The PRESIDING OFFICER. The amendment will be read for the information of the Senate.

The assistant legislative clerk read as follows:

On page 5, between lines 18 and 19, strike the period and insert the following: "Including the exercise of that constitutional power which may be necessary to protect the lives of United States Armed Forces wherever deployed".

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. BYRD of West Virginia. Mr. President, it will be my intention on tomorrow, following the vote on the amendment offered by the able Senator from Colorado (Mr. DOMINICK), to call up the amendment which I have just asked to have printed. I hereby notify Senators to that effect.

ADJOURNMENT UNTIL 10:30 A.M., JUNE 18, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:30 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 50 minutes p.m.) the Senate adjourned until tomorrow, Thursday, June 18, 1970, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate, June 17, 1970:

U.S. AIR FORCE

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force to the grade indicated, under the provisions of sections 8218, 8351, 8363, and 8392, title 10 of the United States Code:

To be major general

Lt. Gen. David Wade, retired, [redacted] FG, Louisiana Air National Guard.

Brig. Gen. Edwin Warfield III, [redacted] FG, Maryland Air National Guard.

To be brigadier general

Col. Clinton M. Miller [redacted] FG, Iowa Air National Guard.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 17, 1970:

DEPARTMENT OF LABOR

James D. Hodgson, of California, to be Secretary of Labor.

JOINT CHIEFS OF STAFF

Adm. Thomas H. Moorer, U.S. Navy, for appointment as Chairman of the Joint Chiefs of Staff for a term of 2 years, pursuant to title 10, United States Code, section 142.

Adm. Thomas H. Moorer, U.S. Navy, having been designated for duties of great importance and responsibility commensurate with the grade of admiral within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

U.S. AIR FORCE

The following officer to be placed on the retired list, in the grade indicated, under the provisions of section 8962, title 10, of the United States Code:

In the grade of general

Gen. James Ferguson [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following-named officers to be assigned to positions of importance and responsibility designated by the President, in the grade indicated, under the provisions of section 8066, title 10, United States Code:

Lt. Gen. Lucius D. Clay, Jr. [redacted] FR (major general, Regular Air Force), U.S. Air Force.

Maj. Gen. Richard H. Ellis, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. Sam J. Byerley, [redacted] FR, Regular Air Force.

Maj. Gen. Robert J. Dixon [redacted] FR, Regular Air Force.

Lt. Gen. Austin J. Russell [redacted] FR (major general, Regular Air Force), U.S. Air Force, to be senior Air Force member, Military Staff Committee, United Nations, under the provisions of section 711, title 10, of the United States Code.

U.S. NAVY

The following-named captains of the line of the Navy for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

Clarence M. Hart	Richard E. Henning
Lewis A. Hopkins	William H. Shawcross
George G. Halvorson	Robert P. Coogan
John D. H. Kane, Jr.	Ralph S. Wentworth, Jr.
Edward L. Feightner	Daniel J. Murphy
John M. Thomas	John S. Christiansen
Brian McCauley	Richard E. Fowler, Jr.
Thomas E. Bass III	William M. A. Greene
Billy D. Holder	Julian S. Lake
Joe Williams, Jr.	Robert Y. Kaufman
Joe P. Moorer	Stansfield Turner
Walter N. Dietzen, Jr.	William R. St. George
Harvey E. Lyon	Thomas B. Hayward
Emmett H. Tidd	John J. Shanahan, Jr.
Robert O. Welander	John G. Finneran

Rear Adm. John P. Weinel, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

The following-named officers of the Naval Reserve for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

Line

Paul C. Huelsenbeck	Chester C. Hosmer
Ira D. Putnam	Samuel W. Van Court

Medical Corps

Scott Whitehouse

Supply Corps

Owen C. Pearce

Civil Engineer Corps

John H. McAuliffe

U.S. MARINE CORPS

Maj. Gen. John R. Chaisson, U.S. Marine Corps, having been designated, in accordance with the provisions of title 10, United States Code, section 5232, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

IN THE ARMY

The nominations beginning James H. Aanenson, to be first lieutenant, and ending Edward Poduszczak, to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 27, 1970; and

The nominations beginning William D. Jones, to be major, and ending John A. Zimmerman III, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 27, 1970.

IN THE MARINE CORPS

The nominations beginning William J. Esmann, to be second lieutenant, and ending Paul W. Thomas, to be second lieutnant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 27, 1970; and

The nominations beginning Thomas H. Allen, Jr., to be lieutenant colonel, and ending Stephen J. Williams, to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 27, 1970.

HOUSE OF REPRESENTATIVES—*Wednesday, June 17, 1970*

The House met at 12 o'clock noon.

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

Let integrity and uprightness preserve me; for I wait on thee.—Psalms 25: 21.

Eternal God, our Father, who hast brought us to the beginning of a new day, grant that in all our ways and always we may remember that Thou art with us. Help us to do our duties, to carry our responsibilities, and to make our decisions with sincerity of mind and genuineness of heart. Remove from us all pretense, all deceit, all hypocrisy, and by Thy spirit may we do what we believe to be right for our country and good for our people.

Fill our lives with the mood of love and the motive of service that we may leap the boundaries of class, color, and creed and seek to minister to the needs of all Thy children.

In the Master's name we pray. Amen.

THE JOURNAL

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize Members for unanimous-consent requests to extend remarks, and so forth, or for 1-minute speeches with yielding back of the time, and later in the day the Chair will recognize Members for 1-minute speeches if Members desire to present them.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF REPORT OF COMMITTEE ON RULES ACCOMPANYING H.R. 17654

Mr. GETTYS. Mr. Speaker, I offer a resolution (H. Res. 1090) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

H. RES. 1090

Resolved, That there shall be printed, concurrently with the press run, for the use of the House Document Room for House floor distribution, two thousand five hundred additional copies of the report of the Committee on Rules accompanying H.R. 17654, a bill to improve the operation of the legislative branch of the Federal Government, and for other purposes.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF REPORT OF COMMITTEE ON RULES ACCOMPANYING H.R. 17654

Mr. GETTYS. Mr. Speaker, I offer a resolution (H. Res. 1091) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1091

Resolved, That there shall be printed, concurrently with the press run, for the use of the Committee on Rules, two thousand five hundred additional copies of the report of the Committee on Rules accompanying H.R. 17654, a bill to improve the operation of the legislative branch of the Federal Government, and for other purposes.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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. 174]

Alexander	Gallagher	Price, Tex.
Baring	Gaydos	Pryor, Ark.
Biaggi	Giaimo	Purcell
Brock	Gray	Roudebush
Buchanan	Halpern	Roybal
Bush	Hébert	Ruppe
Chisholm	Jarman	Scheuer
Clark	King	Schneebeli
Collier	Kirwan	Schwengel
Corman	Kyl	Weicker
Cowger	Leggett	Wilson, Charles H.
Cramer	McCarthy	Wolff
Daddario	McMillan	Wyatt
Dawson	Nedzi	Zablocki
Dent	O'Hara	
Dulski	O'Neal, Ga.	
Edwards, La.	Ottinger	
Erlenborn	Patman	
Ford, William D.	Pelly	
	Pollock	

The SPEAKER. On this rollcall 376 Members have answered to their names, a quorum.

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

EXTENDING VOTING RIGHTS ACT OF 1965

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 914 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 914

Resolved, That, immediately upon the adoption of this resolution, the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, with Senate amendments thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendments are, and the same are hereby, agreed to.

The SPEAKER. The gentleman from Hawaii is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield the gentleman from California, Mr. SMITH, 30 minutes, pending which I yield myself 3 minutes.

Mr. Speaker, House Resolution 914 presents a very simple issue to this House; that is, whether or not we should agree to the Senate amendments to H.R. 4249, a bill to extend the Voting Rights Act of 1965.

The basic and real question, however, is whether or not the Voting Rights Act of 1965 should be extended beyond its present statutory life. If we fail to adopt House Resolution 914 today it will mean the demise of the Voting Rights Act of 1965 on August 6, 1970.

I have no doubt in my mind that unless House Resolution 914 is adopted by this body today, we will have seen the end of the Voting Rights Act of 1965.

Any Member of this Congress who has given any serious consideration to the parliamentary situation prevailing both in this House and in the Senate will agree that unless we act favorably on this resolution today the Voting Rights Act of 1965 will have come to an end on August 6, 1970.

Generally speaking, the Senate amendments in fact improve upon the House bill. Even a constitutional authority such as the gentleman from Virginia (Mr. POFF) testified before the Rules Committee that the Senate amendments do in fact improve the House bill.

There is only one difficult question posed by the Senate amendments, that involving the extension of voting rights to citizens 18, 19, and 20 years of age. The principal objection is based on the contention that the amendment runs contra to our Federal Constitution. It is said that as Members of Congress we took the oath upon accepting the responsibilities of our office that we would uphold the Constitution of the United States and that a favorable vote for this particular amendment would be tantamount to a violation of that oath. I, too, Mr. Speaker, took that oath and have no intentions of violating it. I am convinced, just as firmly as those who hold the opposite view, that the 18-year-old enfranchising amendment is fully within the power of Congress to enact without violating the provisions of the Constitution.

The Supreme Court recognized this congresisonal power in the case of Katzenbach against Morgan in 1966 when it upheld a provision of the Voting Rights Act of 1965 which banned literacy tests as voting qualifications. This power could constitutionally be extended to lower the voting age to 18.

Two of the Nation's leading constitutional authorities hold this view and so do dozens of other experts on constitutional law. Prof. Paul A. Freund of Harvard Law School and Archibald Cox, former Solicitor General under Presidents Kennedy and Johnson and professor of law at Harvard Law School, both of whom I have had the great privilege of having as my teachers, have expressed the view that article 5 of the 14th amendment grants to the Congress the right to legislate in this area.

As in any other question of constitutionality, sincere and well-intentioned minds can and will differ on this issue. The Supreme Court is duly designated by the Constitution as the final arbiter on questions of constitutionality. Let us, therefore, carry out our responsibilities as Members of Congress and legislate as we deem proper and let the Court decide whether or not we acted beyond our constitutional authority. Let us do now what we think is right.

Speaking now on the merits of the issue, Mr. Speaker, I thing the minimum age requirement of 21 years is both arbitrary and archaic. The use of "21" as an indication of adulthood and maturity originated during the medieval times when it was generally believed that a male at 21 was old enough for literally bearing the weight of arms and armor. While we have revised the age for bearing arms to 18, we have kept the age for voting at 21. Surely, this discrimination was not intended by Congress. It is noteworthy in this connection that approximately one-half of Americans killed in combat in Vietnam fall within the age group of 18 to 21.

With the knowledge explosion of recent years working in his behalf, the young person of 18 today is just as fully qualified to vote as a person of 21 was when the age minimum was set. Our youngsters today are much more sophisticated in political matters than we were at their age. I am confident that the 18 year olds of today will make as intelligent voters as did 21 year olds a decade ago.

Furthermore, by extending the right to vote to our 18-, 19-, and 20-year-olds, we would be showing visible recognition of the national crisis in confidence in our institutions and system among our youth. We would be encouraging and strengthening the position of those who want to work within the system rather than against it.

Mr. Speaker, as I stated earlier, unless House Resolution 914 is adopted today, the Voting Rights Act will expire on August 6 of this year. It cannot be denied that the act has been good for the Nation. It has made it possible for nearly a million black Americans to register to vote in States and jurisdictions which would not have permitted them to register otherwise. During its short lifetime, the act has resulted in a jump from 29 percent to 52 percent of registered voters among black citizens of voting age.

The accomplishments of the Voting Rights Act of 1965 have indeed been

greater than expected, but it is clear that we are still a long way from the goal of equal enfranchisement for all citizens regardless of race or color. The act has been extremely effective. We do indeed have a good thing going. Let us keep it going. Let us vote to adopt House Resolution 914, the Matsunaga resolution.

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

Mr. Speaker, the background of the matter is that we are considering today the fact that the House Judiciary Committee approved a Voting Rights Extension Act and the rule made it possible to substitute a bill in its place which is known as the "administration bill" and, more commonly, perhaps, known as the "Ford bill." The House passed that measure and it went to the other body. The Senate struck the entire House bill and placed in it an amendment. The amendment had three titles. Titles I and II have to do with the Voting Rights Extension Act. Title III has to do with the 18-year-old voting provision. When that bill came back to the House and went to the Speaker's desk, the normal procedure would be that a conference would be requested between the House and the Senate. However, in this instance that was not done. The distinguished chairman of the Committee on the Judiciary, the distingiushed minority ranking member and others felt that this would not be the advisable thing to do. The gentleman from Hawaii (Mr. MATSUNAGA) then introduced House Resolution 914. The Rules Committee approved this resolution which, if adopted, will take the bill from the Speaker's table, approve the Senate amendment and send it to the President.

I introduced House Resolution 1048 which would require the bill to go to conference. I brought this to the attention of the Rules Committee in executive session and they turned it down and approved House Resolution 914.

Thus the parliamentary situation is this: If we are going to be able to send the bill to conference the previous question will have to be voted down, and the resolution—House Resolution 914—will have to be amended with appropriate language to send it to conference. I have that amendment prepared, and I am prepared to offer it if the previous question on the resolution—House Resolution 914—is voted down.

There are a number of differences of opinion. One has to do with whether or not the act definitely expires on August 6. The gentleman from New York (Mr. CELLER) is concerned about this, and he thinks that it would expire. The gentleman from Virginia (Mr. POFF) states that there are 19 parts to the original act, that 17 of them are permanent law, and only two of them could expire. However, the legal situation is such that the Attorney General could still proceed with cases whereby the act will not expire on August 6.

Be that as it may, it seems to me that there would be plenty and ample time to consider this measure in conference, and thereby the Members would have a right to vote on the conference report rather than just simply voting this up or down today.

The next problem has to do with the 18-year-old voting rights; whether or not this should be done by Congressional action or by constitutional amendment.

Everybody has an opinion on this. The deans of the law schools, constitutional lawyers, and I suppose every Member in this particular body has an opinion on this. But we are not the Supreme Court of the United States of America, and we can express all the opinions that we want to, but they will not have any effect when the decision is made by the Supreme Court.

The gentleman from New York (Mr. CELLER) testified that he was against the proposal to do it in this manner because it would be unconstitutional. He felt the Supreme Court would take speedy action to declare it to be unconstitutional, but that, too, is an opinion.

Mr. Speaker, it seems to me that this procedure is wrong. I think the people in the various States should have the right to determine whether or not they want people to vote under age 21. Some States do now permit this. Some States have turned it down. Some have turned the provision down on I believe more than one occasion. And this year on the November ballot there are a number of States that have that particular provision on their ballot.

It seems to me that that is a right which the people have, and that we should proceed according to the Constitution, propose an amendment, and present it to the people and the State legislatures, and then let them determine it.

I am not arguing whether they should or should not be permitted to vote, or whether it is constitutional or not constitutional. I am arguing procedure. I think we, the Members of this most distinguished legislative body in the world, should at least proceed in accordance with an orderly fashion, and have a conference and then have an opportunity to vote the bill up or down. Accordingly, I ask that you join with me in voting down the previous question, and accepting the amendment so that it can go to conference.

Just one final point, if I may: although the Senate bill is one amendment in total, there are three titles to it. The first two, as I mentioned, have to do with voting rights, and the third has to do with 18-year-olds voting.

And if in the conference, the gentleman from New York (Mr. CELLER) and the gentleman from Ohio (Mr. MCCULLOCH), and others on both sides, on House Resolution 914, are concerned about the time limit, the managers on the part of the House can be instructed to accept titles I and II, and then simply confer or have a conference on the voting rights for 18-year-olds, and they should be able to settle that in a matter of one or two meetings.

So I urge the support of the Members in voting down the previous question.

Mr. MATSUNAGA. Mr. Speaker, I yield to the distinguished chairman of the Committee on the Judiciary, the gentleman from New York (Mr. CELLER) 8 minutes.

Mr. CELLER. Mr. Speaker, the Voting Rights Act of 1965 has made it possible for over 1 million blacks to register to vote and has made it possible for approximately 500 blacks to attain elective office.

The Voting Rights Act is finally making the promise of the 15th amendment of the Constitution—"the right of all citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude"—a reality.

It avails us little indeed to cleanse our polluted air and polluted waters, if we allow racism to pollute our political atmosphere.

The Voting Rights Act of 1965 did much to clear the political atmosphere. If the Voting Rights Act is not extended, the resumption of literacy tests and similar devices would occur. The wholesale reregistration of voters would be attempted which would erase all of the gains that have thus far been realized.

There would be gerrymandering of white areas.

There would be gerrymandering of black areas.

Offices that have heretofore been elective offices would be made appointive offices.

There would be sudden changes made in the places for people to vote and sudden changes in the time of casting that vote.

The Attorney General would be denied the authority to appoint Federal examiners and to register voters and to assign Federal observers to monitor the conduct of elections.

Mr. Speaker, if the Voting Rights Act is not extended, then the existing protections against manipulative changes in the voting laws will be eliminated.

Federal review by the Attorney General or the courts will no longer be a condition precedent to enforcing election law changes.

Sweet reasonableness does not exist unfortunately in some quarters to insure the freedom of the ballot. Indeed unreconstructed segregationalism prevails in many areas.

Finally, I want to point out to you my good friends that a vote against ordering the previous question is tantamount to a vote against the extension of the Voting Rights Act.

If there is any change in the bill, the bill then goes to conference and there, I can assure you, there would be the death knell of the bill.

Why do I say that? I say that because of my knowledge of what would happen in the other body. I know who the conferees would be. If this bill goes back to the other body, then this bill is as dead as that flightless bird called the dodo.

Over in the other body whether it be in the committee or on the floor—and I know whereof I speak—the gentlemen there would temporize, hinder, saunter, oppilate, prolong, prorogue, protract, procrastinate, and in other words, they would filibuster.

Mr. Speaker, the act expires 7 weeks from now. That is a short time—and an ideal time within which certain gentlemen could indeed filibuster.

The bill would be like the ferocious bull that goes into the arena. The bull goes in alive, all right—but we know that

as a result of the work of the matador and the picador and the toreador that the bull does not come out of the ring alive.

This bill will go in alive, but it will come out dead. If you feel that the Voting Rights Act is a good bill, and it has proved its effectiveness, you must vote in favor of ordering the previous question on the pending resolution.

Now I am not alarmed at the rider of the voting age reduction provision on this Voting Rights Act. Court decisions can be cited for or against its constitutionality. On this question I am confident, however. The statutory voting age reduction provision will meet an early court challenge this year. It will receive a full and complete review by the Supreme Court before the end of the year and a final judicial determination will occur before the 1971 elections.

Lost time is never found again. Let us seize the opportunity now to guarantee the blacks the vote. Let us seize time by the forelock and vote for the previous question and pass the rule.

Mr. Speaker, the continuing need for the Voting Rights Act is forcefully illustrated by two voting rights suits brought in Alabama and Louisiana by the Department of Justice in just the last 2 weeks. One of these suits, instituted June 8—United States against Bishop, and others—seeks to void the primary election in Tallulah, La., on the ground that qualified Negro voters were purged from the voting rolls while ineligible white voters remained on the rolls.

Another suit filed by the Government on June 3—United States against Democratic Executive Committee of Wilcox County—also seeks to void a local election on the grounds that new qualifications for candidates were instituted in disregard of the provisions of section 5 of the Voting Rights Act. In other words, they were not submitted to the Federal court or the Attorney General before being implemented. These new candidate qualifications worked a substantial detriment to potential Negro candidates as well as Negro voters in Wilcox County, Ala.

Make no mistake about this. Without an extension of the provisions of the Voting Rights Act, in 2 short months, beginning in August of this year, jurisdictions now covered by the automatic remedies of the act will be in a position to obtain an exemption. This means that on August 7, the States of Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Virginia can go into Federal court and on the basis of the past 5-year ban on literacy tests obtain exemption from the automatic remedies of the Voting Rights Act.

Opponents of the Voting Rights Act extension argue that actually there is no imminent expiration of the act. They stress that only a judgment of the Federal court can release areas now covered by the act. They also maintain that court orders are not automatically granted.

Mr. Speaker, this argument is an exercise in legal hair splitting. It amounts to intellectual gymnastics. The simple truth is this: Unless the Voting Rights Act of 1965 is extended now, the States of Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Virginia will be free to petition the court for exemption beginning on August 7. For the past 5 years they have been prohibited by the act from using literacy tests as a qualification to vote. Thus, their exemption by court order is assured if the previous questions voted down and the bill would go to conference.

The statute is explicit—unless the Attorney General determines that such tests or devices have been used during the preceding 5 years for the purpose or effect of denying or abridging the right to vote on account of race or color, "he shall consent to the entry of such judgment." Although the actual order of the court may not be rendered until a later date, the legal steps for producing such exemption can begin on August 7, only some 7 weeks away.

A vote against the previous question is a vote against extension of the Voting Rights Act.

Any further delay in enacting an extension of the Voting Rights Act spells the end of its protections.

Mr. Speaker, no duty weighs more heavily on the Members of this Congress than to protect the right to vote from interference because of race or color. If final action to extend the 1965 Voting Rights Act is delayed any further—the real victims will not be 18-, 19-, or 20-year-olds—or those citizens who move from one State to another on the eve of a presidential election. The real victims will be black Americans who have been encouraged to participate in the electoral processes of this Nation—those citizens who have been promised the fulfillment of their constitutionally protected right to vote.

A further delay in extending the act will blot out protections the Congress enacted 5 years ago. It will shatter legitimate dreams and aspirations. It will mark 1970 as the year in which the Congress dismantled the most effective civil rights protection yet enacted. It may encourage the return of all of the undesirable, immoral, and legally impermissible voting restrictions based on race or color.

I urge my colleagues to support ordering the previous question and to support House Resolution 914.

Mr. Speaker, H.R. 4249, the voting rights extension bill, as amended by the House, was approved on December 11, 1969. The bill then was amended and approved by the other body on April 2 of this year. On April 8 I asked unanimous consent to take the bill from the Speaker's table with the Senate amendments thereto and concur in the Senate amendments. That unanimous-consent request was objected to. On the same day I wrote to the chairman of the Committee on Rules requesting that that committee grant a rule of the type embodied in House Resolution 914, and also requested a hearing before that committee at the earliest convenient date.

It may help if I attempt briefly to set out the major provisions of the Senate version of the bill. First, in two areas the Senate amendments closely parallel provisions approved by the House. These are:

First, a nationwide ban on literacy tests and similar devices. The Senate version imposes this ban 5 years until August 6, 1975, in all areas not presently subject to the literacy test prohibition under the Voting Rights Act. The House version banned such tests until January 1, 1974.

Second, establishment of a uniform ceiling on residency requirements imposed by the States for voting for President and Vice President of the United States. The Senate version reduces the maximum residency requirement from 60 days provided by the House to 30 days, and also gives citizens the right to register and vote by absentee ballots.

The Senate version of H.R. 4249 also contains three provisions not contained in the bill which the House approved last December. These are as follows:

An extension of all of the provisions of the Voting Rights Act of 1965 for an additional 5-year period—this is identical to the bill which the House Judiciary Committee favorably reported initially.

A supplemental trigger provision which extends the remedies of the Voting Rights Act to additional areas of the country based on 1968 election results. This may bring within the coverage of the Voting Rights Act of 1965 certain counties in New York State—Bronx, Kings and Manhattan—as well as counties in California, Idaho, and elsewhere.

Finally, the Senate version would reduce the minimum voting age to 18 in all Federal, State and local elections.

Mr. Speaker, I have said on the floor before, and I repeat again, that my paramount interest lies in the simple and prompt extension of all of the provisions of the Voting Rights Act of 1965. The records of our subcommittee hearings, Civil Rights Commission reports and the history of litigation over the past 5 years all testify to the substantial progress thus far achieved under the act as well as the fragility of that progress. For example, in Alabama, the nonwhite population registered to vote increased from 19.3 percent in 1964 to 56.7 percent in the late summer of 1968; in Georgia, from 27.4 to 56.1 percent; in Louisiana, from 31.6 to 59.3 percent; in Mississippi, from 6.7 to 59.9 percent, and in South Carolina, from 37.3 to 50.8 percent. The Voting Rights Act, by all accounts, has been the most successful and effective civil rights enactment of the Congress. Its goals have not been fully achieved as yet and I am convinced that an additional period is required to bring about the realization of full and unfettered participation of all our citizens in the voting processes.

If the Voting Rights Act is not extended, resumption of literacy tests and similar devices could occur. A wholesale reregistration of voters could be attempted which would erase all the gains thus far realized. The Attorney General would be denied authority to appoint Federal examiners to register voters and to assign Federal observers to monitor the conduct of elections. If the act were not extended, the existing protections against manipulative changes in voting laws would be eliminated. Section 5 of the act requiring Federal review would no longer be a condition precedent to enforcing election law changes.

On previous occasions I have ex-

pressed reservations about the power of Congress to affect residency requirements for voting for President and Vice President and to ban literacy tests generally as voting qualifications. However, I do believe that reasonable men may differ as to the constitutional authority of the Congress to legislate in these areas.[1] In any event, I am persuaded that adequate recourse exists for prompt and complete judicial determinations concerning a nationwide residency ceiling for voting for President and Vice President and a nationwide literacy ban.

I have also expressed my qualms and personal misgivings about a statutory reduction in the voting age. Unlike many Members, I do hold doubts as to the wisdom of extending the franchise to persons 18 to 21. Of course, I recognize that many Members of the Congress do not share these qualms. I respect their differences of opinion.

I also hold reservations about the constitutional authority of Congress to statutorily amend voting age requirements in State and local, as well as Federal, elections. I am not confident that the provisions in the Constitution in article I, section 2; article II, section 1; the 17th amendment; or the 14th amendment empower the Congress to lower or raise the age qualification of voters in State, local, or Federal elections. Nor do I find decisions of the Supreme Court that hold or intimate that the Congress, by legislative fiat, may declare nationwide voting age requirements.

I do not read the decision of the Court in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), to squarely support congressional enfranchisement of persons below the voting age established by the States.

Despite these reservations and concerns, to which, as you know, I have given vent recently, I am now, today, firmly and finally of the opinion that we must brook no obstacle to the immediate extension of the Voting Rights Act of 1965. That extension is of such paramount national importance that it must be effectuated as promptly as possible and at a minimum of risk.

In 1965, the House Judiciary Committee report on the Voting Rights Act discussed the history of voting litigation in Dallas County, Alabama. The Committee report stated:

> The litigation in Dallas County took more than 4 years to open the door to the exercise of constitutional rights conferred almost a century ago. The problem on a national scale is that the difficulties experienced in suits in Dallas County have been encountered over and over again under existing voting laws. Four years is too long. The burden is too long. The burden is too heavy—the wrong to our citizens is too serious—the damage to our national conscience is too great not to adopt more effective measures than exist today.

That statement was the essential justification for the Voting Rights Act of 1965—it remains the essential justification in 1970.

Mr. Speaker, I am convinced that the provisions of the Senate amendment can be subjected to prompt and thorough court challenge. I am also persuaded that a final court decision on the validity of the statutory voting age reduction will be rendered in advance of primary and local elections occurring in 1971 to avoid calamity and chaos in our electoral process.

Suit could be instituted directly in the Supreme Court. A State could bring a suit against the Attorney General who is given the powers of enforcement under the Act—original jurisdiction is founded under article III, section 2, South Carolina against Katzenbach.

A suit also could be brought in a lower Federal court by a potential voter under 21 who is denied registration; or a voter over 21 if those under 21 are granted registration. In either case a three-judge court would be convened with direct appeal to the Supreme Court.

