. Resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CULVER:

H.R. 18087. A bill for the relief of Raymond W. Quillen; to the Committee on the Judiciary.

By Mrs. GREEN of Oregon:

H.R. 18088. A bill for the relief of Lee Pak Yee; to the Committee on the Judiciary.

By Mr. McEWEN:

H.R. 18089. A bill for the relief of Thai David Moore and Thomas Allen Moore; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

406. The SPEAKER presented a memorial of the Legislature of the State of California, relative to the feeding of needy schoolchildren, which was referred to the Committee on Education and Labor.

PETITIONS, ETC.

Under clause 1 of rule XXII,

511. The SPEAKER presented a petition of Beatrice Miller Montanye, Old Forge, N.Y., relative to redress of grievances, which was referred to the Committee on the Judiciary.

SENATE—*Tuesday, June 16, 1970*

The Senate met at 11 a.m. and was called to order by Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

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

O Lord of life and strength of our Pilgrim days, show us the way to rebuild our Nation in unity and strength, that we may be qualified to lead others in the universal quest for peace and brotherhood. When the way is dark, the next step uncertain, and courage falters, be to us our guide. Strengthen our institutions for today, renew our allegiance to "One Nation Under God," dispel our fear of the future, and with a wisdom which transcends our human frailties lead us to the promised day of Thy perfect kingdom, the law of which is love and the ruler of which is the eternal God and Father of us all, in whose name we pray. 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 (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 16, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. HOLLINGS thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that the Speaker had appointed Mr. KEITH as a manager on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 14685) to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes, vice Mr. CUNNINGHAM, resigned.

The message announced that the House had passed, without amendment, the following bills of the Senate:

S. 887. An act to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes; and

S. 2940. An act to amend the act of June 28, 1948, as amended, relating to the acquisition of property for the Independence National Historical Park.

The message also announced that the House had agreed to the amendments of the Senate to the amendments of the House to the bill (S. 1479) to amend chapter 19 of title 38, United States Code, in order to increase from $10,000 to $15,000 the amount of servicemen's group life insurance for members of the uniformed services.

ENROLLED BILLS SIGNED

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

S. 887. An act to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes;

S. 1479. An act to amend title 38, United States Code, to authorize a maximum of $15,000 coverage under Servicemen's Group Life Insurance, to enlarge the classes eligible for such insurance, to improve the administration of the programs of life insurance provided for servicemen and veterans, and for other purposes; and

S. 2940. To amend the Act of June 28, 1948, as amended, relating to the acquisition of property for the Independence National Historical Park.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 15, 1970, be dispensed with.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the order previously entered, the Senator from Oregon (Mr. HATFIELD) is now recognized for not to exceed 1 hour.

Mr. MANSFIELD. Mr. President, will the Senator from Oregon yield without losing his right to the floor or having any of his time taken away?

Mr. HATFIELD. I yield.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Ohio (Mr. YOUNG), during the course of the transaction of routine morning business, be recognized for not to exceed 30 minutes.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

CARTHA D. DeLOACH

Mr. MANSFIELD. Mr. President, I note in the press that there is a possibility that Mr. Cartha D. DeLoach, one of the associate directors of the FBI, will be leaving the Bureau later this summer.

I rise at this time only to express my deep regret and distress that this outstanding member of the FBI, a man of great integrity, ability, and experience, is leaving that organization after being such a close part of it for nigh on to three decades.

I hope that there is a possibility he will remain, to be of continued assistance to the present Director, J. Edgar Hoover, because if he goes, speaking personally—and I think I can speak for the Senate—he will be, indeed, sorely missed.