In any case, a justiciable controversy would be present even before the effective date of the voting age reduction. See *Pierce* v. *Society of Sisters*, 268 U.S. 510 (1925). There, the Court affirmed injunctions restraining the Governor of the State of Oregon from threatening or attempting to enforce a law precluding private school education. The Court said:

> The suits were not premature. The injury to appellees was present and very real, not a mere possibility in the remote future. If no relief had been possible prior to the effective date of the Act, the injury would have become irreparable. Prevention of impending injury by unlawful action is a well recognized function of courts of equity. (At 536.)

In short, I believe that the national interest will best be served if the House promptly accepts the Senate amendments. I urge my colleagues to approve House Resolution 914 to permit House concurrence in the Senate Amendments to H.R. 4249.

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

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

Mr. RAILSBACK. I wish to thank my distinguished chairman for yielding. I appreciate very much the opportunity to address myself to some of the constitutional points that have been raised and also to deal specifically with the questions raised about getting an early hearing. I think you are going to hear it said that we cannot possibly get an expedited hearing by January 1. In order to save time, I would like to call the attention of the Members on both sides of the aisle to some remarks that I inserted in yesterdays's RECORD on page 1987, at the bottom of the page, which actually sets forth four different alternative means by which we can get an expedited hearing to determine the constitutionality as it relates to lowering the voting age to age 18. I would appreciate it if the Members would check that.

I want to say, too, that all of the arguments that have been raised about causing uncertainty in the elections in the year 1971 could have been raised in respect to the passage of the original Voting Rights Act. What happened when we passed the Voting Rights Act back in 1965? Well, the State of South Carolina was concerned about the constitutionality of the Voting Rights Act of 1965. It sought and obtained an early hearing and, in the case of *South Carolina* v. *Katzenbach* (383 U.S. 301), Chief Justice Warren stated in his opinion:

> Because no issues of fact were raised in the complaint, and because of South Carolina's desire to obtain a ruling prior to its primary elections in June 1966, we dispensed with appointment of a special master and expedited our hearing of the case.
>
> Recognizing that the questions presented were of urgent concern to the entire country, we invited all of the States to participate in this proceeding as friends of the Court.

And a majority of the States responded.

The same thing could be done in this case, and all the arguments that were raised in respect to the Voting Rights Act of 1965 could be raised here and could be answered in the same way, just as the Supreme Court handled its expedited hearings in the case of South Carolina against Katzenbach.

Mr. SMITH of California. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. MCCULLOCH).

Mr. MCCULLOCH. Mr. Speaker, let there be no mistake. If House Resolution 914 is not adopted today, the most effective civil rights law in our Nation's history will be emasculated. If the key provisions of the Voting Rights Act of 1965 are not renewed, this day will go down in history as a day of infamy, a day as tragic as that day in 1894 when the Congress repealed all Federal laws prohibiting racial discrimination in voting.

The Voting Rights Act says that a State or county shall be entitled to removal from the key provisions of the Act if a literacy test or device has not been employed for 5 years with the purpose or the effect of racial discrimination. The State or county in question may file its petition at any time. Wake County, N.C., has already filed its petition and been granted relief. And perhaps tomorrow some other jurisdiction will file and get relief. There is no guarantee that we have until August 6 of this year to renew these key provisions. If a jurisdiction did not discriminate in applying its literacy tests in June and July of 1965, relief is obtainable for the asking. Today, Mr. Speaker, may already be too late.

The Senate amendment is not regional in application. It applies the Voting Rights Act to all parts of the country. It proscribes literacy qualifications for all parts of the country. It establishes uniform residency qualifications for Presidential elections for all parts of the country. And it establishes uniform age qualifications for all parts of the country.

But as one objection is met, another is voiced. The administration argues that the age-qualification provision is unconstitutional.

I find that argument more convenient than consistent. How can it be that Congress can constitutionally ban literacy qualifications in Maine or Wyoming and override the residency qualifications which the States have set for presidential elections—as the administration ar-

[1] Indeed, a case is now pending before the Supreme Court which challenges the validity of an English literacy test (Jimenez v. Naff), in the State of Washington. It is expected that the Court will rule on that matter in its next term.

gues—but cannot set age qualifications? If we can take legislative notice of the facts that rationally support our setting the literacy and residency qualifications for voting, than we can do the same with regard to age qualifications.

It is not simply a coincidence that those who argue that the age-qualification provision is unconstitutional completely ignore the most recent Supreme Court decisions. On June 16, 1969, the Court set down some new rules regarding the franchise in Kramer against Union School District. The Court said:

When we are reviewing statutes which deny some residents the right to vote, the general presumption of constitutionality afforded state statutes and the traditional approval given state classifications if the Court can conceive of a "rational basis" for the distinctions made are not applicable.

Limitations on the franchise must be more than rational, said the Court. They must be "necessary to promote a compelling state interest." I do not believe that an age qualification set at 21 years of age is necessary to promote any compelling State interest of precluding immature voting. One could do that with a lower age qualification. Hence, it is quite clear to me that if the age qualifications of 21 years of age are not in themselves unconstitutional, the Court could certainly "perceive a basis"—in the words of Katzenbach against Morgan—on which Congress might reach that conclusion.

Adoption of this provision will not cloud elections. The issue can be quickly resolved—well before January 1, 1971, the effective date of age-qualification provision. The Supreme Court has jurisdiction to hear the case originally where a State is a party. The Supreme Court has shown that it can decide cases in a month or so when it has to. There really is no problem here.

I urge you to vote "yes" on the previous question and on the passage of House Resolution 914.

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

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

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding and commend him for his dedication in the struggle for equal justice. Ever since I have been in the Congress the gentleman from Ohio has been steadfast in support of such legislation. He has never failed to cooperate with the chairman of the Judiciary Committee, the gentleman from New York (Mr. CELLER) in effecting passage of this kind of legislation. I agree that we are on the brink and that our action in the House today will determine whether this Nation will move forward to make political participation more meaningful for many who are still on the outside.

This legislation today has one elementary objective and that is to extend political participation for all of our citizens regardless of their race. In addition we are now taking the long overdue action of extending the vote to those 11 million Americans who are 18, 19, and 20 years of age. The joining of the Voter Rights Act with the 18-year-old vote recognizes how crucial it is that the franchise be extended to as many as possible. And we are doing them no small favors. All black Americans ought to be able to fully participate in the political process as well as those who have the legal responsibility to bear arms in the name of their country.

This bill which I have supported is a very modest document and the fact that it needs extension for an additional 5 years speaks to that point because out of millions of black Americans in the South who ought to be able to participate in politics without the necessity of a voter rights bill, in 5 years we have registered somewhere around a million of them. We ought to do more. The bill needs much more enforcement and I hope that the administration will, for whatever reasons that might motivate them, see that the law is enforced and is not just another dead letter on the books.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, the heart of the matter before us today is whether we will accept the Senate amendments which include a provision lowering the voting age. To do so is to avoid a conference and subsequent votes in both Houses on a conference report with the delays which would attend such a decision. The August 6 expiration date of the Voting Rights Act, a scant 7 weeks hence, has special relevance to the decision we must make. Som complain that this is an intolerable procedure and an affront to the normal legislative prerogatives of this House. However, that argument is not compelling when the substantive issue so completely dwarfs the procedural aspects of the problem that now confronts us. In less difficult times the luxury of a more leisurely procedure would perhaps be warranted.

A few days ago, following an extensive tour of the Nation's campuses, members of the White House staff reported their findings on the attitudes of American youth to the President. I have not seen their report, but press accounts reveal that they were shocked by the degree to which young people are afflicted by a sense of powerlessness which in turn has stimulated a distrust of some of our most basic institutions. They are constantly enjoined to work within the system only to find that the system excludes them from any direct participation in the actual decisionmaking process. Mr. Speaker, these are our children—as Robert Finch, a member of the President's cabinet put it, and not the children of some far-off alien planet. Some of them may look strange and sound strange, but we reject them at our own peril, for there is no other generation which we can substitute in their place. We will either convince them that the ballot box and the elective process is an effective means of accomplishing change or inevitably they will succumb to the same pressures that have brought the demise of democracy when faith in man's right to freely choose has begun to fade.

There are those today with honest constitutional qualms. They view this legislation as an invasion of the power of the States to establish 21 as a minimum age for voting. But we have already, by this legislation, told the States they cannot impose a residency requirement of more than 30 days for voting in a national election or impose any kind of literacy test. Age, residency, and race—these are all matters in which clearly the Congress does have the power under the 14th amendment to make a finding that certain State requirements do not bear any reasonable relation to an interest of the State. Therefore, they may be proscribed by Federal action in order to carry out the equal protection of the laws guaranteed by the Constitution. As long as the Court can perceive that the Congress had a reasonable basis on which to act—to make such a finding—it cannot substitute its judgment for that of Congress. Katzenbach against Morgan shows that this principle of interpretation of the equal protection clause is firmly embedded in the law.

Some weeks ago we had before this House a most controversial piece of legislation, the District crime bill. Hopefully we will soon consider a Senate bill dealing with organized crime. These measures are literally studded with provisions which have been sharply attacked on serious constitutional grounds. Yet it is no violation of our oath to support and defend the Constitution of the United States to decide in favor of even the most controversial measure if in our own minds we can reconcile it with an appropriate grant of constitutional power.

I believe section 5 of the 14th amendment does give me the right, yes, the responsibility, of formulating an independent judgment on the issue now before us. I believe that by broadening and extending the franchise I am helping to broaden the very base of our democracy. I believe that I am strengthening the foundations of a democratic society now under substantial assault. I believe that the overwhelming majority of those who are 18, 19, and 20 are concerned and committed—reasonable and responsible. Therefore, I will not succumb to any impulse to punish them for the irresponsible criminality and reprehensible conduct of a violent few. For those who take to the streets have no interest in the ballot box.

Ibsen said:

I believe that man is right who is most in league with the future.

An affirmative vote for the proposition now before us is right because it demonstrates to the youth of our country that we believe both in them and in their future conduct of the affairs of this Republic. We will be there to guide and assist them, but we are willing to let them begin now to have a vital part in the workings of our democracy. I, for one, believe that they will be responsive to that challenge.

Mr. MATSUNAGA. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Speaker, I thank my colleague for allowing me these very valuable minutes to discuss what I truly

believe is the most important piece of domestic legislation we will consider during this Congress.

Let me say first that as a lawyer, a member of the Committee on the Judiciary, and a public official sworn to uphold the Constitution, I can vote for H.R. 4249 with conviction that we are acting constitutionally. Whenever we undertake to legislate in a new area, there will be some question of our power to do so. But in this case, the language is there, in the 14th amendment—"Congress shall have the power." And the language is there in the Supreme Court cases:

> 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. (Katzenbach v. Morgan, 384 U.S. 641 (1966)).

Why should we tell the States what to do? Partly for the same reason that we tell them not to have a kingdom, or a dictatorship, even though the people of a State might want it. Why should we tell the States what to do?—for the same reason that we tell them not to discriminate against black people or Mexican Americans or illiterates. The federal system specifically ordains that there will be voting and that the major conditions of voting will be determined as a matter of national policy.

Nor is there substance to the captious charge that 18-year-old voting is some kind of "ungermane" rider to this bill. It is a very easy rider—because age, like race, residence, and reading, has a history of being used as an excuse to keep people from participating in the choosing process.

If the question of voting eligibility means something more than eligibility of a fraternity—then we have the obligation to remove all impediments that deny people the most fundamental blessing of liberty, and that keep the Union from being more perfect. The same law and logic that tell the states not to use race or residence or reading as the means of barring the voting door, compel us to limit the age discretion of the State. Are those who argue otherwise prepared to let a State use age 50 as a minimum for voting? Some States might desire such an option. The question is not whether age can be regulated—the question is what is the reasonable minimum age? Is it 21, the figure which was arbitrarily selected in medieval times as the age at which a squire could become a knight? Should that be the relevant measure of our Republic? Or is it 18, which so clearly separates the boy from the man, the girl from the woman?

And in any event is that not what Congress can find? Those who say 18 is too young to vote—are they prepared to change the draft laws to make 21 a minimum age for service? Are they prepared to say that all persons under 21 shall be treated as juvenile under the criminal laws? If we resolve doubts in favor of democracy, then 18-year voting should not be doubtful.

But the important thing about this bill, as amended by the Senate, is its bring-us-together potential. For 3 years and more, our country has been ripped and torn and shot at until some wonder if we can ever come together again as one people. That is the importance of this bill: it speaks to those very groups who are so alienated from our institutions. To the poor and illiterate, it says "yes, we want you to vote, too." To the blacks, it says "yes, we will keep faith with you, we want you to vote, too." To the young, America's future generation, it says "yes, we welcome your participation in our system."

This bill gives the disinherited a piece of the action: it gives the alienated a voice in shaping the institutions which they now criticize so harshly; it gives many Americans a stake in America's future which they do not have now. In short, it enfranchises the disenfranchised of America. It is needed to make more real the ephemeral notion that 200 million people can rule themselves.

This is a day of high hope. The great expectations of and for this country can be shared by many who up to now could only press their noses against the glass that excluded them as too black—or too dumb—or too young.

This bill can go a long way toward restoring the soul of this country.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, I urge the House to concur in the Senate amendments to the bill extending the Voting Rights Act of 1965.

There is nothing in the Constitution which restricts the Congress in taking the action which I hope the House will take today in assuring to 18-, 19-, and 20-year-olds the right to vote.

Nor is there anything which prohibits the Congress from outlawing literacy tests, or poll taxes, or which prevents the Congress from deciding that only Americans whose native tongue is English shall be entitled to vote.

The principle in all these areas of appropriate congressional action is the same.

The Supreme Court has recognized the validity of the latter principle in Morgan against Katzenbach.

The Attorney General has recognized the validity of this principle, and the President has urged us to embrace this principle in this bill, by banning literacy tests nationwide.

I am suggesting that on the basis of the precedents and equity and good conscience we recognize this basic principle here, in according to 18-, 19-, and 20-year-olds the equal protection of the laws under the 14th amendment to the Constitution by permitting them to vote.

I am interested in this subject on the basis of its constitutional authority, and also on the basis of its justice. In supporting the right of these younger citizens to vote, I am mindful that some of them have acted irresponsibly.

But that is a small minority of the more than 11 million citizens in whose behalf I am speaking. Among these 11 million persons most belong to the silent majority, and more than half are employed and are paying taxes; and 800,000 are under arms. Over a million are housewives, looking after their own homes and household budgets. An overwhelming majority of them are high school graduates.

Mr. Speaker, do we want to support the rights of these 11 million citizens to participate in the affairs of our representative republic by voting and electing? I believe we do.

What is the real basis for recognizing originally that 21 should be the minimum lawful age for voting? As the gentleman from Illinois (Mr. MIKVA) said, it was at that age when he moved from one category in English law to another.

According to the debates in the other body—21 was established as the minimum voting age because young men were not considered to be strong enough to bear their suits of armor until they attained the age of 21.

But today our young men are considered old enough—and strong enough to carry bullet-proof vests—and arms—when they are 18. So, the original reason for the 21-year-old minimum age is gone—and so is the argument that would retain age 21 on some untenable constitutional or other basis. It is argued that if the Supreme Court holds the lowering of the voting age by legislation to be unconstitutional, these young citizens will feel frustrated and their hopes will be dashed. I reject that argument.

Deciding today in favor of concurring in the Senate amendments will give hope and confidence to our younger citizens. These 11 million deserve our support today.

So, also do the blacks and other disadvantaged citizens who will benefit from this legislation.

Mr. MATSUNAGA. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. ANDREWS).

Mr. ANDREWS of Alabama. Mr. Speaker, the Senate amendment lowering the voting age to 18 shares a common evil with the 1965 Voting Rights Act, to which it is attached; both trample on the rights of the States.

It is hard to imagine that anything could worsen the Voting Rights Act, which remains a weapon to bludgeon a few Southern States into line by taking away their constitutional powers in determining voter qualifications and conducting elections.

Yet, many in Congress have decided that they, and not the several States, can determine voting age qualifications. They make such a decision, in spite of article I, section 2 of the Constitution, which clearly states that the electors for the House of Representatives shall have the same qualifications as the electors of the most numerous branch of the State legislature.

The 17th amendment, which provides for the direct election of Senators, restates the point that the States, and not the Federal Congress, determine voter qualifications.

Since the power to change voting requirements belongs to the States, the only proper way to lower the voting age

is by constitutional amendment. Three amendments affecting voter qualifications have already been added to the Constitution.

In addition to the 17th amendment, the 19th amendment guaranteed women's right to vote, and the 24th amendment eliminated the poll tax as a requirement for voting.

Proponents of a voting qualification change by simple statute base their case on an incredibly liberal interpretation of the 14th amendment. They contend that "equal protection of the laws," guaranteed by the amendment, are being denied those under 21 years of age.

Where would such logic end? If 18-year-olds are denied equal protection of the laws, simply by not having the vote, what about 17-year-olds and younger? This pattern of thinking could lead to the abandonment of all age restrictions, as a denial of the amendment's equal protection clause.

The error in thinking that this amendment justifies changing the voting age by a simple act of Congress is plainly evident in the amendment itself.

Section 2 states:

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 . . . the basis for representation shall be reduced.

It hardly stands to reason that the equal protection clause of the 14th amendment was intended to apply to lowering the voting age, when in its very next paragraph it specifies the 21-year-old requirement.

The rightness or wrongness of lowering the voting age is a matter of opinion, to which each Member of Congress is entitled, along with every other American, but it is not a matter for congressional statute.

If legislatures in three-fourths of the States decide to lower the minimum age for voting, it will be lowered nationwide, and the Constitution will suffer no damage.

Aside from the improper approach to changing the voting age, there is little evidence to prove that the idea has nationwide approval. Forty-six States now have the 21-year-old minimum, and some 20 States have considered and rejected teenage voting in the recent past. Eleven States will vote on the issue this year.

The question before the House today is, shall we junk the tried and true amendment process for a reckless alternative, born of emotionalism and political expediency? I should hope not.

Mr. MATSUNAGA. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, the House of Representatives, on certain rare occasions, is called upon to make decisions of a far greater magnitude and of infinitely more significance than we do in our customary legislative activities. Today is such an occasion. In a few minutes, this body will be required to make an historic and momentous determination whether or not to extend the franchise to 18-year-olds.

The history of our Republic is a record replete with the continuing broadening of the franchise. Ours has been a chronicle without parallel of the further implementation of democracy by the inclusion of an ever greater segment of our citizenry in the political decision-making process. Our forebearers were endowed with unique pragmatic political insight. They thus succeeded in accomplishing the greatest revolution, bloodless or otherwise, ever experienced by mankind. They in effect translated into reality the democratic ideals of the Declaration of Independence. Swept into the dust bin of history were religious tests for public office, property qualifications for voting, the indirect election of U.S. Senators, and bars to voting because of sex, color, or ethnic origin.

Within the hour, the membership of the House will be tested on the fundamental proposition of whether or not we possess a political sagacity and faith in the democratic way of life equal to that of our predecessors. When the reading clerk calls the roll on the key vote, the motion ordering the previous question on House Resolution 914, the proposition will be simple and clear cut. It cannot be evaded. Those who endeavor to equivocate that they are for the 18-year-old vote but insist that the cumbersome time-consuming constitutional amendment route be pursued, are in effect against extending the franchise to 18-, 19-, and 20-year-olds. Eminent legal scholars such as Professor Freund of the Harvard Law School and Archibald Cox, former Solicitor General of the United States, are confident that the Congress has ample statutory power to legislate in this area. Our power stems from the Equal Protection clause of the 14th Amendment. The Senate has already voted 64 to 17 to grant 18-year-olds the vote by simple statute.

The constitutional amendment route is not under the present circumstances a viable alternative of congressional statutory action. All of us know that. There is absolutely no chance whatsoever of getting such a constitutional amendment passed by the Congress and ratified by the necessary three-fourths of the States prior to the 1972 presidential election.

I do not know, no one can certainly know, to what extent newly franchised 18-, 19-, and 20-year-olds might participate in the political process and vote in 1972. Neither do I know how those who do vote will vote. Personally I do not really care. I do not regard this as a narrow partisan question. Should I be certain that these young people would vote Republican en masse, I would still earnestly and strenuously support their enfranchisement. I would do so because this is a question of equity and justice. To inject a scintilla of partisanship into this matter would be degrading and do a grave disservice to our finest traditions.

Should the opponents of the 18-year-olds vote succeed in voting down the previous question, it will mean there will be no vote for the 18-year-olds and, of equal significance, there will be no extension of the Voting Rights Act of 1965. For if this legislation is sent to conference, the fate of any conference report in the other body is certainly not difficult to imagine. The Voting Rights Act, which has enabled millions of previously disfranchised Negroes for the first time to vote and participate in the political process, would then die in August. Thus at the very time when moderate Negro leaders are urging their people to eschew violent and nonlegal methods, we would in effect once more be slamming the door in the face of those who wish to operate through legal channels.

I would point out to the House, moreover, that the measure before us is not aimed at any one section. Rather, its aim is to protect the voting rights to everyone everywhere. The pending bill modifies the so-called trigger formula to make the 1965 act applicable to all States and counties in which less than 50 percent of the voting-age residents were registered on November 1, 1968, or voted in the 1968 presidential election. These provisions would extend coverage of the act to three Alaska districts; Apache County, Ariz.; Imperial County, Calif.; Elmore County, Idaho; Bronx, Kings—Brooklyn—and New York—Manhattan—Counties, N.Y.; and Wheeler County, Oreg.

The House, if it votes down the previous question on the resolution of concurrence, will have informed both the young and the Blacks that there is no place for them in the orderly political process.

Mr. Speaker, I have made my decision. I have faith in the future. I have confidence in the young people of this Nation. I favor protecting the voting rights of all our citizens regardless of race or color. I shall take my stand with democracy. I urge my colleagues on both sides of the aisle to do likewise in overwhelming numbers so that when historians write of this momentous decision, it may be recorded that the vast majority of the House of Representatives chose to take its stand on the side of fairness, freedom and the future.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield to me in connection with what the gentleman just said?

Mr. ALBERT. I yield to the gentleman.

Mr. LONG of Maryland. Mr. Speaker, I have here a list of 14 men from Maryland, chosen at random, who died in Vietnam so far this year. Of the 14, 10 are under 21 years of age. These young people of 18, 19 and 20 are the ones who are carrying the real burden of their country and are the ones who should have something to say about how it is run.

Mr. ALBERT. I thank the gentleman.

Mr. LONG of Maryland. Mr. Speaker, I submit the names for the RECORD.

Air Force Sgt. Robert D. Walsh, 22, Dundalk.

Capt. James M. Atchison, 25, Frederick.

Army WO William W. Noetzel, 20, Lutherville.

Army Pfc. Donn M. Lorber, 20, Brooklyn, Md.

Marine L. Cpl. Michael Soltys, 19, Baltimore.

Army Pfc. James Ghee, 20, Baltimore.

Marine L. Cpl. John J. Croce, 19, Columbia.

Army Sp4c. G. Blakeney, 20, Baltimore.

Pfc. J. Dastoli, 20, Chillum Terrace.

Army Pfc. L. Morgan, 20, Laurel.

Lt. Col. J. Clark, 38, Temple Hills.

Pfc. Thomas Pritt, 20, of Aberdeen.

Cpl. John L. Grimes, 21, of Forestville.

Sp4c. Richard S. Cunningham, 22, Spencerville.

Within the hour, Mr. Speaker, the House will be tested on the fundamental proposition of whether or not we retain faith in the democratic way of life.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Speaker, I want to begin by thanking the distinguished gentleman from California for yielding this time to me and say that many of us who had the opportunity to tour the college campuses became convinced that the overwhelming majority of our students and our young people were sincerely motivated about their concerns. They were also very frustrated. They were also being encouraged to try to overthrow the system by the very vocal radical element. They were frustrated because they had no voice in decisionmaking and in decisionmaking that directly affected them more than any other group in the United States of America.

I do not think that they are going to understand, if we refuse to pass this, that there are grave constitutional questions. I have difficulty understanding also when there is about an equal division of expert authorities saying that this is constitutional. I have difficulty understanding why we should not let the Supreme Court decide. I heard one lawyer testify before the Rules Committee that we should not pose a dilemma to the Supreme Court and confront them with this responsibility.

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

Mr. RAILSBACK. I only have 1 minute left; otherwise I would be glad to yield to the gentleman.

Mr. Speaker, I would say that is the responsibility of the Supreme Court. They must make that determination.

I would ask those Members who argue the constitutionality and who have said to me, "Well, how can you support this if there is any question about the constitutionality," I would ask them, "Why did we support the District of Columbia crime bill about which there were serious reservations with reference to the question of constitutionality"?

I supported it.

Further, Mr. Speaker, what about the organized crime bill, S. 30, which is now pending before the House Judiciary Committee? It has been scathingly criticized because of the constitutional questions involved.

Mr. Speaker, I wonder how many Members will feel the same compulsion to vote against that measure because of the many constitutional questions raised by it?

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, I am not a Johnny-come-lately. I have been on the record for well over 2 years favoring the reduction in the voting age to 18-, 19-, and 20-year-olds. So, this proposition is not new to me. With the objective there is general agreement, the question at issue here today is how we are going to achieve this objective. Are we going to proceed through the normal constitutionally acceptable process, followed at the time we gave the women the right to vote by an amendment to the Constitution, or are we going to follow a procedure that is simply politically expedient.

I do not presume to know all of the involved legalistic arguments. I have read several of the related cases and legal briefs. I have listened to the authorities that have been cited. I have listened to the arguments, both pro and con. With all due respect to the legal profession, insofar as the lawyers in Congress are concerned, their art seems to be in finding seemingly logical reasons to support a predetermined conclusion. At best there is grave doubt as to the constitutionality of lowering the voting age by statute. This in itself is sufficient reason to reject such a procedure as is here proposed. Why risk an election being declared invalid, with very serious consequences, when there is an established constitutional procedure about which there can be no questions. At best, Mr. Speaker, there is grave doubt—there is grave doubt—in the minds of the people, including the lawyers, as to why we even bring up the question whether or not the Supreme Court should or will act on this immediately.

Mr. Speaker, if one has sat as a juror in the courtroom, he has heard the judge say to the jury, "If there is reasonable doubt, then you have to find for the accused."

The established constitutional procedure has been followed many times in changing our constitutions, and twice on the voting rights proposition itself. Why should it not be followed at this particular time on the matter of reducing the voting age?

We regret to have to say that in the procedure now proposed a constitutional principle is being sacrificed today on the altar of political expediency. It is ironic that some of our colleagues who preach the doctrine of "new federalism" and also urge recognition of States' rights and revitalization of State duties and responsibilities—and the place is full of them today—should be among those who are advocating the statutory procedure over the constitutional amendment procedure that would give the people of the respective States a voice in this major change.

I repeat, I am for the right to vote for the 18-year-olds, but I want to do it in a constitutional way, and I think that would be the overwhelming choice of the American people.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Speaker, with respect to the 18-year-olds voting issue I support a constitutional amendment, and if I were a member of the State legislature I would vote to ratify such a constitutional amendment.

I cannot support a Federal statute simply because I regard it as unconstitutional. Even if constitutional, however, it would, it seems to me, be unwise for the Federal legislature thus to preempt the domain of the State legislatures.

Now, with respect to the Voting Rights Act—and this will be the gravamen of my statement—I favor the House bill over the Senate bill, but think that the Senate bill is better than the present law. I would like that clearly understood by way of preface to the other comments I want to make.

Mr. Speaker, what troubles most Members is the fear that a conference might lead to a Senate filibuster which might frustrate extension of the Voting Rights Act before the August 6 terminal date. For two reasons, that fear is unrealistic.

First, there was no filibuster when the bill passed the Senate earlier. This is because even those Members who feel that the House version was superior to the Senate version understand that the Senate version is superior to the present law.

Second, a filibuster, even if successful, would not, as some fear, repeal the Voting Rights Act of 1965. Of the 19 sections of that act, 17 are permanent law and have nationwide application. The other two sections, the 1964 "trigger" section and the "preclearance" section, would "expire" on August 6 only in the sense that it could become inoperative with respect to the seven States which they cover.

All seven States would continue to be covered after August 6 and would remain covered until the law's escape mechanism had functioned. That mechanism does not function automatically. Its procedures are activated when, and only if, a covered State initiates a lawsuit in the District Court of the District of Columbia. The Federal rules of civil procedure give the Attorney General 60 days in which to file an answer. Thus, even if a covered State brought suit on August 7, the earliest day the court could enter an escape order would be October 8.

Neither is an escape order automatic or mandatory. A covered State is entitled to escape coverage only after it has produced the evidence to prove that it has used no literacy test for voter qualification for a continuous period of 5 years. If the Attorney General presents evidence that the State suing for escape in fact used a literacy test, notwithstanding suspension of that test by the Voing Rights Act, the court will refuse to enter an escape order; the State will remain covered and cannot thereafter escape coverage until it has brought another lawsuit and produced new evidence of innocence for a continuous period of 5 years beyond the date it last used a literacy test.

Finally, the escape when successful, is not absolute. Even if the court enters

an escape order on October 8, the Voting Rights Act provides that the court will retain jurisdiction for an additional period of 5 years. At any time during that probationary period, if the State should attempt to reimpose a literacy test and use it discriminatorily, the court could immediately reassemble the parties litigant and enter an order striking down the new test or other discriminatory device.

Therefore, those who support the Voting Rights Act but feel that a Federal statute lowering the voting age to 18 is unconstitutional can vote to send this bill to conference without fear of emasculating the Voting Rights Act. I earnestly believe that a conference committee will report an extension bill which all can support enthusiastically. This will clear the path for prompt hearings on a constitutional amendment for 18-year-old voting. I will support such an amendment, and if I were a member of the State legislature, I would vote to ratify it.

I cannot vote for a Federal statute on 18-year-old voting, because I am convinced that it is unconstitutional. Time will not permit me to argue the constitutional question. Accordingly, for the sake of argument, I will assume, without conceding, that Congress has the constitutional power to act by statute. But that is not to agree that it is wise to exercise the power. It is, I believe, unwise for three distinct reasons:

First, it is unwise because it would cast a cloud of uncertainty over 1971 elections. Even if the court test could be concluded and a judgment of constitutionality rendered before January, it might come too late for voter applicants in voter registration periods preceding elections scheduled early in 1971. All elections, primary and general, legislative and municipal, and even popular referendums are covered by the proposed statute. Even if the new age requirement could be timely applied to all elections, if it should be ignored, either willfully or innocently, by some voting registrar in some remote precinct, and if the result of the election might have been affected thereby, there could be chaos. If the election were a bond referendum, no lawyer could safely certify the bond issue.

Second, a Federal statute is unwise because it would tend to erode the Federal system. In the last 5 years, 20 States have rejected propositions to lower the voting age, one of them twice. This year, 15 States have the proposition on their ballots. For the sake of the Federal system, is it wise for the Congress, even if it has the raw power to do so, to veto the will of half the States?

Third, a Federal statute with a built-in court test is unwise because it confronts the Supreme Court with an impossible dilemma. If it sustains the statute, the Court will be accused of amending the Constitution by judicial fiat. If it declares the statute unconstitutional, the Court will be blamed for frustrating the expectations of 11 million young Americans between the ages of 18 and 21.

It is, I repeat, unwise to expose the Court to such needless abuse. It is unwise to encourage and then perhaps disappoint the young men and women of our country at a time when they are already concerned about the broader gap between promise and performance.

The wise course, the safe course, the unchallengeable course, the tried-and-true course, is to amend the Constitution in the manner which the Charter itself provides.

Mr. MACGREGOR. Mr. Speaker, most constitutional authorities share the view of President Nixon that a constitutional amendment is the only proper way by federal governmental action to give 18-year-olds the vote uniformly throughout the Nation. I have copies of a number of letters by professors of constitutional law, deans of law schools, and others supporting Mr. Nixon's position. I am inserting them in the RECORD:

UNIVERSITY OF MINNESOTA,
Minneapolis, Minn., April 20, 1970.

Hon. RICHARD NIXON,
The White House,
Washington, D.C.

Attention: Mr. Leonard Garment.

DEAR PRESIDENT NIXON: Tom Currier suggested that you might be interested in my views on the pending legislation to change the voting age in all elections, state and federal, to 18 years. The arguments pro and con are well advanced in the two published letters coming from Harvard and Yale and taking opposite positions, and need not be stated here.

My views on the constitutional issue is that it would be unwise to push the Section 5 power of Congress to "interpret" the 14th amendment that far at this time. While logical arguments can be made extending *Katzenbach* v. *Morgan* this far, it would be a drastic change in our constitutional distribution of power for Congress to prescribe the voting age for state and local elections. This would severely stretch the notion of equal protection by Congressional fiat.

Without trying to predict what the Court would do if the issue were presented, I think the Court ought not to extend the Congressional Section 5 "interpretation" power that far, and that Congress ought not to force this kind of a decision on the Court. The power of Congress to "interpret" the 14th amendment through the Section 5 power to deal with serious evils beyond the normal scope of judicial action is a salutary power that I would like to see preserved. To stretch this power as proposed in the pending legislation could easily result in court opinions that would cripple its usefulness for later situations where it is really needed.

I suppose this reflects my view that the vote for 18-year-olds is not a pressing social problem that requires such a drastic and speedy remedy. For the federal government to impose the 18-year age on state and local elections is a sufficiently major change from our distribution of power within the federal system that it should not be imposed by Congressional decision, but only by constitutional amendment.

Sincerely,

WILLIAM B. LOCKHART.

THE UNIVERSITY OF TEXAS AT AUSTIN,
Austin, Tex., April 20, 1970.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR PRESIDENT NIXON: I do not think that the Congress has power by statute to lower the voting age to 18. If one takes literally all of the language in *Katzenbach* v. *Morgan,* 384 U.S. 641 (1966) then the power to do so exists. I think that the *Katzenbach* case was incorrectly decided and therefore I have no desire to see it pushed as far as might be logically possible. Even accepting for the sake of argument the holding in the *Katzenbach* case, I think it would require a considerable extension of that holding to find the present proposed legislation valid. An argument can be made that to bar persons from voting because they are not literate in English is an irrational distinction within the traditional equal protection doctrine. I do not think that argument can be convincingly made with regard to age. Age limit on voting necessarily must be arbitrary. There is no single specific day in the life of all citizens in which it can rationally be said that they suddenly are informed members of the electorate though they were not so one day before. It is a problem in drawing lines and I think the clear meaning of Article 1, Section 2 of the Constitution is that these lines are for the states to draw.

It is my understanding, though I do not have the materials in front of me, that several of the states that have recently lowered their voting age have chosen some age other than 18. This tends to support the view that there is no mystic quality about the age 18 that makes it irrational for a state to refuse to allow a person 18 years old to vote.

The Constitution has carefully formulated provisions for the method of its amendments. I cannot believe that Section 2 of the Fourteenth Amendment upsets those and allows the Congress to make drastic changes in our constitutional scheme simply by legislation.

Sincerely,

CHARLES ALAN WRIGHT,
Charles T. McCormick Professor of Law.

THE UNIVERSITY OF CHICAGO,
Chicago, April 20, 1970.

The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: A short time ago I responded to a request from Senator Kennedy for an opinion on the constitutionality of the bill providing a vote for persons who reach the age of eighteen years. My letter, a copy of which is enclosed, indicated my opinion that such legislation, however desirable, is unconstitutional.

It has occurred to me that the Senate may no longer be in a position to withdraw its approval. I therefore respectfully request of you that, should the legislation be passed by both houses, you exercise the veto power on constitutional grounds. Unconstitutionality of legislation has been the classic ground for the exercise of the Presidential veto. I think it most appropriate in this case.

The States are clearly empowered by the Constitution to set the qualifications for voters at both State and federal elections. The Fourteenth Amendment authorizes Congress to inhibit the exercise of that power if States create improper classifications in specifying electoral qualifications. The present age qualification can hardly be considered such an invalid classification. As a matter of judgment one might choose an age higher or lower than twenty-one. My own judgment would be that eighteen is not inappropriate. But the exercise of that judgment has been clearly delegated by the Constitution to the legislatures of the States.

To treat the Constitutional allocation of power so cavalierly as the pending bill threatens to do is, indeed, an exorbitant price to pay even for a desirable result. I hope that you see it to be your duty to assure that the Constitution is not treated so lightly.

Respectfully yours,

PHILIP B. KURLAND.

YALE UNIVERSITY,
New Haven, Conn., April 25, 1970.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: A number of the signers of this letter were among the signers of a letter (a copy of which is enclosed) published in *The New York Times* on Sunday, April 5, which expressed the view that Congress has no power to lower the voting age in national and state elections by statute. The April 5 letter argues that submission to the states of a constitutional amendment is the appropriate way for Congress, if persuaded on the merits, to proceed.*

Since it seems not unlikely that the House of Representatives will shortly pass the Voting Rights Bill in the form in which it passed the Senate, and including the Senate rider lowering the voting age, we take the liberty of reiterating to you our view that the rider is unconstitutional. The letters to *The New York Times* from Senator Kennedy (April 7) and Professors Cox and Freund (April 12) have not altered our conclusion.

We wish to add a further consideration: If the Voting Rights Bill comes to you for signature, with the rider, and if you conclude that the rider is probably unconstitutional, we think it is an appropriate exercise of your discretion to veto the bill for that reason. We say this because we think it singularly inadvisable to pass on to the courts issues as to the constitutionality of the hundreds of elections, national and state, which would be affected by the rider within months after its adoption into law. There are serious questions whether these issues will be litigable at all, or promptly so. If the Supreme Court finds these issues non-litigable for any extended period of time, the nation's entire election process will be under a cloud. If, on the other hand, the Supreme Court finds an appropriate "case" or "controversy" within which the constitutional issues can be dealt with, the Court will expectably be faced with agonizing pressures not to frustrate the understandable expectations of millions of young Americans, and not to cast in further doubt the validity of large numbers of elections which have taken place in the interim—pressures which must almost inevitably skew the process of constitutional adjudication. To put dilemmas of this sort to the Supreme Court, especially at this time, seems to us likely to put profound strains on our most sensitive and critically important institutional arrangements. And all this could be obviated by the direct and appropriate mechanism of constitutional amendment.

Respectfully,

ALEXANDER M. BICKEL,
ROBERT H. BORK,
JAN G. DEUTSCH,
LOUIS H. POLLAK,
EUGENE V. ROSTOV.

[From the New York Times, Apr. 5, 1970]

AMENDMENT FAVORED FOR LOWERING VOTING AGE

To the EDITOR: As The Times has reported, the Justice Department opposes, as unconstitutional, the pending proposal to lower the voting age in national and state elections to 18 by statute.

As constitutional lawyers—some of whom favor and some of whom oppose lowering the voting age, and none of whom counts himself a knee-jerk partisan of all Justice Department positions—we believe the Department is right on this very important constitutional issue. Our reasons are these:

1. Within broad limits, the Constitution leaves states free to set qualifications for participation in national and state elections. The limits are these: Those qualified to vote for the most numerous branch of the state legislature must be permitted to vote for Representatives and Senators.

No would-be voter can be excluded from any election on grounds of race (the 15th Amendment) or sex (the 19th Amendment). And no state can impose a poll tax in any national election (the 24th Amendment) or, in any election, prescribe a voting qualification so invidious or irrational as to be a denial of the equal protection of the laws (Section 1 of the 14th Amendment).

2. Those who believe Congress can lower the voting age by statute argue in substance that Congress can declare that the 46 states with a minimum voting age of 21 are denying younger would-be voters the equal protection of the laws.

Reliance is placed on Katzenbach v. Morgan, where the Supreme Court sustained a Federal statute barring states from denying the vote to Americans of Puerto Rican origin literate in Spanish but not in English. Katzenbach v. Morgan makes sense as part of the main stream of 14th Amendment litigation, policing state restrictions on ethnic minorities. But it has little apparent application to a restriction affecting all young Americans in 46 states.

3. There is a further, and to us conclusive, reason why Katzenbach v. Morgan is unavailing: The long-ignored Section 2 of the 14th Amendment explicitly recognizes the age of 21 as a presumptive bench mark for entry into the franchise. It surpasses belief that the Constitution authorizes Congress to define the 14th Amendment's equal-protection clause so as to outlaw what the Amendment's next section approves.

A statute lowering the voting age would raise the expectations of ten million young Americans—expectations likely to be dashed by a judicial determination that the statute is unconstitutional. This lends point to the fact that when heretofore the nation decided upon a fundamental change in the composition of the electorate, the consensus was embodied, in permanent and unchallengable form, in a constitutional amendment: One hundred years ago the 15th Amendment, enfranchising blacks, was added to the Constitution.

Fifty years ago the 19th Amendment, enfranchising women, was added to the Constitution. If, in 1970, the nation is ready to welcome into the political process Americans who have reached the age of 18, Congress should, in fidelity to our constitutional traditions, submit to the states for ratification a new constitutional amendment embodying that new consensus.

ALEXANDER M. BICKEL,
CHARLES L. BLACK, Jr.,
ROBERT H. BORK,
JOHN HART ELY,
LOUIS H. POLLAK,
EUGENE V. ROSTOV.
New Haven, April 1, 1970.

(NOTE.—The writers are members of the faculty at Yale Law School.)

CENTER FOR ADVANCED STUDY IN THE BEHAVIORAL SCIENCES,
Stanford, Calif., April 20, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: I am a professor of constitutional law and the author of a casebook on constitutional law widely used in American law schools. I am glad to submit a brief statement of my views regarding the proposed legislation to extend the vote to 18-year-olds in all elections, national and state.

I support that extension of the suffrage as a matter of policy. I believe, however, that constitutional amendment, not congressional legislation, is the proper route to attain that desirable objective under our constitutional scheme.

I appreciate that arguments in support of the constitutionality of such legislation can be fashioned on the basis of Section 5 of the 14th Amendment as interpreted in Katzenbach v. Morgan, and I recognize that the Supreme Court might well sustain the constitutionality if the bill were enacted. That is not the end of the matter, of course: under our system, Congress and the President have an obligation to exercise a conscientious independent judgment on constitutional question, especially to questions such as this that are not foreclosed by repeated and firm Supreme Court rulings. [See for example, the careful discussion of the proper role of the political departments on constitutional issues in D. G. Morgan, "Congress and the Constitution" (1966).]

My main reasons for doubting the constitutional propriety of the proposal stem from my understanding of the appropriate role of Court and Congress in defining the scope of 14th Amendment rights. Section 5 gives Congress the power to "enforce" rights "by appropriate legislation," to be sure; but the primary role in articulating the content of the "rights" to be enforced belongs to the Court, not Congress, I believe. Congress may make fact findings and express its views to help inform the Court's ultimate constitutional judgment, of course. But to give to Congress a far-reaching autonomous authority to redefine the content of equal protection and due process (binding on the Court so long as a minimal rationality test is satisfied) would mark a radical and undesirable departure from our constitutional traditions.

The Court's result in the Morgan case is understandable in view of the context of that case. But to press all of the language of that case to its maximum extent as a basis for legislation would be unsound for a number of reasons. To me, the most important objection is that it would open the door to congressional overturning of Court decisions in a number of areas—criminal procedure is an example that comes readily to mind. Most scholars would agree, I believe, that the unpersuasive footnote in the Morgan opinion is not a tenable, principled safeguard against the invocation of the Section 5 power to curtail constitutional safeguards. (Some of the implications of a broad, nearly autonomous congressional power to control the scope of 14th Amendment rights via Section 5 are explored in R. A. Burt, "Miranda and Title II: A Morganatic Marriage," 1969 Supreme Court Review 81, as well as in Mr. Justice Harlan's thoughtful dissenting opinion in the Morgan case itself.)

Reliance on legislation would be especially inappropriate with respect to age qualifications on voting in state elections—an area traditionally reserved to state control, an area not subject to charges of discrimination against discrete minorities that would justify national intervention. In an area such as this, constitutional amendment is surely the route which would prove least damaging to our constitutional structure. I must add that many of my constitutional doubts regarding legislation regarding age qualifications are also applicable to a provision in the Administration's own voting proposals: the elimination of literacy tests in all elections (quite independent of the background of racial discrimination that provided a legitimate basis for the literacy test provisions in the 1965 Voting Rights Act sustained in

*Professor Jan G. Deutsch, a signer of this letter, did not sign the April 5 letter because he was not in New Haven when that letter was prepared, but he is in substantial agreement with that letter. Two signers of the April 5 letter are not signers of this one: Professor John H. Ely disagrees with this letter; Professor Charles L. Black, Jr., has not had an adequate opportunity (due to the press of other commitments) to think through fully the matters dealt with in this letter.

South Carolina v. Katzenbach). I accordingly hope that the political branches of our government will exercise their judgment to assure that the proper constitutional methods are followed in achieving the desirable goal of extending the vote.

Respectfully yours,

GERALD GUNTHER,
Professor of Law, Stanford University School of Law.

THE UNIVERSITY OF CHICAGO,
Chicago, Ill., April 20, 1970.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I should like to respectfully express my strong opposition to lowering the voting age by means of congressional legislation.

The Constitution, quite ambiguous in some instances, is rather clear on this matter. Article I, Section 2 and the Seventeenth Amendment leave no doubt that the states have the authority to determine who is eligible to vote even as regards federal elections.

The Fourteenth Amendment prohibits invidious discrimination by the states. It is my opinion, based on reading the congressional debates, that here is a one-to-one relationship between Sections 1 and 5 of the Fourteenth Amendment. In short, Congress can only implement Section 1 of the Amendment, not go beyond it. However this may be, even the case of *Katzenbach* v. *Morgan*, relied upon by supporters of the Senate bill, links the exercise of congressional power to some finding of invidious discrimination. In view of historical evidence, it cannot be argued that denial of the vote to 18-year olds was thought of as constituting invidious discrimination by those who drafted the Fourteenth Amendment. Nor, do I think, can it be said that this denial constitutes invidious discrimination under any contemporary standards.

There are only two ways of lowering the voting age to 18 (which as a matter of policy I strongly support): either by state legislation or by constitutional amendment. It would be sad, and indeed inconsistent with your pronouncements on the subject of constitutional construction, if your administration should support a bill which shows disregard for the Constitution.

Sincerely yours,

GERHARD CASPER,
Professor of Law.

THE LAW SCHOOL COLUMBIA UNIVERSITY,
New York, N.Y., April 23, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing at the suggestion of Mr. Currier to provide a written statement of my views on four specific questions that he asked concerning the proposal to reduce the voting age to eighteen years by Act of Congress.

First. As a matter of policy, I favor the reduction. While any line drawn in terms of age involves an element of arbitrary judgment, I see objective merit in adopting for the franchise the same standard as for military service.

Second. Prior to the decision of the Supreme Court in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), I should have stated unreservedly that the determination of the voting age in federal as well as State elections is a matter for the States. Article 1, Sec. 2 and the Seventeenth Amendment explicitly adopt for Congressional elections the "qualifications requisite for electors of the most numerous branch of the State legislature" and Article 2 commits to the State legislatures the appointment of presidential electors. State power is, to be sure, limited by the Amendments, including most relevantly the equal protection clause of the Fourteenth. But the conventional standards of qualification, such as age, residence, literacy and the like have never been considered to involve unreasonable or invidious classifications vulnerable on equal protection grounds. The Virginia poll-tax case did hold, with three dissenting votes, that to "introduce wealth or payment of a fee as a measure of a voter's qualifications is to introduce a capricious or irrelevant factor" (383 U.S. 663, 668 [1966]). But, whatever may be thought of that decision age is obviously not irrelevant to qualifications; and since any age criterion involves the drawing of an arbitrary line fixing the age at twenty-one most certainly is not "capricious."

Under the *Morgan* decision, however, the issue of Congressional authority is not concluded by the fact that State prescription of an age as high as twenty-one satisfies judicial standards of equal protection. For that decision, in sustaining the Congressional abrogation of New York's requirement of literacy in English as applied to citizens educated in Spanish in American-flag schools, gave an entirely new dimension to the power of Congress under Section 5 of the Fourteenth Amendment to "enforce" the provisions of the Amendment by "appropriate legislation." It held that the enforcement power is not limited to striking at State action that the Court would hold forbidden by the Amendment; that it endows the Congress with authority to determine for itself whether a State created discrimination or disability "constitutes an invidious discrimination in violation of the Equal Protection Clause" or is conducive to such deprivation; and, finally, that such a Congressional determination will be sustained by the Court if it is able to "perceive a basis" on which Congress "might predicate" that judgment (384 U.S. at 656).

If the *Morgan* opinion, in which five of the present members of the Supreme Court joined, is accepted at face value, its logic would sustain Congressional authority to reduce the voting age by statute or, indeed, to supersede any other disability effected by State law that Congress has some basis for appraising as "invidious." But whether the opinion will or should be so accepted is, I think, more doubtful. The facts of *Morgan* did not require such a sweeping theory, since Congress might have considered the New York requirement to have had its roots and been maintained in hostility to certain ethnic groups, their identity varying from time to time. Apart from this, a more stringent standard may evolve for the judicial appraisal of the "basis" of Congressional determinations, especially in situations where no ethnic implication is involved and Congress merely would be substituting its opinion for the State's as to the way to draw a line that must be drawn. Some such development seems probable to me, as it becomes apparent how far *Morgan* in the total implications of the Court's opinion would transcend the purpose of the Fourteenth Amendment, broad as one may grant its purpose was.

I do not think, therefore, one can be certain that an Act of Congress that reduced the voting age would be sustained. It would draw strength from the *Morgan* opinion but in doing so would put it to a test, the net result of which might be its limitation or, indeed, repudiation.

Third. To confront the Supreme Court now with the problem of determining the scope and limits of the *Morgan* doctrine in the testing context of a statutory reduction of the voting age is, in my opinion, a mistake. For any judgment that the Court might render would inevitably threaten its prestige and exacerbate the tensions in the Nation.

The division of the Court in *Morgan* coupled with the new appointments make it almost certain that the Court's decision would entail a sharp division, whichever view prevails. A sustaining judgment resting on the votes of the five surviving members of the *Morgan* majority (including two Justices whose age renders long tenure improbable) hardly would provide a healthy basis for judicial action many would consider the equivalent of constitutional amendment. A judgment of invalidity would emphasize the instability of constitutional interpretation, while adding to the bitterness of disaffected youth who would resent the deprivation. Believing as I do that the Court is now embattled on too many fronts for the welfare of the institution, I should regard it as a grave misfortune to insist that it take on another major battle at this time.

For the foregoing reason, I consider it to be highly undesirable to attempt to reduce the voting age by Act of Congress. The wise course, in my opinion, is to deal with age as race, color and sex were dealt with in the past and to proceed by resolution of amendment.

Fourth. The constitutional problem with respect to voting age is no different, in my view, in the election of the Congress and the President than in State elections. Article I, Sec. 2, Article II and the Seventeenth Amendment all refer, as I have said above, to State action for the delineation of voters' qualifications. If Congress has a legislative competence within this area, it must be found in the enforcement clauses of the Amendments, whose prohibitions apply generally to the action of the State and would encompass all elections. This was, of course, the theory of the *Morgan* case and is the theory of the Senate's action on the pending measure.

Respectfully,

HERBERT WECHSLER.

COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK,
New York, N.Y., April 20, 1970.

LEONARD GARMENT, ESQ.,
The White House,
Washington, D.C.

DEAR MR. GARMENT: You have asked my views as to the Constitutional powers of Congress to establish the right of all citizens to vote at the age of eighteen.

In various contexts the Supreme Court has declared that the right to vote in federal elections is conferred or secured by the Constitution. I am satisfied that the Court would uphold an act of Congress regulating the qualifications to vote in such elections, including an act that would extend the right to vote to eighteen-year-olds.

The power of Congress to extend them the vote in local elections, however, is open to serious question. The only basis for such legislation would be that suggested by the Supreme Court in *Katzenbach* v. *Morgan*. There the Court held that under the Enforcement Clause of the Fourteenth Amendment Congress can adopt legislation to assure the right to vote to certain persons literate only in Spanish, because Congress might have sought thereby to protect them against possible denials by the State of equal protection or due process of law. But there is little evidence that failure to grant the vote in local elections to eighteen-year-olds in fact jeopardizes their rights to equal protection, due process of law, or other Fourteenth Amendment safeguards; there is little evidence that proposals that Congress grant them the vote in local electons are motivated by these concerns.

It may be that if Congress adopted such legislation the Court might strain to uphold it and would not examine Congressional motives and purposes. But for its part, surely, Congress ought to be scrupulous about the intended Constitutional limits on its authority, and should not lightly press ever

farther the reach of Congressional authority to legislate in local matters.

I am in favor of extending the vote to eighteen-year-olds in local as well as in Federal elections, but as regards state and local elections it should be done by Constitutional amendment.

Sincerely yours,

LOUIS HENKIN.

UNIVERSITY OF PENNSYLVANIA,
Philadelphia, Pa., April 24, 1970.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

Attention: Mr. Leonard Garment.

DEAR MR. PRESIDENT: The pending Voting Rights bill, as passed by the Senate, contains a provision that will lower the voting age to 18 in all elections, federal, state and local. Representatives of the Department of Justice, as I am informed, have expressed doubt whether the Constitution authorizes Congress so to provide by legislation, and have pointed to the shadow of unconstitutionality and invalidity that may be cast upon elections conducted under such a statute. They have suggested that if the voting age is to be changed by federal action, amendment of the Constitution is the appropriate procedure. I am informed that you are interested in receiving an expression of opinion on the mattter.

In my opinion, the Constitution does not authorize Congress by statute to provide or require that the minimum age for voting shall be not more than 18 years, or any other stated age. This is a matter that is left to the several States by the Constitution.

Article I, Section 2, of the Constitution provides that the electors in each State for Members of The House of Representatives shall have the qualifications requisite for electors of the most numerous branch of the State Legislature. The Seventeenth Amendment makes identical provisions with respect to electors for Senators. Article I, Section 4, authorizes Congress to "make or alter . . . regulations" as to the "times, places and manner of holding elections for Senators and Representatives . . .". Proponents of the pending legislation do not contend that this authorizes Congress to establish qualifications for voting for Senators and Representatives, and obviously it contains no authorization for Congress to establish qualifications for voting in State and local elections. The Fifteenth Amendment provides that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous conditions of servitude. The Nineteenth Amendment provides that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. The Twenty-fourth Amendment provides that the right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress shall not be abridged by the United States or any State by reason of failure to pay any poll tax or other tax. The Fifteenth, Nineteenth and Twenty-fourth Amendments also authorize the Congress to enforce their provisions by appropriate legislation. However, it has not yet been suggested that constitutional authorization of Congress to implement by legislation the prohibitions on denial of the right to vote by reason of race, sex, or failure to pay a poll or other tax can be taken to authorize Congress to establish or control voting qualifications on the basis of age.

I have set forth above the Constitution's provisions with respect to voting. I think it clear that none of them authorizes Congress to establish or control qualifications for voting in terms of age. The proponents of the pending legislation do not purport to find authority in any of these provisions explicitly dealing with voting. They turn instead to the more general provisions of the Fourteenth Amendment providing, among other things, "nor shall any State . . . deny to any person within its jurisdiction the equal protection of the laws," and providing also, in Section 5, "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

The proponents of the pending legislation point particularly to the recent decision of the Supreme Court in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966) upholding a federal statute providing that no person who had successfully completed the sixth grade in a Puerto Rican school in which the language was other than English should be denied the right to vote in any election because of his inability to read or write English. The election laws of New York required an ability to read and write English as a condition of voting, and it was held that the New York law was rendered inoperative by the federal statute. Though Judge McGowan in the District Court had argued that the federal statute might be upheld as an exercise of Congressional power with respect to the Territories under Article IV, Section 3 (247 F. Supp. 196, 204 (dissenting opinion)), the Supreme Court clearly and explicitly based its decision upon Section 5 of the Fourteenth Amendment and the Equal Protection Clause, pointing out that the Equal Protection Clause itself had in several recent decisions (*Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966); *Carrington* v. *Rash*, 380 U.S. 89 (1965)) been held to forbid some state laws restricting the right to vote. The opinion went on to hold that Congressional authority to enforce by appropriate legislation, the provisions of the Fourteenth Amendment, gave Congress a large degree of authority to determine that specific classifications, for voting or other purposes, amounted to a denial of equal protection of the laws.

On parallel reasoning, proponents of the pending legislation assert that Congress may by the same authority determine that voting laws that deny the right to vote to persons 18 years old, or older, constitute a denial of equal protection of the laws.

If I could agree that the Fourteenth Amendment, by virtue of the Equal Protection Clause or otherwise, imposed limits upon the States with respect to qualifications for voting, then I would agree with the proponents of the pending legislation. Within the area in which the Fourteenth Amendment operates, I agree that Section 5 gives Congress a large—even though infrequently exercised—degree of authority to codify, i.e., to give meaning and content to such abstract and undefined terms as Due Process of Law and Equal Protection of the Laws. Soon after the adoption of the Amendment, Congress exercised this authority in limited areas clearly covered by the amendment, and these statutes were upheld in historic decisions of the Supreme Court. *Ex parte Virginia*, 100 U.S. 339 (1880); *Virginia* v. *Rives*, 100 U.S. 313 (1880); *Neal* v. *Delaware*, 103 U.S. 370 (1881). More recently, there may be scattered examples of the exercise of this codifying authority (cf., e.g., *State Board of Insurance* v. *Todd Shipyards Corp.*, 370 U.S. 451 (1962)). A number of legislative proposals for congressional action of general applicability in the field of criminal procedure would turn upon congressional authority to specify, at least in part, the content of the concept of "due process". As Chief Justice Marshall remarked (*Gibbons* v. *Ogden*, 9 Wheat. 1, 189 (1824)), the Constitution is "one of enumeration, and not of definition". Congressional action attributing specific content to constitutional concepts carries the same weighty presumption of constitutionality that other federal legislation bears.

But both the language of the Fourteenth Amendment and the history of its adoption make it clear beyond doubt, as I believe, that it did not limit, either by the Equal Protection Clause or otherwise, the power of the States to establish and maintain the qualifications for voting. And unless it did limit such power of the States, it gave no other or independent authority to Congress in that area. That the terms and the history of the amendment did not limit the power of the States with respect to qualifications for voting has been demonstrated in the dissenting opinion of Mr. Justice Harlan in *Reynolds* v. *Sims*, 377 U.S. 533, 589 (1964). The majority of the Court may have ignored this demonstration. It has not answered it. The principal items are as follows:

1. *Language of the Constitution.* As Justice Harlan points out, Section 2 is an integral part of the Fourteenth Amendment, as authoritative as Sections 1 or 5. Section 2 provides:

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial Officers of a State, or the members of the Legislature thereof, is denied to any 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."

The Amendment thus explicitly contemplates and indicates the continuing authority of the States to establish the qualifications for voters applicable in State and federal elections. If a State restricts voting in any one or more of the elections specified, the State may have diminished representation in Congress, but its authority to establish qualifications is confirmed by the very terms of the Amendment. And, with reference to specific qualifications, one may note that since Section 2 so explicitly contemplates twenty-one years as the norm for age in voting, it is particularly difficult to believe that Section 1, or action pursuant to it, could require a State to reduce that norm to eighteen or any other figure below twenty-one.

2. *History of Adoption.* The legislative record of approval of the Fourteenth Amendment in the Congress shows abundant explicit statements by the principal supporters and sponsors of the Amendment that it did not impinge upon the power of the States to establish and maintain qualifications for voting. Of these, the statement of Representative Bingham, the author of Section 1, is representative:

"The amendment does not give, as the second section shows, the power to Congress of regulating suffrage in the several States . . . the exercise of the elective franchise, though it is one of the privileges of a citizen of the Republic, is exclusively under the control of the States." (Congressional Globe, 39th Cong., 1st Sess. 2542).

3. *Post-ratification History.* The Fourteenth Amendment was proposed by the Congress on June 13, 1866, and on July 28, 1868 the Secretary of State certified that it had been ratified and was part of the Constitution. On February 26, 1869, less than one year after the ratification of the Fourteenth Amendment, the Congress proposed the Fifteenth Amendment. If the Equal Protection Clause of the Fourteenth Amendment had covered qualifications for voting there would have been no need for the Fifteenth Amendment. Congress by simple statute could have en-

acted the substance of the Fifteenth Amendment. Yet almost contemporaneously with the ratification of the Fourteenth Amendment, the Congress regarded a constitutional amendment as necessary to prevent disqualification from voting on the basis of race, color, or previous condition of servitude. This belief, of course, was wholly consistent with the limited scope of the Fourteenth Amendment to be derived from the terms of Section 2 and the legislative record of its approval by Congress.

Fifty years later the 66th Congress was obviously of the same mind with regard to the scope of the Fourteenth Amendment when it proposed the Nineteenth Amendment to the States for ratification rather than providing by simple statute that the right to vote should not be denied or abridged by the United States or by any State on account of sex.

It has been within the power of the recent majority of the Supreme Court to ignore the language and the history of the Fourteenth Amendment. But it cannot erase the language, or unmake the history. Therefore it is my opinion that the decisions in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966) and *Carrington* v. *Rash*, 380 U.S. 89 (1965) are congenitally flawed, and provide no sound basis for Congressional authority to require the lowering of the voting age to 18. In my opinion, the Constitution does not give the Congress that authority.

Respectfully submitted,

ERNEST J. BROWN.

THE NATIONAL LAW CENTER,
April 23, 1970.

HON. RICHARD NIXON,
President of the United States, The White House, Washington, D.C.
Attention: Mr. Leonard Garment.

DEAR MR. PRESIDENT: Whatever be the merits of lowering the voting to 18 or some other figure, the proposal to do so by congressional statute rather than by constitutional amendment is a startling proposition with broad constitutional implications going beyond the current issue. It would have been unthinkable a mere half dozen years ago. It remains startling despite the Supreme Court's 1965 ruling in Katzenbach v. Morgan sustaining congressional power to substantially modify English-speaking people to vote.

I

We all know that under our federal division of powers the states are expressly authorized to fix voting qualifications for both state and national elections. The grant is limited only by a reserve congressional power regarding the "manner" of holding national elections, and the restrictions derived from the 14th, 15th, and 19th amendments regarding classifications which are based on race or sex or are otherwise invidiously discriminatory or arbitrary.

The fact that the new proposal should be seriously discussed indicates how far we have embraced the idea that constitutional law is simply a legislative process, by legislative votes or judicial votes, of ascertaining and implementing current popular desires or the current judicial understanding of sound policy—with no need to make more than a casual reference to any higher law principle of authorization or limitation. There are dangers in discarding a constitutional system for a fluctuating pressure politics system, because who can know what tomorrow's majority will do?

It is of course trite to observe that constitutional law is not a static system and that the process of judicial review gives us much new constitutional law. But there is one sharp difference. Virtually all of our recent famous cases could be rationalized by elaborating basic principles concededly imbedded in the Constitution—for example the racial integration cases, and the freedom of expression cases. The 18-year-old voting by congressional statute idea, however, runs contrary to an express constitutional provision. It has only the most tenuous support, if any, in a supposed "discrimination" principle.

II

Proponents of congressional power to change the voting age rest their argument essentially on one case, *Katzenbach* v. *Morgan*, sustaining the Kennedy amendment to the Voting Rights Act of 1965. It was designed to enfranchise Puerto Ricans in New York City who were illiterate in English but literate in Spanish. Although the provision was upheld, a divided Supreme Court had difficulty articulating a satisfactory rationale. The Court referred to supposed congressional findings that with more political clout non-English speaking Puerto Ricans would get a better break in public services in New York City. But there was little evidence. The opinion has a strong "might be" quality on the crucial question of whether or not there was any significant discrimination which voting power might ameliorate. The Court added therefore a distinctly novel theory that Congress has a broad power to interpret the concept of "equal protection" in the Fourteenth Amendment, and that a presumption of constitutionality attaches to a law which Congress asserts is needed to "implement" the Fourteenth.

A ruling which seems to give Congress power by statute to expand or contract the Fourteenth Amendment obviously must be handled with care, lest we woefully confuse the line between constitutional law and ordinary law. Read more narrowly, and that is all that is needed to sustain the Puerto Rican voting provision, the *Morgan* case rests on a theory of particularized ethnic discrimination by state action which Congress corrected.

III

There are major difficulties in moving from the Puerto Rican voting law to 18-year-old voting, whether *Morgan* be read narrowly or broadly. Regarding voting age there is no discrimination, only a legislative preference for one figure instead of another, in a field where a *choice* concededly must be made. Realistically, what is the "equality" interest in 18-year-old voting? What are the two groups which arguably must be treated equally? In the racial discrimination field, we totally abolish race as a permissible classification. And when differential wealth creates differential access to benefits, we simply abolish charges; hence the rule that *all* indigent prisoners can get free trial transcripts for appeal. But there is no distinctive, *identifiable group* discrimination flowing from a 21-year-old voting rule. Every age from 20 down to 1 is "discriminated" against in the loose sense now being used.

The point is that any age fixed is necessarily arbitrary, and hence poses no constitutional question needing "corrective" Congressional action. It is a matter of open legislative choice, and the Constitution expressly commits that choice to the states, short of a constitutional amendment.

IV

The constitutionally forthright way to resolve the 18-year-old voting proposal is by federal constitutional amendment. Alterations in the basic nature of our body politic should be made on the basis of a national consensus, rather than a legislative logrolling process supported by a novel constitutional dictum. The proposal is precisely the kind of question for which the amendment process exists.

Sincerely yours,

ROBERT G. DIXON, Jr.,
Professor of Law.

THE UNIVERSITY OF MICHIGAN,
Ann Arbor, Mich., April 20, 1970.

HON. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.
Attention: Mr. Leonard Garment.

DEAR MR. PRESIDENT: This letter is in response to Mr. Garment's inquiry respecting my views on the constitutionality of proposed federal legislation which would establish a universal age limitation on voting in the United States and fix the age at 18 years.

This proposal has momentous consequences. If enacted it would be a bold and unprecedented intrusion upon the acknowledged power of the states to fix voting qualifications and would raise what I regard as very serious and substantial constitutional questions.

Under the Constitution it is clear that the basic power to prescribe qualifications for voting is reserved to the states. Art. I, Sec. 2, respecting the election of Representatives to the Congress and the Seventeenth Amendment respecting the election of Senators recognize that the qualifications for voting are governed by state law. Moreover, the Constitution gives Congress no power, express or implied, over the general subject of voting qualifications. Congress is given the power under Art. I, Sec. 4, to regulate the times, places and manner of holding election of Senators and Representatives. But this power, construed in conjunction with Art. I, Sec. 2, gives no authority to prescribe qualifications. If then the question raised by the proposed federal legislation to reduce the voting age to eighteen were governed solely by the body of the Constitution, the proposed legislation would clearly be beyond Congressional power and this regardless of whether it was universal in its scope or limited to voting for Congressmen, Senators and Presidential electors.

Amendments to the Constitution while not abridging the basic power of the states to fix qualifications have curtailed the freedom of the state to classify in fixing qualifications and thereby to limit the voting right. The Fifteenth Amendment prohibits a denial of the right to vote on the ground of race, color or previous condition of servitude. The Seventeenth Amendment similarly prohibits denial of voting rights on the basis of sex. The Twenty-fourth Amendment prohibits the denial of the right to vote for President, Vice President, Senators and Congressmen because of failure to pay a poll tax. Apart from these specific restrictions on the power of the state to prescribe classifications in defining voters' qualifications, the equal protection clause of the Fourteenth Amendment operates to prohibit other arbitrary limitations on the right to vote. Thus in *Harper v. Virginia Board of Elections*, 383 U.S. 663 (1966), the Supreme Court held that a state requirement of paying the poll tax as a condition of voting resulted in an arbitrary discrimination which violated this clause.

Admittedly the fixing of an age limit falls within the basic power of the states to prescribe qualifications for voting and none of the restrictions on the power to classify for voting purposes achieved by constitutional amendment as mentioned above affect the voting age requirement. Nor is it conceivable that the Supreme Court would declare an age requirement fixed by state law whether at age 21, 20, 19 or 18 as an arbitrary requirement violating the equal protection clause. This leaves for consideration then the question whether Congress has a legislative power to intrude into the states' power to fix an age limit qualification.

The only possible source claimed for such power is the authority granted to Congress under the 5th section of the Fourteenth

Amendment to enforce this Amendment's restrictions and more particularly to enforce the equal protection clause. May Congress by legislative act fixing the voting age limit at 18 thereby in effect declare that a higher age limit prescribed by state law is an arbitrary classification which violates the equal protection clause?

In examining this question we may first consider the Supreme Court's decision in *South Carolina v. Katzenbach*, 383 U.S. 301 (1966), where the Court upheld the provisions of the 1965 Voting Rights Act which prohibited the use of literacy tests in states where their use was found to achieve racial discrimination in voting in violation of the Fifteenth Amendment. Congress has the power to enforce the Fifteenth Amendment and Congress here was using its power to deal with practices which it found violated this Amendment. Since the Congress here was using its power to enforce a specific constitutional restriction and since the Supreme Court had already recognized that state use of literacy tests as a means of racial discrimination in voting was invalid, the case has no real bearing on the power of Congress to define permissible voting qualifications under its power to enforce the equal protection clause of the Fourteenth Amendment.

The companion case of *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), does go to the question under consideration. Here the Court upheld the feature of the 1965 Voting Rights Act which provides that no person who has successfully completed the sixth primary grade in a public school or in a private school accredited by the Commonwealth of Puerto Rico in which the language of instruction was other than English shall be denied the right to vote in any election because of his inability to read or write English. This provision was designed to invalidate New York's English literacy test in so far as it resulted in the denial of the voting right to the very substantial body of New York City residents who had migrated there from Puerto Rico. The Court upheld this Congressional intrusion into the state's power to prescribe voting qualifications on the basis of the power to enforce the equal protection clause of the Fourteenth Amendment.

This case for the first time recognized that the Congressional power to enforce the equal protection clause includes a power to define the substance of equal protection by declaring a particular classification established by state law to be invalid and substituting in its place a classification fixed by Congress. The Supreme Court has made it abundantly clear that the equal protection clause forbids arbitrary or unreasonable classifications and that whether a state classification constitutes an unlawful discrimination is appropriately a matter for judicial determination. On its face *Morgan* appears to say that Congress has an independent substantial power to pass on classifications and to condemn a state classification which Congress finds unreasonable or arbitrary even though the Court itself would not have found a violation of the equal protection clause.

Given this literal interpretation *Morgan* opens up a wide power in Congress to review and to invalidate classifications established by state laws by finding that such intrusions into state power are necessary to assure the equal protection of the laws. The wide implications of such an interpretation are noted in the dissenting opinion of Mr. Justice Harlan, joined by Mr. Justice Stewart. Applied to the problem at hand, *Morgan* as so construed would be authority for Congress to fix a universal age limit for voting in the United States on the theory that any higher age limit than that fixed by Congress is a denial of equal protection.

The question then is whether *Morgan* established such a broad principle and whether it is subject to any limitations which would be relevant to the question of Congressional power to establish a universal voting age requirement at the expense of the historically established state power to prescribe voting qualifications. The majority opinion in *Morgan* said that the power given by Congress to enforce by appropriate legislation the Fourteenth Amendment's provision paralleled the power given to Congress in the body of the Constitution to pass all laws necessary and proper to carry into execution the powers delegated under the Constitution. Borrowing language from Chief Justice Marshall's opinion in *McCullough* v. *Maryland*, 4 Wheat. 316, in explicating the necessary and proper clause, the Court said that the question then was whether the legislation enacted by Congress banning the use of the New York literacy test to disqualify Puerto Ricans from voting was plainly adapted to the end of enforcing the equal protection clause and whether it was not prohibited but was consistent with "the letter and spirit of the constitution." Applying these standards, the Court said that the Congressional enactment could readily be seen as "plainly adapted" to further the aim of the equal protection clause to secure for the Puerto Rican community residing in New York nondiscriminatory treatment by the government—both in the imposition of voting qualifications and the provisions or administration of governmental service, thereby enabling the Puerto Rican minority better to obtain "perfect equality of civil rights and the equal protection of the laws." The Court said that it was well within Congressional authority to say that this need of the Puerto Rican minority for the vote warranted federal instrusion upon any state interests served by the English literacy requirement, that it was not for the Court to review the congressional resolution of the various conflicting interests entering into the question and that it was enough that the Court was able to perceive a basis upon which Congress might resolve the conflict as it did.

The Court further said that the legislation could be justified as legislation aimed at the elimination of an invidious discrimination in establishing voter qualifications. On this question the Court said that Congress might well have questioned whether the New York literary requirement actually served the state interest claimed for it and could also have concluded that as a means of furthering the goal of an intelligent exercise of the franchise, an ability to read or understand Spanish was as effective as ability to read English for those to whom Spanish-language newspapers and Spanish-language radios and television programs are available to inform them of election issues and governmental affairs.

It remains to determine whether the Court's holding in *Morgan* and the reasoning employed by the Court apply equally well to uphold Congressional intrusion into the states' power to prescribe voting qualifications by fixing an age limit. It should be noted at the outset that Congress determined that an English literacy requirement constitued an improper voing qualification for Puerto Ricans living in New York City since it had the effect of disenfranchising a susbtantial body of citizens and since in the judgment of Congress the requirement of having completed six grades of school in Puerto Rico, although in another language, was adequate to establish the literacy required for intelligent voting in New York City. This in itself suggests an important difference between outlawing an English literacy requirement as a qualification for voting and outlawing state voting age requirements by fixing a uniform federal standard. Indeed, in *Cardona* v. *Power*, 384 U.S. 672 (1966), although the majority did not find it necessary to pass on the question, two justices expressed the view that the New York literacy requirement as applied to Puerto Ricans in New York City was an arbitrary limitation on the voting right apart from any federal legislation on the subject. But in fixing a federal age requirement at age eighteen Congress recognizes that an age requirement is in itself a proper qualification for voting. The real question then is whether Congress while recognizing that an age requirement is valid may choose to say that any voting age requirement above the age of eighteen years constitutes an invidious discrimination against the class of persons between the age of 18 and a higher age which may be fixed by a state's law.

The purpose of an age limit is to assure sufficient maturity in exercising the voting right. May Congress say that a state has no rational basis for fixing a 21 year age limit as the standard for voting maturity? Obviously, there is room for choice in this matter. Most states continue to adhere to the twenty-one year limit. A few have reduced the limit to a lower age. It may be assumed that fixing the age limit anywhere from 18 to 21 is reasonable so far as any judicial interpretation of the equal protection clause is concerned. Since the basic power to fix voting qualifications is in the states and not in Congress the question raised by the proposed Congressional legislation is not whether it is reasonable and appropriate for Congress to fix the voting age limit at 18 but whether it is appropriate for Congress to declare that any age limit higher than 18 is an invidious discrimination, i.e. whether it results in an arbitrary classification. Or to put the matter in another way does Congress have a basis for saying that a 19, 20 or 21 year age limit as may be imposed by state law does not have a rational relation to the question of whether a person is sufficiently mature to take part in the voting process?

In answering this question two considerations may be noted. The fixing of a voting age limit involves a legislative choice within a limited range, and it remains to be demonstrated that Congress because of studies it has made and investigations it has conducted has a better informed basis than the states for determining when citizens are old enough to vote. This is not a matter of determination by objective criteria. Secondly, and much more important, states have been fixing age limits for voting ever since the Constitution was adopted and even before, and until recently twenty-one years of age has been the general standard. This has never been questioned. It is fantastic to suggest that when the States ratified the Fourteenth Amendment in 1868, they thereby understood that they were thereby giving Congress the authority, in the name of equal protection enforcement, to displace their own power to fix voting age limits or to declare that any voting age limit above 18 constituted an unconstitutional discrimination. Indeed, the Fourteenth Amendment itself affirms the validity of the twenty-one year age limit as a qualification for voting. Section 2 of this Amendment, dealing with Congressional apportionment and designed to reduce the representation in Congress of states which deny voting rights to blacks speaks of denial of the right to vote "to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States. . . ." It is not to be supposed that the Fourteenth Amendment suffers from an inner contradiction and that the equal protection clause was intended as a source of power in Congress to outlaw a state voting age qualification explicitly sanctioned by this Amendment. It requires an extraordinary latitude in the construction of Congressional power to contend that Congress may brand as arbitrary and invidious a voting age standard acknowledged as legitimate by the text of the Constitution. Indeed, to use Chief Justice Marshall's language, quoted in the *Morgan* case, a federal statute, denying to states the power to

prescribe a twenty-one year age limit is not consistent with the letter of the Constitution.

In summary, there are very substantial differences between the English literacy test problem presented in *Morgan* and the voting age problem. In its legislation at issue in *Morgan*, Congress was directing its attention to a voting qualification, namely, the English literacy test, which has had a limited history in this country, which Congress found to be an unwarranted discrimination against a discrete ethnic group, and which for all practical purposes was limited in its operation to one state in the country. Moreover, Congress has a special federal concern with protection of Puerto Ricans against discrimination in view of the historic relationship between the United States and Puerto Rico, and the Congressional policies which have encouraged migration from Puerto Rico to the United States. Also it is not clear that the Supreme Court would not have invalidated the New York literacy test required as to Puerto Ricans even without the federal statute as an invidious discrimination violating the equal voting clause had it proceeded to face this question in the *Cardona* case. The voting age question, on the other hand, presents no factor of this kind. On the contrary, state voting age limits have a long unbroken history, they deal with a qualification which does not enter into the sensitive area of race, nationality, ethnic affiliations or economic status, they present no distinctive aspects related to matters of federal authority and concern and, indeed, the authority of the state to fix an age limit is confirmed in the very language of Section 2 of the Fourteenth Amendment. Here the factors are so heavily weighted in favor of the state power and the basis for Congressional intrusion into this area is so tenuous, that I cannot regard *Morgan* as determinative of the constitutional issue raised by this proposed legislation.

Morgan as literally construed opens up vast potentials of expanded Congressional power in the name of enforcement of the equal protection clause to intrude upon state legislative power and to substitute for it legislation which Congress deems more desirable. Virtually every state statute embodies a series of classifications. Take, for instance, a state income tax law. Such a law is full of classifications relating to such matters as rates, exemptions, etc. If Congress may at will invalidate classifications it finds unsatisfactory or undesirable by stamping them as arbitrary, and in turn to substitute its own notion of suitable policy, the way is open for Congress to assume the role of super-legislature for the states. It could then prescribe the permissible classifications in a state income tax and thereby in effect rewrite the state's law.

Morgan requires further critical study and examination by the Court before its implications can be fully determined. The fact that two justices dissented and the intervening change in Court personnel indicate the likelihood of such a critical reexamination. But apart from this, the question of the power of Congress to prescribe a universal voting age limit involves consideration totally different from the question presented in *Morgan*. For the Court to uphold this proposed legislation would require a considerable stretch of the judicial tolerance of Congressional legislation manifest in *Morgan*.

In summary then it is my opinion that substantial grounds support the conclusion that the proposed Congressional legislation fixing a universal voting age limit of 18 years is unconstitutional on its face as an intrusion by Congress into an area of admitted state authority. The holding and the opinion in *Morgan* do not furnish either compelling or even persuasive support for this legislation. Indeed, the legislation flies in the very face of the constitutional text. Certainly, at the very least the proposed legislation raises very serious and substantial constitutional questions not foreclosed by the *Morgan* decision.

If Congress is satisfied that it is desirable national policy to establish a universal voting age limit of eighteen years, the way is open to achieve this result through the process of constitutional amendment. It seems to me far more preferable for Congress to deal with the matter in this way rather than enact legislation which raises serious constitutional issues and would engender all the uncertainty and confusion arising from constitutionally suspect legislation.

I remain,

Respectfully yours,

PAUL G. KAUPER.

Mr. Speaker, I wholeheartedly support the extension of the 1965 Voting Rights Act. I voted this conviction in this body last December 11. In addition, the Senate version includes two vote-protecting or vote-extending amendments which I sought unsuccessfully to have the House adopt last year.

I am highly pleased by every provision of the Senate bill except that which would, by statute, lower the voting age nationwide in all elections. I am the author of a proposal to do this, but by constitutional amendment.

I am also working in Minnesota to gain support for our pending State constitutional amendment to lower the voting age to 19 for all Minnesotans. Many 19- and 20-year-olds at home have asked me: What happens to our Minnesota effort if we in Washington take the constitutionally questionable route of seeking by statute to lower the voting age to 18?

While I will do nothing to jeopardize the extension of the 1965 Voting Rights Act, I must register a protest against the method of lowering the voting age contained in the Senate rider. Thus, I will vote "No" on the previous question.

But it is obvious that the previous question will be ordered. And since it is of overriding importance that the Voting Rights Act be extended, I will vote "Yes" on the issue of agreeing to the Senate amendments to H.R. 4249.

Mr. BOLAND. Mr. Speaker, I want to express my support for this legislation to extend the 1965 Voting Rights Act. The bill—seeking a 5-year extension of one of the most significant pieces of legislation ever to emerge from the Congress—would amend the Voting Rights Act in three principal ways. First, it would flatly outlaw the literacy tests often used to deny the franchise to minority groups. Second, it would establish uniform national residency requirements for voting in presidential elections. Third—and most important of all—it would grant the right to vote to any citizen 18 years of age or older.

It is plain—indeed, conspicuous—that today's 18-year-olds are far better educated and far more sophisticated than those of even a generation ago. It can be argued convincingly, in fact, that contemporary youth is more keenly aware of the problems confronting American society and more ardently committed to solving those problems than many of their elders. At the age of 18, young men and women have completed their secondary education. They are entering college, joining the Armed Forces, taking jobs. They are more intellectually mature and more politically responsible than any generation in the country's history. It was nearly two centuries ago—in a small, rural, agrarian society—that most States set the voting age at 21. It made sense then. It no longer makes sense today.

The overwhelming majority of American youth want to work within what is called "the system," seeking their political goals through the traditional institutions of our democracy. They are frustrated, however, merely because they are denied the right to vote. American young people are a powerful force for good in our society. Granted, a minority so small that it can be accurately termed "trivial" has embraced radicalism and revolution. But—I cannot emphasize this point strongly enough—most young people border on exemplary citizens. They are bright. They are responsible. They are conscientious. They deserve the right to vote.

A significant question exists about the constitutionality of the bill now before us. Some legal scholars argue pursuasively that a constitutional amendment is the only legitimate vehicle for lowering the voting age on a nationwide scale. We in the House, as you know, Mr. Speaker, have already passed such a constitutional amendment—one that I cosponsored—but, to date, it has languished in the Senate. Other legal experts maintain—more convincingly, I think—that the bill we are now considering falls within the Constitution's framework. Yet, despite the controversy, I feel we should pass this bill. If we do not—if we reject or amend House Resolution 914—the entire Voting Rights Extension Act may be defeated by filibuster when it returns to the Senate. In any case, a prompt court test of the bill's constitutionality is virtually assured.

I think we should act now to extend the franchise to America's young people.

If the legislative means are wrong, the courts will tell us so.

We must not abandon an opportunity to allow the most promising generation in our history to take part in the political process.

Mr. McCLOSKEY. Mr. Speaker, I have serious reservations about the constitutionality of lowering the voting age to 18 through congressional action short of constitutional amendment. Certainly the Journal of the Constitutional Convention of 1787, the record of debates on the 14th and 15th amendments, and the Supreme Court cases prior to Katzenbach against Morgan provide no indication of support for Federal, rather than State, action to determine "the qualifications requisite for electors of the most numerous branch of the State legislature."

While the decision in Katzenbach against Morgan has broadened, and I think correctly so, the purview of Congress in preventing State action from interfering with the equal protection of the laws as to voting qualifications, that decision alone does not remove reasonable doubt of the propriety of congressional action to lower the voting age.

The crucial question, then, in my judgment, is whether or not the present circumstances of the United States, in the last third of the 20th century, justify a constitutional interpretation that denial of voting rights to 18-year-olds is denial of equal protection of the law to those of that age.

Recognizing on the one hand the great privileges of U.S. citizenship, we might also consider the burdens of that citizenship. We make few requirements of our citizens: that they obey the law, pay taxes, serve on juries and finally, that during their youth, our young men serve in the Armed Forces.

This mandatory duty of military service must be considered the most difficult of all; certainly in the past 5 years the burdens of an unpopular war have fallen more on those of the ages of 18 through 20 than on any other age group. The loss of life, liberty and pursuit of happiness has occurred primarily among the young combat infantrymen. I am impelled to note that over half the young men of one marine rifle regiment in Vietnam last year were killed or wounded by booby traps alone. A number of years ago I was privileged to serve with a rifle platoon in Korea, most of whom were killed or wounded, and whose average age was 19.

At 18 we require our young men to register for the draft; many 18-year-olds volunteer for military service. And the burden is not just on young men. It also falls on those who love them and who watch and wait for their homecoming, the young girls whose lives are linked with theirs.

If equal protection of the laws is to have any real meaning at this point in our history, it would seem reasonable to conclude that the obligation to fight and die in a war against people whom a man does not hate, in a cause in which he does not believe, justifies the protection of law that such man and the loved ones of his age be entitled to vote for or against such cause.

It is therefor, Mr. Speaker, that I will vote today for the lowering of the voting age to 18, despite the possibility that the Supreme Court may well take a narrower view of constitutional construction. On balance I feel the Court should sustain our action today.

Mr. BENNETT. Mr. Speaker, I believe I was the first southerner to speak out for the 1965 voting rights bill. When I so spoke and later so voted, I labored under no delusion that this position was the then popular position in my district. I have never regretted that decision, because I believed what I was doing was the right thing to do and that my constituents would some day agree; but, even if they did not, I fulfilled the concept of representative government that a representative owes to his constituents his best judgment, whether or not it might become a political liability to himself.

Likewise, today, I speak for this measure to allow 18-year-olds to vote because I think it to be the right thing to do, though I doubt that it is currently the opinion of my district. I believe that these young people are qualified by education and sufficient experience in life to cast sound votes. They are today required to carry heavy burdens of citizenship, including service in the Armed Forces. There is an ominous danger to a democracy if it disenfranchises citizens who are capable; because, by prohibiting the normal exercise of citizenship in the vote, frustrations arise which can lead to dangerous alternatives in dissent.

Frankly, I would have preferred a constitutional amendment to solve this situation. But two arguments impress me with the present procedure. First, I think that the time for action in this is now, not years hence by the lengthy amendment procedure. Second, I feel that this statutory procedure is permissible under our Constitution. Although the Constitution did originally put qualifications for voting solely in the hands of the States, the 14th amendment to the Constitution, being later in date than the original qualifications provision of the Constitution, would appear to give Congress the power to act in the field.

The Supreme Court in the case of *Katzenbach* v. *Morgan*, 384 U.S. 641, (1966) did in fact, rule that this is the case in upholding a Federal law prohibiting a New York English literacy test.

In conclusion, Mr. Speaker, I urge that the House enact this measure; and in so doing I express confidence in the vast majority of well behaved young people today, who are obviously our best and only hope for the future. As for me, I am proud of them.

Mr. FOUNTAIN. Mr. Speaker, one does not have to be opposed to a lower voting age to take issue with the method by which the Senate proposes that this be done in H.R. 4249.

It is argued in the preamble to the Senate's lower voting age amendment that there is no compelling State interest in this matter. How curious indeed that after 180 years of this constitutional Republic, during which time it has always been within the province of the States to set the voting age, there has now arrived in our 181st year a situation in which there is no longer any compelling interest. This is pure bosh to cover up a bold attempt by some in the Congress to usurp jurisdiction in this matter. Such action might be more acceptable were the States asked to acquiesce in it. In other words, were Congress to vote a constitutional amendment lowering the voting age, which would require ratification by three-fourths of the States before it could become effective, I would support it. But that is not proposed in H.R. 4249. Nay. Congress is to decree by statute that the universal voting age for all elections—national, State and local—shall henceforth be 18. I ask: "Is that not arrogance?" Yea, verily.

Mr. Speaker, are we to meekly assent to such jarring of the Constitution? Are we not to contest this because "the votes are there?" Here stands one representative of the people who will not quietly assent.

Would it be going too far to point out that virtually every State legislature has had this matter under consideration in the past 3 years? Would it be going too far to note that in two States—Ohio and New Jersey—voters defeated referendum proposals to lower the voting age in 1969; that in Oregon, this year, voters defeated another such proposal; and that in 15 other States this year it will come before the voters for resolution? In short, action is going on at the State level. We may not all agree with the results, but those who have traditionally held the power to set the voting age are taking action. Why then should Congress preempt this field? Why should Congress by statute lower the voting age?

There is no good reason for it. In truth, and we all know it, this is simply an arrogation of power. Members of Congress, apparently a majority, are convinced that this is a good thing. Accordingly, ride roughshod over our constitutional system. The devil with diversion of powers. How much longer can this Nation, through court and congressional action, stand changes in the basic constitutional concept upon which it was founded? Not much longer.

I do not accuse anyone of insincerity. On the contrary, I accuse them of misguided sincerity. If they are so convinced of the rectitude and value of this action, let them go to the people of their respective States and petition them to vote "yea" on this question. Why do they not do that? Because they know full well that, despite the polls published by Mr. Gallup, the people of many States are against this proposal. Others will probably in due time accept it, but time after time, with the exception of Georgia in 1943 and Kentucky in 1955, the voters have rejected this notion.

Does this daunt the Congress? Far from the case. We now have before us this piece of legislation which will lower the voting age by a Federal statute not by a constitutional amendment. We are asked to vote for it because, by the most attenuated of argumentation, it is suggested that to deny them the ballot is to deny them equal protection of the laws. How ridiculous can we become in our effort to evade proper constitutional processes. Well, it has been said before: there is no end to the folly of man.

Let us be done with this charade; with this flimsily disguised seizure of power. Let this House stand up for constitutional procedures. Let this issue be redressed in orderly fashion. Let us reject adoption of the Senate version of H.R. 4249. In any event, let us order a conference. Let us eliminate this unconstitutional provision to lower the voting age. And then, if it is the will of two-thirds of the Congress—and I will be among that group—let us pass a constitutional amendment and remit it to the States for their action. That is the right and safe route, Mr. Speaker. It is hard for me to believe there is a single Member of this body who believes it otherwise.

I cannot understand these efforts to move ahead and deal with all elections, Federal, State, and local, by the Federal statutory route when one envisions the awkward problem the country will face if the Supreme Court were to invalidate

a whole set of elections. The Court should not have to render a decision under such pressure—knowing that to properly declare an act unconstitutional could bring to a halt our entire system of governmental operations.

The perversion of the Constitution to accomplish even a goal with merit is entirely too high a price to pay. One of the most serious problems from which this Nation suffers today is "a spreading disdain for law." Abuse of the Constitution to attain even desirable ends can only succor those who would replace law and constitutionalism with fiat and force.

So, I appeal to my colleagues to reject the Senate amendments. I appeal to them to support orderly constitutional procedure. These days one never knows what the Supreme Court will say, but regardless, it is not constitutional to change the voting age in this manner. Mr. Archibald Cox and Mr. Paul Freund to the contrary, this is not proper. It is not good for the country.

The clear mandate of article I, section 2, is to leave this question to the States. There is no evidence of invidious discrimination. There is no compelling evidence of denial of equal protection of the law. There is, in other words, no constitutional mandate or failure by the States to abide by the Constitution which would allow for the action here suggested. There can be no good reason for Congress to intervene in this manner. Let us not participate in this power grab. The States are the ones to determine this matter, and they are acting to do so. That in itself is enough reason to send this proposal to conference so that the orderly constitutional amendment in process may at least be considered.

Mr. DOWNING. Mr. Speaker, I have given this resolution considerable study and thought because it has caused me great concern.

Basically, I favor equal voting rights for all people, and despite recent youthful disorders, I would like to see 18-year-olds have the right to vote. My conscience and judgment, however, will not permit me to cast a favorable vote for this particular resolution.

I voted for the Voting Control Act when it applied to all of the States in our Union. If such controls are necessary, they should apply to all States and not a selected few.

The Senate, however, saw fit to remove this nondiscriminatory provision and amended the bill so that it again shackles and humiliates the seven Southern States, including my own State of Virginia and a few outside counties.

I sincerely believe that the present minimum voting age should be lowered to 18 years, but I will not sanction what I think is unconstitutional action in order to accomplish this.

The 14th amendment to the Constitution establishes the age of 21 as the minimum voting age. To change this by simple legislation would be clearly and unequivocally unconstitutional, and it would establish a dangerous precedent for other changes to come.

The merits of this proposal sorely tempt me to ignore the possible restrictiveness of our Constitution, but this I will not do. When elected to this public office, each of us solemnly swore to uphold the Constitution of the United States. Feeling so strongly that this legislation is unconstitutional, I cannot vote for it. The proper course to accomplish this result is by an amendment to the Constitution.

Mr. MONAGAN. Mr. Speaker, apart from the merits of this legislation, I want to express objection to the manner in which it has been brought before the House.

It may well be that I shall vote for this resolution since I definitely support the civil rights aspect of this bill and would not want to see the Voting Rights Act terminate by lapse of time. At the same time it is indefensible that the section relating to voting rights for 18-year-olds has been inserted in this legislation by the other body and that that body holds a pistol to our head with the threat of nonpassage of the main provisions of law.

Everyone acknowledges that there are constitutional questions about lowering the qualifying age for voting otherwise than through a constitutional amendment. Certainly this broad extension merits some discussion in this body. In addition, in Connecticut the proposal to lower the age will be on the voting machines this November. The chairman of the Judiciary Committee, the gentleman from New York (Mr. CELLER) has indicated his preference for action through the constitutional amendment process and it is this method which I would prefer to see us use.

Mr. SKUBITZ. Mr. Speaker, there is a proper time and place to do everything. It is unfortunate that the Senate has decided to attach to the Voting Rights Act of 1965 a rider that purports to enable Americans between the ages of 18 and 21 to vote in Federal, State, and local elections.

The real question now is not if we should lower the voting age but what is the proper method. In my opinion voting approval of this rider is wrong. The proper way to lower the voting age is through a constitutional amendment. Most constitutional lawyers support the belief that the best way is by amendment because the Federal statute could be declared unconstitutional in the future. It could throw the electoral process into a mess during a serious period of legal uncertainty. Thus, in the long run it would be most frustrating for our young people.

Therefore, I believe that the 18-year-old vote rider should be separated from the Voting Rights Act. Then we could make a better decision on the merits of the act itself.

Thus, in a nutshell, I believe the people should be able to make their individual decisions by voting in State referendums to decide this constitutional question or by the action of the State legislatures.

Mr. FASCELL. Mr. Speaker, I rise in support of House Resolution 914, to agree to the Senate amendments to House Resolution 4249, to extend the Voting Rights Act of 1965. The Senate amendment to lower the voting age to 18 years of age for all national elections is especially significant.

In my judgment, young people today are better equipped than ever before to exercise, responsibly, the voting privilege. Our Nation must meet today's challenges with all the resources we have available. Today's largely untapped resource is the abundance of young dedicated American citizens between the ages of 18 and 21.

The city commission of Miami has publicly expressed unanimous support for the pending proposal to lower the voting age to 18. I submit the commission's resolution for the RECORD:

Whereas, young people all over the country have demonstrated their interest in our governmental and foreign affairs.

Whereas, in the wake of the present violence we feel it necessary to give youth a constructive and peaceful means in which they may channel their concern and grievances.

Whereas, we find that more and more young people have had to take on many responsibilities and we feel that they should be given equal rights to make decisions that affect them.

Now therefore, be it resolved that as of May 13, 1970 the City of Miami Commission supports the Congressional proposal to lower the voting age to 18 and urges Congress to concur with this resolution.

Mr. OTTINGER. Mr. Speaker, I rise in full support of House Resolution 914, providing for our agreement to the voting rights amendments passed by the Senate.

Just as the landmark Voting Rights Act of 1965 was one of the proudest achievements of the 89th Congress, the amendments before us today may well be the single most important piece of legislation we will consider during this session. During the first 5 years of the act, more than 800,000 black citizens have registered to vote, the percentage leaping from 20 percent of those eligible to 52 percent in States where Federal examiners have been used, and the number of elected black officials has risen from 78 to nearly 500 in the Deep South.

Our work is far from done, however, because of the enclaves of white resistance to the enfranchisement of black people. In almost 200 counties in Alabama, Georgia, Mississippi, and South Carolina, we are confronted with the distressing fact that less than 50 percent of eligible black people are registered. It is incumbent upon us to build further upon the achievements of the act, which the Senate version of H.R. 4249 will continue in effect for another 5 years, in addition to putting a nationwide ban on literacy tests and establishing uniform national residency requirements for voting in presidential elections, thereby allowing all people who have moved to a new area at least 30 days before an election to register and vote.

Mr. Speaker, the revolutionary feature of this bill is the granting of the vote to 18-, 19-, and 20-year-old citizens. The traditional 21-year minimum age is no longer justifiable in our sophisticated society. It actually dates back to medieval times when a man was deemed not able to bear armor until he became 21, and we have clung to this outmoded stand-

ard far too long. If an 18-year-old is mature enough to bear arms in defense of his country, if he is expected and required to pay taxes, if he can be tried as an adult in our courts, and if he has the right to marry at 18, then we have surely discarded the notion of immaturity at 18 in every area except enfranchisement. With our extensive media communication, up-to-date newspaper reporting, and advanced education in the workings of our political system, there is no reason to affirm that people below 21 are not as qualified to vote as 21-year-olds were during the early days of the Republic.

The equal protection clause of the 14th amendment gives Congress a clear mandate to legislate minimum voting qualifications including age, a conclusion attested to by the most eminent of our constitutional scholars. In Katzenbach against Morgan the Supreme Court in 1966 by a 7-to-2 vote held that Puerto Rican citizens in New York could not be denied the right to vote because of their failure to pass a literacy test in English, a decision based on the 1965 Voting Rights Act, granting clear recognition of the power of Congress to legislate nationwide voting qualifications.

There can be little doubt that the constitutionality of this provision will be tested early in the courts, but there is no substance to the charge of opponents of this bill that its passage would create havoc in a future election. The 18-year-old vote is not authorized until January 1, 1971, and the Supreme Court can expeditiously hear and rule on this issue long before any elections are held.

The important need for this move is the increasing alienation of our young people from the governmental decisions which affect their lives so profoundly. We can do much to restore the faith of these young citizens in the American political system by enfranchising so many who have demonstrably shown their intelligence, maturity, and sense of responsibility about the future of this Nation.

Mr. Speaker, as we moved toward consideration of this important legislation, we beheld the Nixon administration's southern strategy creeping up to Capitol Hill once more as a familiar blight. The heavy lobbying effort being mounted against the voting rights amendments prove once again that the administration, in pursuit of future election victories, is willing to write off millions of blacks as not being worthy of American citizenship. In opposing this bill the President is also confirming the wide gulf between his policies and the legitimate wishes and aspirations of millions of our young people into whose hands the direction of the Nation's affairs will soon be placed.

In these troubled times we need more participation in the political process, not less. The enfranchisement of qualified Americans is only fit and in keeping with the tenets upon which our representative democracy is based. I urge my colleagues to pass this bill overwhelmingly and thereby demonstrate their faith in the system which must be kept responsive to the times.

Mr. PODELL. Mr. Speaker, we have before us today one of the most important pieces of legislation to come before Congress this session. I am speaking specifically of the amendment to the Voting Rights Act giving the 18-year-olds the right to vote.

The issues surrounding this measure have created strong constitutional and emotional overtones. There have been strong and cogent arguments raised on both sides of the issue of the constitutional authority of the Congress to act on this matter. I am convinced, however, that Congress has the constitutional obligation to adopt the amendment.

This is clearly an issue whose time has come. If Congress refuses to act today, it has no choice but to renounce its claim to leadership in the ongoing struggle for individual rights.

I have long been aware of the inequities present within our voting system. The denial of the 18-year-olds' right to vote has become one of the most serious of these inequities.

In 1965, as a member of the New York State Assembly, I introduced the first constitutional amendment calling for a reduction in the voting age to 18. That bill passed the assembly by a vote of 121 to 25 but was killed in the senate. I believe that the time has come to remedy this inequity once and for all.

Through the years, I have argued that youth must have a say in the decisions in which they have so large a personal stake. These words ring truer than at any time in the past. The decisions reached by our Government not only intimately affect our youth, but have become the force behind their deep concern and dedicated action.

At the same time, our young people are the most dedicated and the most knowledgeable in our Nation's history. The change in the quality of the education process, the introduction and widespread use of television, radio, and periodicals, have made the young person today as aware of what is going on as most adults. I feel that he is capable of making important decisions and should be trusted to do so.

The issue today has assumed a new urgency. The depth of our youth's commitment must not be underestimated and their arguments should be considered.

In the past months, Representatives on Capitol Hill have had the opportunity to meet and discuss important matters with many students. Such discussions covered a broad range of issues.

I consider myself most fortunate for my office was visited by hundreds of these individuals. Mr. Speaker, it was impossible to talk to these young people and not go away with a sense of their intelligence, their sophistication, their dedication, and their cogency.

Youth is confronting the issues head on. They are well placed for action, and the potential of their numbers have become an important political reality.

The great majority of the youth in this country reject the use of violence. They are appalled by its doctrinaire use and are dismayed by the counterviolence that it inevitably breeds.

Yet, we must provide some channel of expression for this generation's intense concern. They have been mobilized and their expectations aroused.

The vote will be one avenue for the channeling of political activity. If it is true that we still look upon the vote as the ultimate weapon in our society, as the instrument by which citizens may peacefully challenge the status quo, then this Congress must provide the right to vote to our 18-year-olds.

This system has worked well in the two States which have the 18-year-old vote—Georgia and Kentucky. This Congress cannot claim to be upholding and enforcing the 14th amendment, which provides for the equal protection of the law, when it denies the right to vote to these individuals who are so informed about the issues of our society and who have so great a stake in their content.

Congress clearly has the constitutional obligation to pass the amendment giving the 18-year-old the right to vote.

Mr. RODINO. Mr. Speaker, I rise to urge the House to recede and concur in the Senate amendments to H.R. 4249, the bill to extend the Voting Rights Act of 1965, with respect to the discriminatory use of tests and devices.

As the author of the Committee on the Judiciary reports on the Voting Rights Act of 1965 and H.R. 4249, the measure before us, I can fully attest to the overriding necessity to extend all of the provisions of the Voting Rights Act for an additional 5 years.

On the basis of our subcommittee hearings, reports of the Commission on Civil Rights, and Federal court litigation over the past 5 years, I am profoundly convinced that the failure to continue all the remedies of the Voting Rights Act would encourage a return of manipulative changes in voting laws and other subterfuges to deny the right to vote to large numbers of our citizens on the basis of their race or color. We must not retreat in our defense of the exercise of the franchise, free of discrimination.

Mr. Speaker, I urge concurrence in the Senate amendments not only because I favor those provisions which would extend the Voting Rights Act of 1965. I also support those other provisions in the Senate amendment which would statutorily lower the voting age to 18 in State and local, as well as Federal elections. I support the voting age reduction both on the merit of the change and on the basis of its constitutional soundness.

I believe the right to vote is fundamental to full citizenship and participation in a system of representative government. In the recent past, the unpropertied and women were among those to whom the right to vote was denied. But today these citizens freely exercise the franchise. Nevertheless, approximately 10 million Americans who have reached their 18th birthday, but not their 21st, are denied the right to vote today.

Reasons for retaining 21 as a minimum age for voting are not very convincing. In the 11th century it may have been appropriate to judge a man's maturity by his sheer physical ability to bear the weight of a knight's armor; but

nine centuries of history have destroyed the notion that the responsibilities and privileges of adulthood should be denied until the age of 21. In many States an 18-year-old can legally take a job, drive a car, buy liquor, even make a will, or he may enlist in the Armed Forces. In many States a women of 18 can marry without the consent of her parents. Indeed, a substantial percentage of all women between the ages of 18 and 21 are married. I need hardly remind Members of the House that 18-year-olds are vulnerable to the military draft. Recent figures show that approximately one-third of the American troops in Vietnam are under 21. Nearly half of those killed in action are under 21. I agree with Abraham Lincoln, who said:

I go for all sharing the privileges of the Government who bear its burdens.

There is abundant evidence that today our young citizens bear a heavy burden and obligation of their Government.

I also believe that the statutory reduction in the voting age will be sustained by the Supreme Court. I believe that the Congress possesses the power under the equal protection clause of the 14th amendment to legislate whatever is necessary and proper to effectuate the protections guaranteed by that amendment. This conclusion was made manifest by the Court over 4 years ago in *Katzenbach* v. *Morgan*, 383 U.S. 301. The Supreme Court in recent years has been extremely severe in reviewing State laws which restrict or deny the right to vote. For example, without an act of Congress, the Court has overturned the poll tax requirement, the disqualification of soldiers at military posts, and the requirements of property holding or parentage of schoolchildren for voting in a school bond election. *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966); *Carrington* v. *Rash*, 380 U.S. 89 (1965); *Kramer* v. *Union Free School District*, 395 U.S. 621 (1969).

I believe that this line of decisions together with the holding in Morgan fully support a reduction in the voting age at this time. Furthermore, I totally disagree with the President and others who claim that congressional action in this area will place an intolerable burden on the Supreme Court. Rather, I believe that congressional action in this area will provide substantial aid to the Court. There is no doubt in my mind that cases challenging the validity of present voting age requirements will be filed throughout the country. Some have already been filed. When these cases come to the Court for final decision, the burden will be much heavier if the Congress does not act. A declaration of congressional intent in this area will buttress the final decision the Court reaches.

I urge my colleagues to concur in Senate amendments to H.R. 4249, and approve the rule.

Mr. HUNGATE. Mr. Speaker, first, I favor extension of the Voting Rights Act of 1965 in substantially the same form as it now exists; second, I favor submission to the States of a constitutional amendment authorizing the 18-year-old vote, provided three-fourths of the States concur.

The right of all citizens of all races, religions, creeds, and nationalities to vote in all areas of our country is a fundamental one.

Legally I think the question of the 18-year-old vote should properly be handled through a constitutional amendment. I have serious doubts that the Congress has power to grant the 18-year-old vote in all States without a constitutional amendment. Since our Government unhesitatingly drafts 18-year-olds to fight and die in support of our freedom and since throughout much of this country they may marry, make wills and be taxed, I think it is most difficult to deny them the right to vote for the Government whose commands they execute.

It is perhaps not surprising that groups which find themselves denied a voice in the decisions which affect their destiny feel estranged and alienated and regard it as "the Government" rather than "our Government."

For these reasons, I would favor submission of a constitutional amendment to all of the 50 States so that if three-fourths of them agreed, then the right of 18-year-olds to vote could be established as part of our Constitution, just as the right of women to vote was established as part of our Constitution.

I see no more reason to join a Voting Rights Act with an 18-year-old vote proposal than I do for mixing onions and apricots. Except for the exotic procedural rules of the other body we would not be forced to consider such hydra-headed legislation. Therefore, I support the effort to return this measure to conference so that two separate issues may be considered separately.

Mr. ANNUNZIO. Mr. Speaker, today the House is considering the Voting Rights Act amendments and I want to go on record in strong support of this bill. It is true that the Senate has added amendments to the House version of the voting rights bill, but these changes are good and necessary ones. This bill is a stronger, more powerful one because of these changes. There is no question but that the Voting Rights Act of 1965 has enabled thousands to vote who never had done so before. We must not let them down now.

You are familiar with these Senate provisions: To extend the coverage of the Voting Rights Act of 1965 to those States and counties where a literacy test was required on November 1, 1968, and where fewer than 50 percent of the voting age population actually voted in the 1968 presidential election and to retain the provision which requires Federal review of new voting laws enacted by those States covered by the act. This is a most important provision, for we all know too well how black citizens were denied their rightful vote by various and sundry voting laws and requirements.

Mr. Speaker, what I really want to stress today is the importance of the Senate amendment to lower the voting age to 18. This has been a hotly contested issue. Some believe Congress has no authority to change the voting age by statute. I am not one of those. I feel this issue is too important to be haggled over. Moreover, the evidence for statute change is convincing. The Supreme Court in Katzenbach against Morgan made it quite clear that Congress does have the authority to legislate in this area, if it makes a finding of discrimination and denial of equal protection of the law as prohibited by the 14th amendment.

There can be no question, Mr. Speaker, that our young people deserve the vote. It is they who are being asked to give their lives in Vietnam. Our youth are vitally interested in our world and they deserve to be allowed to take part in it. If people cannot exercise their will through proper channels, history shows that they take to the streets. Why, then do we hesitate, when the answer is so obvious? Why do we delay?

Senator MANSFIELD recently said:

Lowering the voting age to 18 will tend to bring about a better and more equitable balance in the electorate of the nation. As life expectancy rises, the number of older voters increases. A corresponding expansion in the number of younger voters will not only broaden the political base of the Government, it may well provide concurrently a more balanced approach in the nation's general political outlook.

Although the median age of the American population is going down—about 27 now—the median age of the American voter is going up—about 45. Thus, lowering the voting age would, indeed, bring our political process into balance.

Public opinion is very definitely for lowering the voting age. In the recent Gallup polls on this question, between 56 and 66 percent of the public favored such action.

Our young people today are the best educated ever. Their enthusiasm and concern for the world cannot be denied. Why do we hesitate when we have so much to gain?

I feel strongly that in a democratic society access to the ballot is a fundamental source of power. In the Voting Rights Act of 1965 we guaranteed this right to our black citizens, let us now extend this right to those 18, 19, and 20. It is sensible to do so. Let this issue now be resolved.

Mr. COHELAN. Mr. Speaker, I rise in support of H.R. 4249, the Voting Rights Act, as amended by the Senate. I support this bill because it represents a viable attempt to guarantee equal voting rights for all of our citizens. I am happy to be able to vote for this bill.

The key provisions of this bill are that it extends for another 5 years the Voting Rights Act of 1965. I think we are all familiar with the success of this legislation in terms of increased voters registration in areas where discrimination was a known fact and a common practice. We must continue to move ahead in this direction by extending this legislation for yet another period of time.

Another key provision is the nationwide ban on literacy tests would indeed lend a more equitable and juridicial character to this bill. The simple fact that literacy tests exist implies a sense of discrimination and inhibits citizens from registering. It is time we eliminate all vestiges of our electoral system which further prejudice and discriminate.

Another section of importance is establishing uniform residency requirements

for voting in presidential elections—a person need only reside in an area 30 days prior to the election. We live in an age of increasing mobility—voters should not be penalized by strict residency requirements—a change like this would provide for a more interested and enthusiastic electorate.

Mr. Speaker, I am especially pleased with the provision extending the vote to all 18-year-olds. The present cut-off age of 21 years necessarily eliminates a large number of our citizens from assuming a rightful place in our political process. Who is to say that an 18- or 20-year-old does not have the same potential or ability to be politically informed as a 21- or 35- or 43-year-old? Our young people have assumed the responsibilities of fighting our wars, of paying taxes, of taking positions in the business world, of being married and raising families. Why should they be denied the right to vote?

Our social and educational systems are such that our young people today are more aware of national problems and responsibilities. Their enthusiasm should not be stifled but should be nurtured. They should be allowed to play a rightful and meaningful part in our political process. I can think of no better way to provide for an informed and caring electorate than to extend the privilege to vote to our young people. They have certainly exhibited an interest and I feel it is a genuine and concerned interest. It should be given its proper outlet—by allowing them to express their choice at the polls. I feel that extending the vote to 18-year-olds will be a positive step toward a more informed electorate and will stimulate and encourage our young people to work within the political system.

We are witnessing a terrible crisis in our country today—many young people have lost confidence in political authority and institutions. Political rhetoric will no longer satisfy their energies—nor will it reinforce their faith in the system. We must allow them to take their rightful place in the system by giving them the right and the corresponding responsibilities of the franchise.

I know that some are concerned about the constitutional precedents for this action. But I have investigated these arguments thoroughly and am convinced that the Congress has the constitutional authority to take this step. I am further convinced that the Congress has now an important responsibility to take this step.

I urge my colleagues on both sides of the aisle to support this bill.

Mr. FRIEDEL. Mr. Speaker, I support wholeheartedly House Resolution 914, and urge all Members of this House who have a deep desire to insure a constructive future for the United States to support this most important measure. If there ever were alienated groups in our society today, it is the black and the young. All men of good will must want—and work to get—these all important groups into the mainstream of American life. What better way than by making possible the passage in this body today of the excellent Senate passed version of the Voting Rights Extension Act. The pending resolution will make this possible.

As one who, thank God, has had a long and fruitful public life, let me say that if there ever has been an era in the history of our great and beloved country where we needed a measure to truly bring us together we need it now. House Resolution 914 can go a long way in making this possible by permitting the House to accept the Senate-passed version of the Voting Rights Extension Act.

How many of us in recent weeks have heard the young people say "they just don't hear us" or "they just don't want to change the system." Let me as one Member tell you that I have heard these voices and I believe that we can change and bring about a new era where the catch phrase, "the generation gap," can at last be forgotten and millions of young people can begin to work within the system to improve things.

Mr. Speaker, who among us really prefers to have our young people disenchanted and condemning the system rather than participating in its operations? By voting for the pending resolution today, we can make these young people participants—not just protesters.

Now some people have said that the 18-year-old vote by this means is unconstitutional and they have cited legal precedent in support of their position. The Senate-passed version of the voting rights legislation would provide for a speedy and expeditious court test of the constitutionality of the 18-year-old vote provision.

The opinions of the legal question which have come to my attention from our leading law school faculties persuade me to the view that the Supreme Court will ultimately uphold the constitutionality of this approach. What I simply cannot understand is why the Nixon administration, with its much-publicized goal to "bring us together," would be 180 degrees to the contrary in opposing this type of constructive utilization of the energies of our young people.

What it all boils down to is, do we want today to allow or permit a constructive outlet for the tremendous commitment and energy which the vast majority of our young people have demonstrated they have. By voting for House Resolution 914 we can provide no clearer sign that the Congress, and specifically the House of Representatives, welcomes the interest and active participation of all young Americans in our historic political process. By providing the 18-year-old vote today, our action will make useful and valuable the activism which is now being wasted and frustrated and thereby causing further domestic unrest.

On protecting and extending the landmark legislation which we passed in the 89th Congress to protect voting rights of our black citizens, we must not, in 1970, abandon the constructive course we have at long last embarked on. The 15th amendment was ratified in 1870 and it took almost 100 years to put teeth into it and make it work. We are just now beginning to see the results of significantly larger numbers of black citizens participating in the elective process. The literacy test was a scourge for far too many years which prevented millions of our citizens from exercising their franchise.

Again, Mr. Speaker, the Nixon administration appears to be going in the opposite direction from its stated theme "bring us together." The administration offered substitute measure which unfortunately passed this House last year by three votes eliminated the preclearance requirement and shifted the exclusive jurisdiction over voting rights cases from the District of Columbia Federal Court to local Federal courts. In effect, this action permits reinstatement of discriminatory voter registration practices and eliminates the requirement that States file voting law changes with the Justice Department. It would leave ultimate enforcement of this important constitutional right in the hands of the Attorney General who would have complete discretion over what suits would be filed in southern district courts rather than to the more sympathetic Federal court here in the District of Columbia.

The Senate, wisely, in my view, amended H.R. 4249 to restore the original language and intent of the 1965 act and at the same time extend its provisions for 5 additional years. The Senate bill would also establish once and for all a nationwide ban on literacy tests and provide for uniform residency requirements for voting in presidential elections.

Mr. Speaker, in conclusion, and as I said at the beginning of my remarks, we simply must take positive steps to protect the future of our democratic system. Our young and black people are currently disenchanted, rightly or wrongly, with many aspects of our system. By voting for House Resolution 914 we can go a long way in allowing these valuable people to have their day in that most sacred of all courts of last resort, the U.S. electoral system.

Mr. PODELL. Mr. Speaker, we have before us today one of the most important pieces of legislation to come before Congress this session. I am speaking specifically of the amendment to the Voting Rights Act giving the 18-year-old the right to vote.

The issues surrounding this measure have created strong constitutional and emotional overtones. There have been strong and cogent arguments raised on both sides of the issue of the constitutional authority of the Congress to act on this matter. I am convinced, however, that Congress has the constitutional obligation to adopt the amendment.

Mr. BUSH. Mr. Speaker, I am somewhat distressed that legislation as vital as the Voting Rights Act has been obliterated by the Senate rider permitting entry into the franchise of 18-year-olds.

The Voting Rights Act is extremely important. As passed by the House the bill would suspend all literacy tests, provide uniform residence requirements for those who want to vote in presidential elections, grant the Attorney General the authority to station voting examiners and observers in any jurisdiction to enforce the right to register and to vote, and launch a study of the use of literacy

tests and other devices that may be abridging the voting rights of individuals. The most important feature of the House version is that it discontinues the punitive and discriminatory provisions of the 1965 act—provisions aimed at one section of the country. I have some philosophical problems with the Senate version of this bill. I would like to see the House stick by its version.

I am pleased that the issue of 18-years-olds voting is being debated in the Congress and in the country, but I am sorry that it is in connection with this bill. Personally, I feel that these young people are entitled to vote. The voting patterns in Georgia and Kentucky—States which permit 18-year-olds to vote now—have not changed. My experience in going around to many campuses is that the average 18- and 19-year-old today is, because of improvements in our educational system, better able to make sound judgments than I was when I was 19.

This privilege should be extended to our young people by the States or by constitutional amendment. I have introduced a bill that would enfranchise 18-year-olds by constitutional amendment. I feel that this should not be accomplished by statute. The Katzenbach against Morgan decision upon which the Senate based its argument that 18-year-olds can be enfranchised by statute only makes sense when looked at in the context of the mainstream of the 14th amendment litigation, policing State restrictions on ethnic minorities. The restrictions affecting young people simply do not fit into this category.

Mr. REID of New York. Mr. Speaker, I rise in strong support of House Resolution 914, providing for agreeing to the Senate amendments to H.R. 4249, the Voting Rights Act amendments.

The action of this House last December in failing to extend the Voting Rights Act in its present form was reprehensible and a backward step. We have the opportunity today to rectify that error by accepting the Senate amendments which do provide for the extension of the Voting Rights Act without crippling amendments.

In addition, the Senate bill adds three very important provisions respecting the right to vote in general. First, the bill expands the temporary ban on literacy tests to make it national rather than regional in scope and effect. Second, the Senate bill includes a nationwide uniform authorization for persons to vote in presidential and vice presidential elections if they have resided in a State since the first day of September preceding the November election. This provision is absolutely essential if the right to choose the President and Vice President is not to be circumscribed by the exigencies of moving in today's mobile society. I introduced a bill in 1969 to accomplish this, and I am glad to see it included in the Voting Rights Act.

Third, and most important, the Senate bill provides for extending the right to vote to 18-year-olds. The challenge of youth is perhaps the greatest domestic challenge facing the United States in the 1970's. The concern of our young men and women over the political and social future of our country has been well demonstrated. They have campaigned for candidates of their choice; they have been far ahead of their government in indicating the need for change. In these endeavors, they have shown an extraordinary degree of commitment to principle, a great faith in democratic institutions, and a desire to work within the system.

It is an undeniable fact that in 1970 our youth are better educated and better equipped to cope with the responsibilities of citzenship in a democratic society than ever before.

It is undeniable that in 1970 our youth have a greater degree of sensitivity toward political issues than ever before, and a potent desire to channel their energies toward much needed change.

And it is also undeniable that we have perpetuated a grievous situation in which some 11 million of our citizens have borne the responsibilities of citizenship while failing to be endowed with their right to participate in shaping their responsibilities. These 11 million citizens bear the responsibilities of military service, of adult punishment under the criminal law, and many face the responsibilities of employment and providing for families.

I submit that this situation should no longer be allowed to exist. I submit that the principle of concurrent rights and responsibilities forbids it.

It is my firm belief that the function of the Congress is clearly to legislate; it clearly is not to second-guess upon the constitutionality or validity of its legislation. Historically and uncontestably, this is the function of our courts.

The constitutionality of lowering the voting age to 18 by legislative fiat has been eloquently argued on both sides. I, for one, am convinced of this procedure's validity, and I am hopeful that the courts will have the opportunity to rule on the matter without delay.

My view in this regard is sustained by Profs. Paul Freund and Archibald Cox of Harvard Law School—Mr. Cox is a former U.S. Solicitor General—and by a unanimous opinion of the Association of the Bar of the City of New York. To use the constitutional argument to defeat this legislation is not only to extend the invidious discrimination which exists toward our youth, but to abdicate our sacred legislative functions.

Moreover, enactment of the 18-year-old vote now will be a clear indication at this critical time of our confidence in our young men and women and of our desire to work with them in strengthening our democratic procedures.

As for the Voting Rights Act itself, to fail to extend it as is would be an invitation to a number of States to resume and step up certain discriminatory practices which are repugnant to all men of conscience.

To fail to extend the Voting Rights Act as it is would be to betray the principles for which many Americans fought and for which some died—Martin Luther King, Jr., Medgar Evers, Mickey Schwerner, James Chaney, Andy Goodman, and others.

The purpose of the Voting Rights Act of 1965 was to secure full enfranchisement and the right to participate fully in political activities for all citizens. Considerable progress has been made toward that goal in the Southern States, but there is indisputable evidence that as one type of discrimination is eliminated, yet another barrier to political participation is created by the warped imaginations of those who seek to prevent black Americans from assuming an active role in politics.

I would submit that the job is not yet finished, that black registration is nowhere as high as it should be and that as registration goes up, harassments to running for office and voting also go up. This, I believe, is clear evidence that the Voting Rights Act must be continued for another 5 years without its application to the South diluted by nationwide coverage. To do otherwise will be to permit the States of the South to return to their discriminatory practices. Failure to pass this bill could result in the resumption of literacy tests, gerrymandering and a change from elective to appointive offices in some cases.

The bill that the House passed in December would give the Attorney General nationwide authority to bring voting rights suits to challenge discriminatory practices and laws. This would move the struggle to obtain electoral justice from the ballot box to the courtroom—with its attendant delays—and thereby vitiate the very success of the Voting Rights Act.

Almost a year ago, the distinguished ranking minority member of the Judiciary Committee, the gentleman from Ohio (Mr. McCULLOCH) said:

> As I understand the provisions of the Administration bill which pertain to the heart of this controversy, they sweep broadly into those areas where the need is least and retreat from those areas where the need is greatest.

Mr. Speaker, the voting rights provisions and the extension of the franchise to 18-year-olds are critically important to this Nation at this time. To fail to enact them would be a dereliction of responsibility, a most callous indication of lack of faith and broken commitments, and an invitation to further discord and division in America.

Mr. EDWARDS of California. Mr. Speaker, passage of the Voting Rights Act of 1970 will stand as the greatest achievement of the 91st Congress. By keeping faith with all Americans, white, black, brown, or yellow, and by enfranchising the 18- to 20-year-olds, this Congress will do more to bring this Nation together than any other single act could do. We can give no clearer indication of our confidence in these young Americans and no clearer sign of welcome into the democratic process from which they have been excluded. We can expect as a result a vast infusion of fresh talent and energy into our tired and lame political institutions. With the age barrier down, with a major cause of youthful frustration removed, we can expect

the healing processes to begin immediately. This is the first major step toward reconciliation, a great day for Congress and the Nation.

Mr. WAGGONNER. Mr. Speaker, I have managed to discuss this bill before us with a number of my colleagues from all parts of the Nation and of both parties and of all shades of political philosophy and I am disturbed by what many are saying to me.

A general theme runs through the comments of many of those who favor passage of this bill and that is, though it is undoubtedly unconstitutional, we cannot vote against the 18-year-olds.

The younger generation, be they 18, 19, 20 or whatever relatively young age, is complaining about the lack of sincerity and the lack of courage in the convictions of some adults in the so-called establishment. This is a prime example of it, it seems to me. If there is a Member here who believes this process of changing the voting age is unconstitutional, and there are many, then they should have the courage to say so and vote so. But that is not the case, I am sorry to say.

The chairman of the House Committee on the Judiciary has said that it is unconstitutional. How else can a sincere man vote then? He must vote "no." He must vote to send this measure to conference and that is what I will do.

The previous question on the rule should be voted down and this bill sent to conference because the Senate has rewritten the House-passed bill on voting rights and added the extraneous matter of lowering the voting age. It is wrong to agree to these major changes with no debate and no conference. I remind you that no committee of the House has given any consideration to either the Senate version of the voting rights bill or the 18-year-old provision. We are being asked to ignore all these changes for fear of arousing the youth of the Nation. I say that we will arouse them, if at all, because we do not have the courage to vote against something we do not believe in out of fear of political reprisal. You underestimate the 18-year-olds if you think they are not smart enough to see this.

The equal application to all States which the House-passed voting rights bill provided for has been stripped away in the Senate version and we are back again to the same old, discriminatory legislation that hits at a few Southern States and winks at the rest. There is supposed to be equity in the law, but in this doctored version of voting rights, there is no equity for those Southern States being singled out for unequal treatment.

As for the vote for the 18-year-olds, I personally have no reservation about giving it to them if that is the will of the people, but there is a constitutional method for making this change and that is what we should follow.

Let no man delude himself that this proposal has popular support. I remind you that 14 States have rejected similar proposals by referendum or constitutional revision—the States of Connecticut, Hawaii, Idaho, Maryland, Michigan, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, and Tennessee.

Ten other states already have a lowered voting age question on their ballots in 1970 that do not lower the age to 18. They are Colorado, Maine, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, South Dakota, Washington, and Wyoming. In these States they propose lowering the age to 20 or to 19. Other States may have such a proposal later in the year.

I agree with President Nixon when he asked that this 18-year-old rider be separated from the bill and that we follow the procedure that is provided for in the Constitution, the one way that will leave no doubt as to its validity: by Constitutional amendment. This is the path of reason and the path I advocate we take.

I have enormous faith in the judgment of the people and if they want the age lowered, they should have it.

I urge those Members who are saying in private that this is unconstitutional to have the courage of their convictions and vote so and say so. You will not lose the respect of the 18-year-olds. It is the only sure way to earn their respect.

Let us approach this question in a constitutional manner, not by being stampeded out of political fear. This does no credit to individual Members or to the House as a whole.

Mr. STOKES. Mr. Speaker, I rise in support of the resolution. Almost a year ago today, when the Nixon administration was clearly showing the first signs of equivocation on the House bill—H.R. 4249—to extend the 1965 Voting Rights Act, I stated here on the floor that all those who supported the attempt to kill this measure would be intentionally aligning themselves with the forces of bigotry and reaction. I attempted to delineate the absence of both morality and logic in the administration's arguments against the bill, and called on the consciences of my colleagues to resist that overt maneuver to quash one of the most effective civil rights measures ever enacted.

As you know, Mr. Speaker, that speech was made in vain. On December 11, in what I later described in a newsletter to my constituents as "the most disappointing moment" of my brief congressional career, the House narrowly adopted the administration's substitute proposal, thus apparently terminating the Voting Right Act. It was not a day to be proud of in a country founded on the concept of the equality of all men.

But, now events have taken us full turn, and the Members of the House are presented with one of life's rarest moments—the chance to "do it all over again." The other body has taken the precise action which I recommended in that speech last year by incorporating the salient features of the substitute bill in a package with a Voting Rights Act extension. No one ever doubted the desirability of the administration's suggestions that the Congress impose a nationwide ban on literacy tests and eliminate unwarranted registration requirements for voting in presidential elections. Indeed, a special Democratic National Committee task force of which I was a member recently made identical recommendations in its final report.

Yet, neither of these bear directly on the issue of discrimination against black voters in the South. That was, and should continue to be, approached under the authority of the tougher, more specific provisions of the Voting Rights Act. Certainly, the need still remains. In a report published less than a year ago the U.S. Commission on Civil Rights recounted a tale of horrors they had recently observed in Mississippi local elections which could easily have been written at the turn of the century. Bomb threats; intentional deceptions regarding how to file and when and where to vote; armed white deputies "encouraging" nonparticipation—it is all there. No, Mr. Speaker, the need still remains. The central question is whether the will of this body to continue to insure equal justice under law does likewise.

18-YEAR-OLD VOTING

Moreover, should we pass the pending resolution the House will today have the opportunity to not only rectify past error, but also to include in that rectification a measure which I have always considered another badly needed reform in our democratic system. I refer, of course, to the extension of the voting privilege to 18-, 19-, and 20-year-old Americans.

The rationales for passage of this provision are as familiar as they are persuasive. Each year, statistics clearly reflect an increase in the number of young people between 18 and 21 who are marrying, having families, paying taxes, and accepting all other responsibilities of citizenship. Seventy-nine percent of our youth in that age bracket now have high school educations. In 1920, 17 percent did. Similarly, 47 percent of today's 18-year-olds attend college. The figure for 1920 was 18 percent. And the most familiar contention of all is still the most persuasive—if the young men of those ages can be required to fight and die half a world away, because a handful of men here in Washington have the power to declare that their fighting and deaths are "in the public interest," then surely those young men have a right to help determine who those men exercising such power will be.

I have only come across two basic arguments against the 18-year-old provision. The first and easily the more impressive is that the provision is unconstitutional. Those against extending the right by statute have put together a very impressive list of constitutional lawyers who agree with their position. But so have the supporters. With the scholars thus split, we have no choice but to make our own analysis and decide the question in the light of present political realities.

It would not seem to require an unreasonably broad reading of section 5 of the 14th amendment and Katzenbach against Morgan to substantiate the provision. In Morgan, which upheld the Kennedy amendment to the Voting Rights Act prohibiting enforcement of New York's English literacy requirement

for voting, the Supreme Court strongly indicated that the Congress did have the power under section 5 to assure equal protection by imposing its own judgments on matters falling within the purview of the 14th amendment. In refusing to second-guess the Congress' actions, the Court noted:

> 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 English literacy requirements. It was for Congress, as the branch that made this judgment to assess and weigh the 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.

Applying this test to the present situation, it would appear highly likely that the Court would be just as hesitant to question our judgment now as before. It would be very difficult to argue that there exists no "basis upon which we might resolve the conflict," particularly in view of the statistics and facts concerning the present responsibilities and intelligence of persons between 18 and 21. Consequently, it is my opinion that should the measure pass, it holds every chance of being upheld in the courts.

With the constitutional question resolved, the issue is reduced to one of political judgment. Enter here the opponents second, and worst, argument—that the philosophies, life-styles, and political activism of a number of young people within this age group somehow indicates a lack of requisite maturity to merit the franchise.

The argument is almost absurd enough to collapse on its own, but is pernicious enough to warrant a further comment. America has never produced a group of young people as sensitive, aware, and socially conscious as those 10 million youths now between 18 and 21. They care desperately for their country, and especially for its less fortunate citizenry. They are concerned about what they perceive as an immoral war in Indochina frittering away our human and spiritual resources, the poisoning of the environment they will be expected to live in, and the twin paradoxes of poverty among riches and racism in a nation dedicated to brotherhood. Should these concerns reflect immaturity, our society is in grave need of a healthy dose of immaturity. But it is obviously not immaturity—in fact it is quite the contrary. These young people have much to offer the political processes. To whatever degree they are now disenchanted from those in authority, granting them the power to directly influence the election or defeat of those officials can only diminish that alienation. They will be good citizens, and our democracy will be the beneficiary of their participation.

Mr. CONYERS. Mr. Speaker, although my colleague, the Honorable SHIRLEY CHISHOLM, and I were present today during the debate on the passage of House Resolution 914, we were both unexpectedly called off the floor and were unable to respond to the final passage rollcall vote. As a cosponsor of legislation extending the Voting Rights Act of 1965, and having testified before the Judiciary Committee in support of extension of the Voting Rights Act, as well as having cosponsored legislation supporting the right and necessity of 18-year-old voting, this legislation is as extremely important to me as it is to Mrs. CHISHOLM and we deeply regret the fact that we were unable to cast our vote on final passage, notwithstanding the fact that the bill passed by an overwhelming majority. Had I been present I would have voted most enthusiastically in support of House Resolution 914.

Mr. HUTCHINSON. Mr. Speaker, back in 1907 Charles Evans Hughes, then Governor of New York, said in one of his speeches that the Constitution is what the judges say it is. More than a single generation of our people have been taught that the U.S. Supreme Court is the final arbiter of the Constitution, and some Members of this House, I fear, are of the opinion that whether an act is constitutional or not is no concern of theirs. They say constitutionality is the responsibility of the Court, not the Congress.

I absolutely disagree, Mr. Speaker. Every Member of the House is sworn to support the Constitution. I am sworn to support it, and I cannot, nor can any Member discharge his oath of office by casting his vote without regard to constitutionality. If the Congress is to maintain its equal station as a coordinate branch of the Government, it cannot do so by abdicating to the Court all considerations of whether congressional acts are constitutional. The Court does not expect Congress to do that. On the contrary, the Court assumes that Congress acts within the limits of the Constitution, and that every Member considers the constitutional question in deciding how he shall vote. The Court has great respect for acts of Congress. It conceives its duty to uphold the constitutionality of congressional acts if at all possible, upon the basis that Congress, too, is sworn to support the Constitution, and would not act without regard to its provisions.

We are now debating, for a single hour, a resolution, and at the end of this hour the House will vote that resolution up or down. Its adoption will mean the House has concurred in Senate amendments to the voting rights bill, and Congress will have attempted by statute to establish a uniform voting age, at 18, in every election throughout the land, whether the candidates be for local, State, or National office, and whatever may be the issue submitted to the electorate.

Out of a sense of deep conviction, Mr. Speaker, I submit that Congress is without power to fix a voting age by statute, and under my obligation to support the Constitution I must vote against legislation I believe to be unconstitutional.

Ours is a Federal Republic. Each of us has a dual citizenship. We are citizens of the United States, but each is at the same time a citizen of the State wherein he resides. Not all of our rights accrue to us because we are citizens of the United States. Some come to us through our status as citizens of our respective States. Among the rights we have as State citizens is the right to vote. We vote in our capacity as citizens of our State, not as citizens of the United States, when we participate in choosing the presidential electors to which our State is entitled, when we elect a U.S. Senator from our State, when we send a Member to this House from our State, when we elect our State Governor and our State legislature, and other officials both State and local which our State constitutions and our State laws provide shall be chosen by the people. Likewise, we act in our capacity as citizens of our State when we decide issues at the polls by referendum.

The qualification to vote, in our system, are determined by State constitutional provision. Congress has no function in it. The Federal Constitution is very clear on the point. At no place does it confer upon citizens of the United States the right to vote. Instead, it limits the power of the States to prescribe voting qualifications for those of their citizens who are also citizens of the United States. These limitations upon State power are definite and clear. In prescribing voting qualifications, no State may deny citizens of the United States the right to vote because of race, color, previous condition of servitude, or sex; or for failure to pay a poll tax in any election at which a Federal officer is to be elected. The Constitution does not deny State power to fix any age as the minimum age for voting. Indeed, it recognizes that power in the States. But it provides that any State which denies citizens of the United States who are citizens of that State the right to vote, being 21 years of age, shall pay the price of reduction in the basis of its apportionment in this House.

In the law there is a maxim of construction, that general language must not be construed to negate specific provisions. The Constitution is rightly interpreted only when vigor is attributed to all of its provisions. No provision is properly construed if it makes useless some other; and certainly the broad phrases of the 14th amendment should not be favored over the specific provisions of the Constitution. Instead, the 14th amendment should be interpreted with the other provisions of the Constitution in mind, and meaning given to them all.

And so I arrive at the decision in Katzenbach against Morgan, about which much has already been said in this debate today. Among the provisions of the 1965 Voting Rights Act is the one which superseded New York State's statutory requirement that in order to vote there citizens must demonstrate an ability to read English. We said it would be sufficient for a prospective voter to show six grades of education in a school under the American flag where the dominant language was Spanish. At issue before the Court was the constitutional power of Congress to invade in this way New York State's power to set voter qualifications. Resorting to its practice of searching strenuously for some way to uphold a congressional enactment, the Court

rested its decision on the enforcement section of the 14th amendment, by which Congress is empowered to enforce, by appropriate legislation, the provisions of the article. The Court had accepted the argument that the particular provision of law at issue was intended by Congress to further secure to citizens of the United States residing in New York the equal protection of the laws.

In its reasoning, the Court said that in order to exercise its powers under the 14th amendment, Congress might direct a course of action at variance with State law, even though the State law might be constitutional. When that happens, of course, the State law is superseded because of the supremacy clause in the Federal Constitution.

Congress based its power to enact the Voting Rights Act of 1965 primarily on the 15th amendment, under which it may enact appropriate legislation to prevent any State's denial of the right of citizens of the United States to vote on account of race or color. Congress found that literacy tests were being used in some States as a device to deny black citizens their right to vote. It suspended such tests in those States during a period of 5 years, and set up Federal machinery to assure any citizen otherwise qualified an opportunity to register to vote without regard to his race. The Voting Rights Act, I repeat, was based primarily on the 15th amendment, not the 14th.

In the face of a simple extension of the 1965 Voting Rights Act for another 5 years, the present administration sought an alternative. Turning from the 15th amendment to the equal protection clause of the 14th amendment, the administration proposed to suspend literacy tests throughout the United States. No one had previously suggested any constitutional impediment to literacy tests in themselves. The case against them could be made only when they were used as a device to deny citizens the voting franchise on the ground of race or color. In order to suspend them across the country, the test or device concept was abandoned, and the equal protection concept adopted. But to uphold that proposition, Congress would have to be found with power to supersede otherwise constitutional State voting qualifications. Katzenbach against Morgan was relied upon.

The administration's alternative in the House went still further. It overturned State voting requirements as to residency within the State. In deference to the right of the States to protect their own local elections and the qualifications to vote in local elections, the alternative in the House pretended to reach only Presidential elections. In order to vote for electors of President and Vice President within a State, Congress says in the bill we are now debating that a citizen can vote there even if he cannot comply with the residency requirements of that State. We set up a lesser requirement which will stand in lieu of the State law or Constitution. But having got the Federal foot in the door, we go no further at the present time. We seem to have overlooked the fact that the States already have the power on their own to provide lesser residency requirements in order to vote for President, and that many States have used that power. Their constitutions and their laws already meet this problem which has been engendered by the mobility of the population. Is it either necessary, desirable or wise to assert Federal power—particularly when it is based upon a tenuous and untried concept of constitutional law—to deal with a problem the States are already meeting? I think it is not.

I regret my decision, when this bill was before us in Committee of the Whole, that I did not offer an amendment to strike the residency provisions. I did not believe them constitutionally within the power of the Congress then, and I am of that same opinion still. The reason I did not offer to amend the bill by striking out the residency provisions was that after seeing how poorly an amendment to strike the nationwide literacy provisions had fared, I know it would be a waste of the time of the House. But both nationwide literacy test bans and lesser residency requirements to vote for President within a State, based upon an extension of the reasoning in Katzenbach against Morgan, rest uneasily upon a weak foundation.

Encumbered with these unconstitutional provisions, I could not in good conscience vote for the Ford substitute for the voting rights extension which passed the House.

But when the bill reached the other body they did it more constitutional mischief. If Katzenbach against Morgan in effect amended the Constitution to empower Congress to define voter qualifications, Senators argued, then here was a vehicle to accomplish a uniform voting age at 18 throughout the country. And they amended the bill accordingly. Now it is again before us, through this resolution. How unwise it is, my colleagues, to vest in Congress the power to set voting qualifications.

If Congress can say that citizens of 18 can vote on all questions and in all elections now, it can by statute increase the age to 20 or 21 or reduce it to 16 or 17.

If Congress can reduce residency requirements to vote for President in the several States, it can at some future time increase them.

If Congress can constitutionally govern voting age qualifications in all elections, it can govern residency requirements in all elections—and it can control all other voting qualifications within the States.

Consider if you will, ladies and gentlemen, what this all does to the role of the States in our governmental system. Repeatedly, the people of State after State have turned down proposals to lower the voting age. Oregon did it only 2 or 3 weeks ago. The people of my own State of Michigan did it in 1966. Every indication is that they would defeat the proposal more overwhelmingly now than then. In 1966 they defeated it nearly 2 to 1. What an affront to the people of States would it be for us to cavalierly set aside their decisions at the polling places and in the ballot box, and impose upon them conditions contrary to their will, when it is universally agreed that their own decisions have been completely constitutional. Such decisions have been within their power to make, and the people of the States retain that constitutional power, even after Katzenbach against Morgan.

How unwise it is for Congress to overturn the constitutional decisions of the people of the States made in their voting booths, through an assertion of new found power which rests on a tenuous and untried concept of constitutional law, a power which exists only so long as Katzenbach versus Morgan stands as the latest interpretation of the law of the land. We had best not rest our powers upon judicial decisions, because those decisions are overturned, more frequently in recent years than heretofore. Katzenbach versus Morgan did not break virgin ground. The Court had considered section 5, the enforcement section of the 14th amendment before. And in order to erect Katzenbach versus Morgan, the Court, in effect, overruled earlier decisions. Just as Katzenbach versus Morgan overturned the civil rights cases of 1883, Katzenbach versus Morgan may be overturned in the future—and perhaps sooner than later.

If Katzenbach against Morgan actually holds that Congress has power under the 14th amendment to supersede constitutional State law with the assistance of the supremacy clause, consider how completely this new doctrine overturns the interpretations made by those who lived during the period the 14th amendment was adopted and who understood its great purposes. The 1883 civil rights decisions held:

> Until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the Fourteenth Amendment, no legislation of the United States under said Amendment, nor any proceeding under such legislation can be called into activity.

On the contrary, under the doctrine of Katzenbach against Morgan, Federal legislation can now be called into activity even though every State action is clearly constitutional.

If the Congress now has power to enact any legislation deemed by it appropriate to further the equal protection of laws to be enjoyed by citizens of the United States within the several States, it may in like manner implement the due process clause and may revitalize the privileges and immunities clause in the 14th amendment. The amendment thus loses its character as a limitation upon State action and becomes a grant of power to the Federal Government. When that time arrives, our federal system will be utterly destroyed, and any purpose of the States in our system may be gone. Then, it may be asked how long the American people will be willing to support a dual system of government, State as well as Federal. Then, it may well be, there will be a unitary governmental system, with a single legislative power in the Congress alone. And it could all come about without the need for any further amendment of the Constitution as such. Under Katzenbach against Morgan, Congress may be found to exercise concurrent legislative power with the States. When Congress acts, State law is superseded.

I am deeply concerned about the road of constitutional interpretation we are starting to travel. If Congress may, by mere statute, set aside State action legitimately exercised in the matter of the residency and age qualifications to vote, it may take to itself the whole power to control voting qualifications. I cannot believe this course to be constitutional. I shall vote to amend the resolution now before us, to the end that the bill may be sent to conference. And if the resolution is not amended, I shall vote against it.

To vest in Congress the power to define voter qualifications is most dangerous. If Congress can control the qualifications to vote within the States, it can define the electorate which shall choose the Congress. The Constitution specifically provides that the voters for Congress within each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. The power to define those qualifications rests with the people of the State under our system and guaranteed to them by the 10th amendment. No legislative body should have power to define the electorate which chooses it. The Constitution gave no such power to Congress. Neither did the 14th amendment.

The doctrine of Katzenbach against Morgan is unsound constitutional law. It cannot stand without being destructive of our system. The Congress should not seize upon it as authority for asserting a power the people of the States never delegated to it.

Mr. EDWARDS of Alabama. Mr. Speaker, the question of lowering the voting age qualification to 18 is a very serious one. It involves more than just determining whether 18-year-olds are qualified to participate in the electoral process. It encompasses the entire question of State-Federal relationships and the powers reserved to the States.

Many would argue that it is very wrong to wait any longer in granting the voting franchise to 18-year-olds. They contend that 80 percent of the group between 18 and 21 is high school educated and many are in college. They argue that this group is probably among the most informed citizens in the country.

Basically what they say is true. In speaking to high school and college groups in the First District of Alabama and elsewhere I continue to be impressed by their high level of education and their great awareness of and concern for the world about them. For all its critics, our educational system is turning out well-educated, concerned, and able citizens.

However, all this is completely beside the point in considering the attempt to change voting qualifications by a congressional act. There are two pertinent passages in the Constitution which would certainly seem to preclude this action.

The first is section 2 of article 1 of the Constitution which sets forth the qualifications of voters in the following way:

> Electors in each state shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Clearly the Founding Fathers intended that national electoral qualifications be determined by the States. However, the supporters of the statutory age change point to the 14th amendment of the Constitution for authority. But in doing so they ignore a very important section of that amendment. Section 2 of the 14th amendment reads:

> But when the right to vote at any election . . . is denied any of the male inhabitants of such State, *being twenty-one years of age*, . . . 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. (Emphasis added.)

Mr. Speaker, there is no way anyone could possibly construe that the legislatures that ratified this amendment in 1868 intended to transfer their powers of determining voter qualifications to the Federal Government. In fact the amendment implicitly confirms that right in my opinion.

What then is the answer? Is opposition to the Senate amendment a vote against permitting 18-year-olds to participate in elections? Well, of course not.

The proper way of granting 18-year-olds the right to vote is either through constitutional amendment, just as women were granted the right to vote through ratification of the 19th amendment, or through State law. But if we are to pursue this matter on a national basis, then I must say as a matter of fact that I would vote for a Constitutional amendment in order to permit the people of the United States to decide the question of giving the 18-year-olds the right to vote.

Mr. Speaker, the American people have a right to express their will clearly in a matter that changes the basic structure of the Constitution. And their will can only be clearly expressed through consideration of a constitutional amendment properly presented to the states for ratification. This is the constitutional approach. We cannot allow political expediency to override the clear mandate of the Constitution.

Mr. ICHORD. Mr. Speaker, I have long been a champion of 18-year-olds voting and in this respect no person can accuse me of being a "Johnny-come-lately," for I favored the concept back before it was popular among the 18-year-olds. It was 17 years ago that I first introduced a bill in the Missouri Legislature to amend the Missouri Constitution to permit 18-year-old voting. I have not changed my mind. If the Nation considers a young man old enough to fight, he should be considered as old enough to vote. I favor an amendment to the U.S. Constitution enfranchising 18-year-olds; however, Mr. Speaker, I cannot abuse the Constitution by trying to give 18-year-olds the right to vote by statute. This, in my opinion, is what the House of Representatives is being asked to do today. I strongly favor the concept of 18-year-old voting, but I just as strongly favor the concept of adhering to the oath I have taken. I did not officially become a Member of this body until the following oath was administered:

> I, Richard H. Ichord, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

"To support and defend the Constitution" is not a sworn responsibility that can be passed on to the President or the courts. It is the duty of each Member to study and interpret the Constitution to the end that no action on his part will be violative of the grant to govern from the people. The passage of this law will directly violate the Constitution. I cannot follow the political advice given to me by one Member of this body whose views are exactly opposite from mine. He is opposed to the concept of 18-year-old voting but is voting for the measure. "Why worry about the matter," he says. "Go ahead and vote for the bill. Make the 18-year-olds happy and the Supreme Court will throw the matter out."

Mr. Speaker, this is exactly what the Supreme Court will do, I believe, if H.R. 4249 is passed purporting to give 18-year-olds the right to vote. It is clearly unconstitutional on its face. Let us examine the Constitution.

Article I, section 2, respecting the election of Representatives to the Congress and the 17th amendment respecting the elections of Senators recognizes that voting qualifications are governed by State law. Article I, section 4 gives Congress the power to regulate the times, places, and manner of holding elections of Senators and Representatives but the Congress has no power to prescribe voting qualifications. This is a power which is reserved to the States or to the people under the 10th amendment subject to the restrictions imposed upon the States by the 15th amendment which forbids the States from denying the right to vote on the ground of race, color, or previous condition of servitude; the 17th amendment which prohibits the denial of voting rights on the basis of sex and the 24th amendment which prohibits the denial of the right to vote for President, Vice President, Senators, and Members of the House for failure to pay a poll tax. It is true that the equal protection clause of the 14th amendment would also operate to restrict arbitrary limitations upon the right to vote. But how can any court, either liberal or strict constructionists, say that 21 years is an arbitrary limitation under the equal protection clause of section 1 when section 2 of the same 14th amendment dealing with congressional apportionment and designed to reduce the representation in Congress of States which deny voting rights to blacks speaks of denial of the right to vote to any of the male inhabitants of such State, being 21 years of age. Section 2 therefore explicitly sanctions 21 years as a voting age qualification. How can section 1 be construed as denying 21 years?

Nor can I understand how the case of *Katzenbach* v. *Morgan*, 384 U.S. 641, can logically be used by the proponents of granting 18-year-old voting by statute as a basis for constitutionality. Katzenbach against Morgan dealt with the literacy problem. It did not deal with the age problem which is explicitly men-

tioned under section 2 of the 14th amendment. I fully realize that Katzenbach against Morgan contains some very broad language but the Katzenbach against Morgan case dealt with the Voting Rights Act of 1965; it did not concern an effort on the part of Congress which flies directly in the face of the constitutional provisions I have heretofore mentioned. But even if Katzenbach against Morgan could be construed as giving Congress the power to establish voting qualifications let me remind the Members that we do not now have the same Court that we had when Katzenbach against Morgan was decided.

Mr. Speaker, the granting of 18-year-old voting cannot be effected by statute. It can only be done on the national level by an amendment to the Constitution. Such action can only serve as a mockery of the Constitution. I do not see how the Supreme Court could possibly sustain the act. Thus, this attempt will serve only to raise uncertainties and result in the cruel disillusionment of thousands of young people who hope to be able to vote.

Also, Mr. Speaker, though I may be in error as to the future action of the U.S. Supreme Court, a dangerous precedent will have been set. If Congress may at will eliminate classifications at the whim of the moment, the way has been paved for the Congress to assume the role of a superlegislature for all of the States. We will no longer have a constitutional form of government but a parliamentary form. Congress will be supreme.

Mr. Speaker, I support the voting right provisions of H.R. 4249, but if the Congress insists upon abusing the Constitution by retaining a grant of 18-year-old voting I cannot vote for the bill. Eighteen-year-old voting cannot be granted on the national level without an amendment to the Constitution. I have no alternative except to vote against the bill even though I favor the principle.

One of the major problem which this Nation suffers is a spreading disdain for law. We will be perverting the Constitution, in my opinion as a matter of expediency. Such disdain for the Constitution can only succor those who would substitute force and fiat for a rule of law. A dangerous precedent will have been set. If the bill passes, the President should veto the bill promptly. The Supreme Court should not be required to consider such a political football at a time when the Court is already under great strain. I ask the Members to vote down the previous question.

Mr. PRICE of Illinois. Mr. Speaker, the pending House Resolution 914 to take from the Speaker's desk H.R. 4249 and agree to the Senate amendment should be approved. H.R. 4249, as amended is a logical and necessary extension of the Voting Rights Act of 1965. It provides effective safeguards against racial discrimination at the polls; we have seen that tremendous headway has been made in this area during the recent years. Congress cannot deny the positive effects of the voting rights act and must not impede further progress toward the full realization of the 15th amendment of our Constitution.

The most controversial components of this legislation are, of course, the provisions under title III, which define the voting rights of 18-year-olds. I have long recognized the need for such revision in the present voting laws. Several States already have established age limits below the Federal requirement, and no problems have resulted from these statutory provisions. It seems unfair to deny enfranchisement to those under 21 years of age who do not live in those States.

It has been estimated that by 1972 there will be over 11 million citizens between the ages of 18 and 20. We know that those who do violence to lives and property are in the minority and that the overwhelming majority of our youths are deeply concerned with the preservation or reinstatement of our Democratic ideals. I feel that certain of our present problems can be alleviated if we allow our youths this constructive medium for their voices.

Considering the age at which our youths marry, have children, and pay taxes; considering the age at which they are treated as responsible adults by our criminal courts; considering the age at which they are called upon to defend their country; and considering the fact that, due to increased communications through various media, the youths of today are better informed and educated than most adults were several years ago: We should enfranchise these young people in order that they do have the opportunity to register their views electorally in addition to the opportunity they presently have of campaigning for candidates of their choice.

The constitutionality of our action has been supported by the Nation's leading legal scholars. Although the Supreme Court will be the ultimate authority, certain precedents indicate the firmness of the legal ground on which we are treading today.

At this crucial time in our Nation's history, we are faced with the increased alienation of our youth. As one who originally sponsored a resolution providing for a constitutional amendment granting the right to vote at age 18, I have no qualms with the procedure provided here of granting the same right by statute. I say this in light of the Supreme Court decision in the case of Katzenbach against Morgan—1966—which sustains congressional authority to supercede State laws dealing with elections. Therefore, I urge my colleagues to vote to curtail this situation for the future welfare of our great land.

Mr. MINSHALL. Mr. Speaker, the resolution before us asks the House to confirm, without benefit of hearings and with only 1 hour permitted for debate, an amendment lowering the voting age to 18. This amendment was impulsively added by the Senate to the Voting Rights Act amendments we in the House passed last December 11.

Since the Senate acted on impulse, it is our clear responsibility to act with thoughtful deliberation today, mindful that the Constitution guarantees to the American people their right to work their will on this issue through constitutional amendment.

This is the manner in which the 15th amendment was adopted to assure the right of all citizens to vote, regardless of race, color or previous condition of servitude. It was also by constitutional amendment that women were granted the vote under the 19th amendment. This is the procedure which has remained unchallenged until now throughout our entire 182-year history of constitutional Government.

Are we to be stampeded in this crowded hour of time today into overthrowing nearly two centuries of unchallenged precedent? I refuse to be. I do not support the hasty, ill-considered statutory action being demanded of us today. Political pressures or political expediency cannot persuade me to vote for lowering the voting age in this manner.

If we are to lower the voting age, let us go about it in the proper way which, if it receives the necessary approval, will not be jeopardized by years of possible court entanglement.

Let us work the will of the people by submitting the 18-year-old issue to the procedure required for adoption of an amendment to the Constitution: the approval of two-thirds of the U.S. House of Representatives and of the U.S. Senate and ratification by three-fourths of the States.

This is the correct, the constitutional and the truly representative means of extending the franchise.

Mr. LLOYD. Mr. Speaker, I previously supported H.R. 4249, the voting rights bill, when it was originally before the House. As one who has consistently over the years voted in favor of the elimination of all artificial discriminations based on race, color, or religion, it is completely logical to me that the voting rights legislation, upon which this Congress acts, should apply to all of the 50 States rather than to target in on a minority.

After passage of the voting rights bill by this House, the Senate added an amendment to reduce the voting age of all voters in the United States from 21 to 18, and this is the principal issue which faces us today.

Originally, over the years I have not been in favor of reducing the voting age to 18 because I never felt the restriction was discriminatory, inasmuch as every individual is given the authority at the appropriate age, and all of us over 21 years of age have been subjected to the same so-called discrimination. On this issue, mine has been the experience of a convert.

In recent months I have attempted to study this issue in considerable depth and have talked to many of my colleagues who represent those States where the 18-year-old vote has been authorized by State statute. I have been impressed by the fact that in every case these colleagues have given unqualified endorsement to the 18-year-old vote and have said the general pattern of election returns has not been significantly altered by extending this vote to this added group of individuals.

It has also been my privilege to communicate closely with hundreds of younger people in the last few years and to analyze with them their concern for

issues resolved by the voters which eminently affect their lives but concerning which their influence is substantially reduced because of their inability to vote. I can state flatly that the abusive, violent campus militants dramatized by our communications media do not represent the great body of our youth whom I believe to be the greatest young people in our Nation's history.

In my political campaigns since 1952, I have purposely devoted part of my campaigning time to going door to door and meeting the voters. In recent years I have done this between the hours of 5 and 7 p.m., when most of the family is at home. From this personal experience, I am not aware that those over 21 have any greater interest in election issues than those between the ages of 18 and 21. As a matter of fact, I believe that by reducing the voting age, we will provide an input of idealism, enthusiasm, concern, and unprejudiced judgment, existing in larger measure in the young, that will be an asset in our quest for better government. I am particularly impressed by their idealism so often lacking in cynical adults, and I believe this country needs this renewal of idealism. In addition, by reducing the voting age to 18, we will open up a meaningful flood plain in which our younger people can constructively channel their great energies and enthusiastic desire to participate in the social and economic progress of their country. Everyone admits that developments in education and communication permits our younger people to have greater intellectual maturity than existed in our pioneering days.

It would be easy to find procedural and other reasons to dodge this issue, but I do not choose to do so. The Senate amendment provides that the courts shall act expeditiously in passing judgment on the constitutionality of the language authorizing the 18-year-old vote. Rather than finding a way to dodge the issue, I prefer to take advantage of the opportunity we have today to make constructive use of a great human resource. There will be those who say this is too liberal a view. As I have said in other issues involving civil rights, it seems to me that the constructive conservative view is to make beneficial use of all our natural and human resources. If we do not conserve, develop, and benefit from the huge potential of this human resource, we are not properly utilizing the tools which will move civilization forward but are preserving and protecting needless and debilitating handicaps.

Mr. Speaker, for a long time I have been advising decent students and other concerned young people to steer away from violence and revolution and to work constructively within the system. This legislation provides that gateway of opportunity and admits them into the system.

Mr. PREYER of North Carolina. Mr. Speaker, I support the Voting Rights Act of 1970. There are provisions of this bill with which I disagree but the arguments in favor of its passage are far more compelling than specific objections to particular actions that many of us have.

We are a divided, frustrated, and bewildered country. Calm men such as John Gardner speak of social disintegration and grave danger. He said:

> While each of us pursues his selfish interest and comforts himself by blaming others, the nation disintegrates: I use the phrase soberly: the nation disintegrates.

The conservative Fortune magazine recently put it this way:

> For the first time, it is no longer possible to take for granted that the U.S. will somehow survive the crisis that grips it.

It is vain to hope that we can solve our crisis by somehow eliminating controversy. There is no chance whatever that we can avoid controversial and divisive issues in the future. What we can do is to improve the process by which we discuss and reach decisions on issues—and the improvement must be quick and it must be visible.

As Fortune puts it:

> The first and overriding goal of this torn country must be reconciliation.

Reconciliation does not mean sweetness and light. Mainly, it means achieving unity "through a shared sense of forward motion, of hope." The malaise from which we are suffering is a loss in the belief that we are moving forward, that we are making some progress in a worthwhile direction.

It would be calamitous at this time to take a backward step. When reconciliation is our greatest need, it is disastrously wrong to say to 18-year-olds, "we do not think you should vote because some of you are causing too much trouble." When unity is so badly needed, it is wrong to say to blacks, "we are not yet sure of your capacity to be full citizens, so we will keep these literacy tests."

There have been hopeful signs in the last few weeks that we are moving toward reconciliation. Students are turning to the system, relying on the ballot box for results, rather than on the bullhorn in the streets. Great universities are reasserting standards of civility in speech and conduct, and returning to their role as institutions of reasoned analysis rather than battlegrounds of mass emotions. The excesses of the past few years, the incredibly loose talk about the rottenness of our society and all our institutions is slowly moderating. We are haltingly regaining our sense of balance. We are beginning to realize again what most of us have really always believed—that the ideal end of government is progress, not instant perfection.

It is absolutely crucial that we make progress—highly visible progress—toward some goal that the mass of mankind regards as worthy of man's best effort.

A vote for this bill is a vote for moving forward, rather than turning back. It is a vote for reconciliation and against divisiveness. It is a vote for including Americans, rather than excluding them, from our decisions and concern. It is drawing a circle to bring people in, rather than closing one to keep them out. It is a vote for cooperation, rather than confrontation; for dialog, rather than rhetoric; for understanding, rather than self-righteousness; for our common humanity rather than the differences among men. It is a vote for hope.

Mr. SCHADEBERG. Mr. Speaker, I rise in opposition to House Resolution 914, providing for agreement to the Senate amendments to the bill H.R. 4249, the Voting Rights Act amendments. I do so because the Senate version is entirely different from the bill which passed the House with my support, and because the provision which would reduce to 18 the voting age for National, State, and local elections is in my opinion unconstitutional.

The Republican Party has historically supported a reduction of the voting age from 21, the age requirement as contained in section 2 of the 14th amendment of the U.S. Constitution.

But this historical support by a party dedicated to reform and progress has never included in its consideration an approach in violation of the three separate provisions of the Constitution which vest power to set voting qualifications in the States: article I, section 2; the 10th amendment; and the 17th amendment.

It is Congress' responsibility to pass constitutional legislation. Proponents of the 18-year-old change have stated that the Supreme Court would be able to decide the issue in time for the national elections in 1972. But, since when does Congress willfully abdicate its responsibilities to the Supreme Court? Besides, a memorandum from William H. Rehnquist, Assistant Attorney General points out:

> 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, it allows completely in sufficient 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.

In the best traditions of Federalism; Congress is under a constitutional mandate to pass upon the constitutional issues in legislation, with power having been given the courts to decide if legislation as passed Congress violates any individual's rights. Much criticism has been leveled at the Supreme Court for legislating in its decisions. The approach being contemplated today would hand to the Supreme Court total responsibility over a question about which there is little doubt as to its unconstitutionality.

From all that has been written on the issue, there is almost total unanimity that the provision is unconstitutional. As just one of the many constitutional authorities who have come out against the lowering of the voting age for local elections by congressional statute, Mr. Paul G. Kauper of the University of Michigan Law School states:

> The proposal has monumentous consequences. If enacted it would be a bold and unprecedented intrusion upon the acknowledged power of the states to fix voting qualifications and would raise what I regard as very serious and substantial unconstitutional questions.

Mr. Speaker, the Congress is supposed to be a responsible body. We all know that there is only one permissible procedure—the one which was used 50

years ago in enfranchising women—and that is by a constitutional amendment. To attempt to lower the age requirement by statute is to follow expediency in the face of pressure and thereby make a mockery of all that we stand for.

I favor a reduction in the voting age; I always have. Young persons who have finished their high school education, who are of draft age, who are required to pay taxes, and who are legally responsible for their actions, should be given the opportunity to partake of the greatest freedom on the face of the earth: To vote in totally free elections and to thereby decide the issues by electing the men who run our Government.

Young persons should be given irrevocable voting rights. But it must be done constitutionally. They are the ones who will inherit our constitutional traditions which they must live by if they are also going to inherit a stable and responsive government. To bow to expediency would only be to bring on a government based not on the rule of law and tradition, but upon expediency of power and political gain.

Mr. DENNIS. Mr. Speaker, this afternoon we face one of the most far-reaching measures before this Congress, involving:

First, voting rights under the 15th amendment;

Second, the 18-year-old vote by congressional statute;

Third, nationwide abolition of literacy tests by an act of Congress; and

Fourth, congressional statutory abolition of State residential requirements in voting for the President.

All of these issues involve human rights and delicate questions regarding our federal system, and the three last mentioned involve grave questions of constitutionality. That these questions have been placed in one package is regrettable, and it reflects no credit on the procedures of this House that such questions are to be summarily disposed of with 1 hour's debate.

All Members of this body have, of course, a duty to support the Constitution, and that includes a duty not to vote for legislation, however desirable, which a Member believes to be contrary to the Constitution. Under our Constitution, voting qualifications are and always have been determined by the States. I believe that congressional statutory action to abolish residency requirements and nondiscriminatory literacy tests and to establish a nationwide 18-year-old voting age are, alike, contrary to the Constitution. *Lassiter* v. *Northampton County Board of Education,* 360 U.S. 45, upholds the right of the States to adopt and enforce nondiscriminatory literacy tests, and *Katzenbach* v. *Morgan,* 384 U.S. 641, which some rely upon to uphold a nationwide 18-year-old vote by means of congressional enactment, upon analysis fails to do this; and its more sweeping language and philosophy are scarcely likely, I think, to be persuasive in this connection to the present Supreme Court.

I have voted to give the franchise to 18-year-olds, but that was as a member of the Indiana General Assembly, where such a vote ought to be cast and where my successors can do likewise whenever they wish. I did not come here to vote against the provisions of the Constitution of the United States, as I understand them, and, therefore, contrary to my oath of office, and I shall not cast such a vote today.

Mr. TIERNAN. Mr. Speaker, I rise today to express my strong support for House Resolution 914.

Time is of the essence. The 1965 Voting Rights Act is scheduled to expire on August 6. This is the most effective piece of legislation ever passed by Congress. We must insure that discriminatory voter registration practices are not reinstated. But more important than that, there is a long way to go. In over 140 counties in only four Southern States, less than 50 percent of Negroes of voting age are registered.

One of the most important additions to the original bill is the nationwide ban on literacy tests. Prejudice, a learned attitude, spells death to the man or society which it encompasses. It is not restricted to one area of the country or to one class or one race or one age. It must be dealt with uniformly and firmly.

I also strongly support the amendment which would lower the voting age to 18. The arguments pro and con on this provision have been stated again and again. At this point I would merely add that many of our 18-year-olds are far more intelligent, far more aware of what is going on and far more concerned about our quality of life than were many of us at the age of 21.

As for the constitutionality of this point, I personally believe that it does come within the letter of the law. At this time, however, this is a moot question. The answer will only be known by enacting this provision and letting the Supreme Court rule on it.

If those who oppose this section on constitutional grounds are sincere, then let us simultaneously enact legislation which would initiate the groundwork for each State to vote on this provision. This longer process, however, may well last beyond the 1970 and the 1972 elections, and thus the need for passage of the bill before us today is evident.

Mr. Speaker, we are a nation with new and healthy ideas, yet we are a people unable to communicate. The channels of political process must be opened. Violence and apathy are not the only alternatives. There is a third way—the ballot box. Let us insure that it is made equitable; for if it is equitable, I truly believe that it will be effective in helping to solve many of our present problems.

Mr. TUNNEY. Mr. Speaker, many compelling arguments have been put forth with regard to why 18-year-olds ought to be given the right to vote. Many emotional arguments have been presented explaining why this ought not to be the case.

The proponents of this latter view maintain that 18-year-olds lack the necessary maturity; that because of the violence of some student demonstrations and the so-called "radicalism" of some individual students that all 18-year-olds should not be granted the opportunity to vote. Both of these arguments are rather specious in their reasoning and lay more stress on the public's reaction to the campus violence of the recent past than on any other single factor.

I am sure that my colleagues will agree with me that the Congress ought not to be put in the position of merely following the results of the latest Gallup poll nor should they be claiming that one's maturity or political philosophy be considerations for a person's right to vote.

The constitutionality of our action today is strongly supported by many eminent legal scholars. Prof. Paul Freund and former Solicitor General Archibald Cox have correctly pointed out that while States do indeed have the right to establish voting requirements, section 5 of the 14th amendment limits that right. Section 5 gives Congress the power to enforce the equal protection clause of the 14th amendment through appropriate legislation. The Supreme Court took note of this congressional power in 1966 in the Katzenbach against Morgan decision when it upheld a provision of the 1965 Voting Rights Act which banned certain literacy tests as voting qualifications. It stands to reason that if the opponents of this bill use the Morgan decision to support the residency requirement provision as well as the nationwide literacy test ban, they cannot, in good conscience, deny its validity as a constitutional basis for the 18-year-olds vote. Most important in this regard, no matter what the varying opinions of academic scholars might be on this question, the Congress cannot abdicate its responsibility to decide this issue today.

The Supreme Court will, of course, be the final arbiter, but the Congress has an obligation, a duty, to assert its own constitutional power and responsibility and to utilize its own best judgment as to the validity of this measure. It is the Congress that must act today. There is no need to have this question resolved through the process of a constitutional amendment. The time factor alone involved in the adoption of this process is prohibitive. For 30 years, all attempts to pass such an amendment have failed.

As to the emotional argument of trying to tie the few radicals and extremists in with the vast majority of students who want only to have the chance to vote for change within the system, this type of argument smacks of the most blatant type of discrimination—the blanket indictment.

In my opinion, we in the Congress can take no more effective step toward bringing the disenchanted and disenfranchised younger members of our country within the system than by all owing them the opportunity to vote. I feel strongly that if at 18 we can ask youths to die in a war that is not of their making; if we can demand that they pay taxes to support policies in which they have played no role; if society treats them as adults when they commit a crime; if they can marry; if they can assume all of the fiscal responsibilities of an adult, all of the assets and liabilities, then they certainly ought to be allowed the right to vote.

This amendment must pass. We must allow our youth the opportunity to work within the system, responsibly and effectively, toward achieving the changes that they want to make in our world—the changes that are so obviously needed. They must be given the right to vote.

To those who say that our youths' actions on the streets of our country prove them unworthy of this right. I say that their actions and their courage in South Vietnam and Cambodia prove them more than worthy. In our country today, we have the most promising generation of youth that the world has ever seen. To deny them a chance to influence the political process and the governmental institutions of America, legally and effectively, would only widen the generation gap and prove true the contention that we, as legislators, as representatives of the "establishment" lack the courage and vision needed to help make a better America and a better world. Mr. Speaker, today, the House of Representatives as a body, and each and every Member, individually, has the opportunity to cast a vote for the future of our country, to cast a vote for reason, for change.

I urge my colleagues to join with me in support of the amendment to give 18-year-olds the right to vote.

Mr. HUNT. Mr. Speaker, today we make a momentous decision involving the voting rights for American citizens and the lowering of the voting age to that of 18 years. It is deplorable that these two separate items have been combined by the other body for the sole purpose of exerting its will over the duly constituted House of Representatives. I have long objected to the passage of bills coming from the other body in this manner and it is necessary today to once again voice my objections. The right of an 18-year-old to vote in the United States is a matter of constitutional law. I would most heartily and most readily support a bill to permit the placing of the question of the 18-year-old vote on any and all State referendums in accordance with the Constitution. However, when 435 Representatives are called upon to decide for approximately 185 million American citizens the question as to who should vote then it appears to me that we are grossly overstepping the bounds of our duties and the Constitution we have sworn to uphold. Four States have lower voting ages, hence the 185 million figure.

In my estimation the right to vote is sacred and I believe that all men in the armed services should have that right to vote immediately upon being inducted or volunteering to serve in the Armed Forces. This would dispel the argument that "if you are old enough to fight you are old enough to vote." To this I heartily subscribe.

On the other hand, I want to reiterate that we should follow the Constitution, support a constitutional amendment, and send it to the 46 remaining States for ratification.

Today, I would like to support the voting rights bill which is one part of the measure we are discussing but I cannot in good conscience do so because of the unconscionable and unconstitutional attempt to have the 18-year-old vote legalized throughout this land by blackjack methods. It is a constitutional question and should be treated as such.

Mr. THOMPSON of Georgia. Mr. Speaker, I regret that because of the rule under which the voting rights bill came to the floor, I was not allowed an opportunity to speak to the Members of the House. While I realize that the vote will already have been taken by the time these extension of remarks appear in the RECORD and will have no bearing on the Members' vote, I do, nevertheless, wish to include these remarks in the RECORD with particular reference to the relevance of the Minor against Happersett case.

Mr. Speaker, those who would attempt by simple statute to grant the right of 18-year-olds to vote apparently base the constitutionality of such actions on Katzenbach against Morgan, wherein it was held that section 5 of the 14th amendment grants to the Congress the right to enact laws to enforce the prohibitions contained in the 14th amendment by appropriate legislation.

They further contend that under this decision, Congress can make an affirmative statement that it is found that the denial by the States to 18-year-olds of the voting franchise is a violation of the equal protection clause and once such a determination is made, then the statute may legally be enacted.

Mr. Speaker, no one quarrels with the fact the Congress, under section 5 of the 14th amendment, does have the right to enact laws to enforce prohibitions contained in the 14th amendment. However, Mr. Speaker, it is very apparent that the mere fact that Congress may deem the denial of 18-year-old voting by the States to be a denial of the equal protection of the law in no way amends the Constitution as it is now written nor does it reverse one of the most applicable cases on voting rights ever to be decided by the Supreme Court.

In October of 1874, the Supreme Court, in a landmark case on women's suffrage—Minor against Happersett—clearly set forth the premise that the Constitution, as it was then constituted, reserved to the States the right to determine which citizens shall have the right to vote. The Court in Minor against Happersett pointed out that the 14th amendment which contains the equal protection clause, as well as the privileges and immunities clause, also provided that no State should exclude any male citizen 21 years of age or more from voting unless it was willing to suffer a penalty by having a proportionate reduction in its representation in the House of Representatives of the U.S. Congress. The Court immediately stated:

> Why this, if it was not in the power of the legislature to deny the right of suffrage to some male inhabitants? And if suffrage was necessarily one of the absolute rights of citizens, why confine the limitations to male inhabitants? Women and children are, as we have seen, "persons." They are counted in the enumeration upon which the apportionment is to be made. But if they were necessarily voters because of their citizenship, unless clearly excluded, why inflict the penalties for the exclusion of the males alone? Clearly, no such form of words would have been selected to express the idea here indicated if suffrage was the absolute right of all citizens.

And still again—

> After the adoption of the 14th Amendment it was deemed necessary to adopt a 15th as follows: "The right to citizens of the U.S. to vote shall not be denied or abridged by the U.S. or any state on account of race, color or previous condition of servitude." The 14th Amendment had already provided that no state should make or enforce any law that would abridge the priviliges or immunities of citizens (and, of course, the 14th Amendment also provided for equal protection of all citizens at this time) of the U.S. If suffrage was one of these privileges and immunities, or equal protection which was then provided in the 14th Amendment), why amend the Constitution to prevent its being denied on account of race, etc.? Nothing is more evident than that the greater must be included with the lesser and if all were already protected, why go through with the form of amending the Constitution to protect a party?

Thus, Mr. Speaker, we see that in Minor against Happersett, which has not been overturned, the right of citizens to equal protection of the law was already included in the 14th amendment as were the privileges and immunities upon which the decision was based at the time of the passage of the 15th amendment. Therefore, it is very clear, Mr. Speaker, that the States do possess, subject to the constitutional prohibitions, the right to determine suffrage.

If a State desires to grant the voting franchise to 12-year-olds, it may do so. The Constitution and subsequent amendments only state that the States: may not deny the right to vote to any male over the age of 21 without having its representation reduced in the Congress—14th amendment—may not deny the franchise to any citizen because of his race or color—15th amendment—or may not deny the franchise to any citizen because of sex—19th amendment. Why was it necessary to pass the 19th amendment when the equal protection clause was already included in the 14th? It is clear, Mr. Speaker, that for the Congress to usurp by statute the reserved right of the States to determine suffrage, weakens the very foundation of our republican form of government which is guaranteed by the Constitution.

This is only one reason why I feel that it is unwise for the Congress to pass a statute to give the franchise to 18-year-olds when such rights are reserved to the States. I support 18-year-old voting just as I support the constitutional prohibitions against discrimination based on race, color, or sex, but it should be legally accomplished by constitutional amendment as clearly provided in the Constitution, and not by this "backdoor" route of an illegal statute.

Mr. BURLISON of Missouri. Mr. Speaker, the record will reflect that in December when the Voting Rights Act was initially before this body I voted for the administration substitute and against a simple extension of the Voting Rights Act. I think my remarks at that time are particularly appropriate here and were as follows:

> Mr. Chairman, my vote will be cast against a straight and simple extension of the Voting Rights Act of 1965 and in favor of the ad-

ministration substitute. I take this opportunity to briefly point out a couple of pertinent matters.

First, after observing elections in my district for three decades, I can say without fear of contradiction, a higher percentage of Negroes than whites vote there. Certainly there is no criticism of my Negro friends and constituents. Rather, it is a commendation to them. I would vigorously contest any effort of intimidation or discrimination against them.

Next, it should be emphasized that I oppose literacy tests as a criterion for voter eligibility. In my opinion a lack of formal education does not deprive a citizen of the requisite judgment for casting an intelligent vote. I believe in applying this philosophy to all the States of the Union and not to those only of a particular region, and I would protect the vote of the unschooled citizen, whether he be black, white, red, or brown. The vehicle to do this is the substitute and not a simple extension.

It is seen that the fundamental reason for my vote at that time was the failure to apply the literacy test prohibition to all States in the Union rather than just a few States from a particular region. This great defect was cured in the other body. Therefore, logic and reason would demand that I support House Resolution 914, which would send the voting rights bill in its present form to the President for his signature.

However, the other body, in its wisdom, added to the Voting Rights Act a provision lowering the voting age by Federal statute to 18 years. I have always been in favor of extending the franchise to our young people. In fact, the first speech I ever made as an adult citizen and practicing lawyer was made in favor of this proposition. Nothing has happened in more than a decade since that speech was made to change my viewpoint. However, I must in candor admit that the backlash from campus violence and disruption has adversely swayed many who otherwise would favor lowering the voting age. Because of this mood which now pervades in this country I feel it apropos to further explain my affirmative vote on this resolution, as it pertains to the 18-year-old vote provision.

I have a special affinity and appreciation for the youth of America and I try to practice what I preach. For example, two of my three top assistants are under the age of 25; the other one is under 30. This is a rare and unique situation in a congressional office. I cannot help but be proud to say that I am the only Member of Congress among the 435 U.S. Representatives and 100 Senators that can make this statement.

The present generation of young Americans is possibly the most concerned, most involved generation in memory. They are deeply involved in the issues of our time; the issue of war and peace, the fight against environmental pollution, and the fulfillment of the promise of our Nation. Like any involved and active group in the United States the young people of today have among their number a few extremists, whether they be the flower children, dropouts, or the ultra militant anarchists. It is unfortunate that these few attract the bulk of the headlines and national attention when in fact the vast majority of young people today are working incessantly, if less obtrusively, toward making our Nation an even better place to live. These people have something to say and they will be heard. I say that now is the time to insure that they have open to them the most effective, most desirable, and most legitimate channel for that voice—the right to vote.

There are 12 million of them. Twelve million between the ages of 18 and 20. They are students, husbands, wives, and workers. Except for their age they are little different from any other group of Americans. There is, however, one thing that sets them apart; that deprives them of the exercise of their citizenship. Only 4 percent of their number are able to vote for the leaders that govern them.

Sixty percent of them work full time. Six percent are serving in the armed services and 47 percent are enrolled in college. As is apparent from the figures, many are both college students and are working full time. One of them is working for me. Three and a half million 18- and 19-year-olds are in the labor force working at adult jobs with adult responsibilities, yet they cannot vote.

What is it about this group that we should single them out like felons and idiots and deprive them of the right to vote? Is it that they lack the knowledge to cast an intelligent vote? In 1966, 70 percent of the 18- to 20-year-olds were high school graduates—the highest in our history. Of the same group in 1960 only 62 percent could make the same claim. In 1950 the figure was 58 percent and in 1948 it was 48 percent. More than 5 million of the disenfranchised are getting advanced education at colleges, universities, and vocational schools.

In the early days of the Republic when the arbitrary figure of 21 years was set as the age requirement for the right to vote the average 18 years old had 5 or fewer years of education. He had no radio, no television, no magazines, and probably no newspapers to read. Perhaps then there was a justification for denying the vote to young people. But, today we have a generation which grew up with Walter Cronkite, NBC White Paper, Time magazine, and television debates. Special courses in high school prepare the young people to be responsible citizens and voters. Yet between the time they graduate from high school and when they get their first opportunity to vote may be 3 or more years. By then their enthusiasm may have waned.

In 1960 a study was undertaken at the University of Kentucky to study student voting habits. The test showed that in Kentucky where 18-year-olds can vote, 80 percent did so. Contrast this with the statewide figures which indicated that only 59 percent of the general public voted in the same election. Kentucky is not exceptional in the apathy of its voters. Nationwide only about two-third of the eligible voters vote in presidential elections and less than 50 percent vote in off year congressional elections.

Sure they are enthusiastic and idealistic. They must be. Eighty percent of them vote when they are given the opportunity. I was always taught that these are virtues. But, because of their enthusiasm, their idealism, and their reluctance to compromise with injustice their detractors call them immature. The same argument was made against giving women the right to vote and it proved groundless. I am sure it is equally groundless as applied to young people.

Let us look at the States that have lowered the voting age. Let us examine how they have fared. If the young people vote irresponsibly it should show up in the voting patterns of those States. The votes for radical political parties should show a marked upward trend and there should be a tendency to vote against the older candidates. On the contrary, the statistics show just the opposite. Alaska, which allows 19-year-olds to vote went for Kennedy, Johnson, and Nixon with no measurable vote for splinter parties, as did Hawaii which allows 20-year-olds to vote. Kentucky has allowed 18-year-olds to vote since 1955. In presidential elections they have voted Democratic twice and Republican twice. The Socialist Labor Party received only half as many votes in 1956, when 18-year-olds could vote, as it did in 1952 when they were excluded.

This is not to say that lowering the voting age was the sole reason for the decline in the vote for the Socialist Party, but it should assuage the fears of those who are apprehensive of a trend toward radicalism if young people are allowed to vote. Georgia has allowed 18-year-olds to vote since 1943 and we all know of that State's record for stability. Some of the most able and most eloquent spokesmen for the conservative viewpoint come from States which allow young people to vote—Senator RICHARD RUSSELL, of Georgia; dean of the Senate, JOHN SHERMAN COOPER, of Kentucky; and HIRAM FONG, of Hawaii.

Eighteen-year-olds are uniformly held to adult standards of criminal behavior. An 18-year-old and a 30-year-old committing the same crime are subject to the same penalty. I can vouch for that as a three-term prosecuting attorney. In the eyes of the law they are mature enough at that age to make possibly the most important decision of their lives—the decision to marry. Yet they cannot vote.

The millions of young people out of high school and working to support themselves and their families are taxed to the same extent as other citizens but they have no voice in the choice of their representatives. This lack of representation may be reflected in the inequitably high taxes for single people. Since the majority of single wage earners are young and unable to vote, their interests have not received as much attention as they deserve. However, I might say, in passing, that we did close the gap some with the Tax Reform Act of 1969.

There are some who would deny the voting franchise to the young because of the unrest which presently pervades our college campuses. But these critics assume that the rioters represent the mainstream of American youth. I am unwilling to accept that premise. I say the rabble rousers represent the fringe radical extreme. But even if we admit that the mainstream of our youth is

turning to turmoil, it would seem wiser to first give them the opportunity to express themselves at the ballot box rather than at the tinderbox.

Finally we come to the argument most often made for allowing young people to vote. I refer of course to the "old enough to fight—old enough to vote" argument. It is true that the qualities that make a good soldier do not necessarily make a good citizen, but I think it is morally imperative that if a man be compelled to risk his life for his Government on a foreign continent, he be permitted a voice in the selection of its leaders. Twenty-five percent of the fighting men in Vietnam are under 21. Forty-eight percent of those who die are under 21. That means approximately 20,000 have died. Well in excess of 100,000 have been permanently disabled. Many have been decorated for their valor, but few have the right to vote.

One of those in favor of lowering the voting age is Henry Boucher, mayor of Fairbanks, Alaska. He said:

> I think one of the greatest mistakes that we make as a nation is the blocking out of our young people in areas that create an unequal and opposite reaction. I feel that their involvement in our city and our State is vital to the future of Alaska as a pioneering State. I am sure that greater involvement by the young people would certainly be of great benefit to those States that are not privileged to have it.

Presidents Eisenhower, Kennedy, Johnson, and Nixon have supported a lowering of the voting age, but I think Sam Rayburn, the late beloved Speaker of the House of Representatives for longer than anyone else in history, capsulized it best when he said:

> It makes me tired to hear all this talk about the young generation going to heck in a hack. They are a lot smarter than I was at their age.

Mr. SYMINGTON. Mr. Speaker, it is argued that a statutory extension of voting rights to Americans between 18 and 21 sacrifices constitutionality on the altar of political expediency. How can that be? Most of those who support the extension today face electorates this fall which do not contain one voter under 21. How expedient is that? I would argue rather that thousands of young Americans in that disenfranchised age group have been sent to their final and untimely rest by authorities they had no political power to select or oppose. By that token hardly a corner of South Vietnam could not by now be considered an altar of political expediency.

Mr. MARSH. Mr. Speaker, it is my feeling that the Congress is proceeding in the wrong way in its effort to permit 18-year-olds to vote.

My own view has been that the establishment of the criteria of voting, including the age requirement, is a matter that should be handled in one of two ways; that is, either by action of the individual States, or by constitutional amendment.

Traditionally it has been within the purview of the States to establish the necessary qualifications for voting; however, in the matter of the minimum age it has been my view that an amendment to the Constitution would be in order, and I would support such an amendment. Proceeding in this manner in effect would refer the matter to the judgment of the several States in order to obtain the necessary ratification to make the amendment operative.

For these reasons, I think it is unfortunate that we are proceeding in this manner, which seeks to accomplish the result by simple statute rather than constitutional amendment. It remains to be seen whether the Court will sustain such a course of action or not.

Although I voted for the original Voting Rights Act amendment in the House several months ago, to make the Voting Rights Act applicable to the 50 States, I note that the legislation before us includes the voting age provision as a rider to the version of the voting rights bill developed in the other body. This version failed to follow the House action, and, on the contrary, with certain variations, returned to the old voting rights bill which discriminated against some of our States, principally in the South, and including Virginia.

The fact that the other body did not follow the House proposal on the voting rights bill is regrettable, as it continues a piece of legislation which is not fairly applied on a nationwide basis.

Mr. VANIK. Mr. Speaker, I will vote today to allow the House of Representatives to accept the entire Voting Rights Act as amended by the other body. The approval of the resolution before us will save the bill from going to a conference committee or returning to the Senate. The approval of the resolution will mean final passage of this vital bill.

For several reasons, today's vote will be one of the most crucial and decisive votes of this Congress.

First of all, a "yes" vote today will mean that the Voting Rights Act of 1965 will be extended for 5 more years. If the resolution before the House fails, the bill could be returned to the Senate where it could face a nearly endless filibuster. Since the Voting Rights Act expires on June 30, 1970, this would remove the protection of this law from millions of Americans in the up-coming elections. The Voting Rights Act has been a success. Since passage of the act in 1965, approximately 800,000 citizens have been registered to vote in five Southern States. Prior to this act, only 29 percent of black Americans of voting age in these States were registered to vote; 52 percent of them are registered today. However, an extension of the act is needed. The U.S. Civil Rights Commission has testified before the House Judiciary Committee that resistance continues to equal suffrage. Passage of the act is needed to maintain the gains of the last 5 years and eliminate the disparities and discriminations which remain.

Second, acceptance of the resolution before us will provide approval of a Senate amendment extending the right to vote to all persons 18 years old or older in all elections after January 1, 1971.

The amendment to extend the franchise to our young citizens is vital for many reasons.

Today, through great advances in our educational system, the young citizens have generally acquired an education comparable to that of a 22-year-old citizen 20 years ago. Education has become much more serious, much more intense, and of significantly greater quality and quantity.

While some may argue that 18-year-old citizens lack judgment sufficient to undertake the responsibilities of government, I must take the other side. It seems to me that judgment is one of the accrued benefits of education. Nor is it necessary for judgment to result entirely from harsh and cruel experience. One of the chief aims of education is to provide a substitute to harsh and costly experience.

It is also argued that younger citizens are not likely to be wage-earners or property owners and, therefore, should not be given the vote. In reply, I must point out that the fundamental principles of our Government provide for equality in voting rights, there can be no discrimination against those who lack either income or property.

In my experience in the 22d District of Ohio, I have visited most of the secondary schools and the middle schools. The intelligent awareness of the young students was one of my most gratifying experiences. They are well informed, inquisitive, and eager to participate. This proposal provides that opportunity.

Presently, except in four States which have seen the wisdom of permitting a lower voting age, a youth leaves high school and the place where he has been trained in the duties and rights of citizenship and enters the armed service, the work force, or a school or university. In every sense he moves into the mainstream of the Nation, into the economy, into service to his country, into the intellectual centers of the Nation—yet he cannot vote.

For 3 years the young citizen does not think of voting; he does not develop the habit of voting; he has been told of the duties of citizenship all his life, yet now he is denied the practice of citizenship.

By lowering the voting age, America's youth will be able to move directly from the high school setting into the practice and habit of voting; there will be no disruption. Instead the youth will begin the practice of voting and—hopefully—maintain it throughout life.

Another reason for lowering the voting age is that it will give America's youth, which is such a major part of our population, a greater representation, a greater voice in the direction of the country. If we believe in representative government, we must give greater representation to this major section of our population. For years, the average age of the American population has been dropping. The median age in our country is now approximately 27.7 years and dropping lower. Young people of America are indeed the great majority. They deserve representation.

It is my hope that the extension of voting rights to our young citizens will serve to retain them in our society. We need their talent, their idealism, their

hopes, and their aspirations. The future of our Nation depends on a unity of our people. We can no longer countenance the divisions which result from race, sex, or age. This is a Nation of free people. We have taken giant strides to bring about equality among the races. Women have gained throughout the years a substantial part of their goals of equal rights. And now we deal with the rights of our younger citizens. We invite them to full citizenship; we invite them to vote and to seek office. We urge them to do their thing as we must do it—at the ballot box instead of the street.

Mr. RARICK. Mr. Speaker, the measure before us may be rhetorically brushed aside as merely amendments to the Voting Rights Act. Yet, I remind our colleagues that this is not the bill which passed this House earlier this year. This is a brandnew bill, rewritten in the other body, which, in addition to including the constitutional question of granting the right to vote to the 18-year-olds, seeks extension for an additional 5 years of the Voting Rights Act, not nationwide, but only to a handful of States situated in the southern part of the United States.

We in the South realize it is easy for people outside our area to continue to use us as scapegoats—to inflict political punishment against our people in order to bargain for bloc votes outside the South.

We, of the often-persecuted and colonized South have—for 5 years—pointed out the inequities of the unconstitutional, highhanded Federal intervention into the rights of our people to have some voice in our voting laws—denying us the self-determination enjoyed by other States but which was denied us by the Voting Rights Act—reducing our States to the condition of conquered provinces and our citizens to the status of less than 100 percent Americans.

As the plain political retribution, and in an effort to load the voting rolls of certain Southern States with large numbers of patently unqualified individuals, who would react like puppets to the machinations of the left, this so-called Voting Rights Act was passed.

It cleverly utilized a bizarre formula relating the votes cast in the 1964 presidential election to the voting registration in the jurisdiction, to someone's idea of what the voting registration should have been at the time. And by the time the mystical formula was applied, only the States which had cast their electoral votes for Senator GOLDWATER were placed under Federal supervision.

Now that the act is due to be extended for 5 years, it has been suggested that the formula be applied to the 1968 presidential election, instead of the 1964 election, but the proponents of Federal oversight disapprove, pointing out that most of the Southern States currently penalized would be relieved of their present Federal supervision.

This then is the request of House Resolution 914 to continue a double standard of laws to repress fellow Americans merely because they live in the South.

Additionally, the amendments of the other body, to prevent extending and applying to the Nation as a whole the Voting Rights Act, has brought before the House a most remarkable measure—among other things, a right to vote for 18-year-olds by an act of Congress completely bypassing the Constitution and, yes, our oath of office.

For many years the question of adjustment of the minimum age for exercising the franchise has been discussed and debated. These debates have, until now, taken place in the forum reserved by the Constitution for such decisions—the legislatures or conventions of the several sovereign States. Now, ignoring the Constitution, for the simple and obvious reason that the procedures prescribed by that basic charter cannot be operated by a minority, we have the new order of things before us as a statute, and a Federal statute at that.

The determination of the qualifications of voters is a matter expressly reserved to the States in their sovereign capacity. That may, as some have, elect to grant the franchise to different age groups within the State, on the basis of the local experience and the local political philosophy. This is as it was intended to be, and there has been no valid or legal reason shown why the States should be deprived of this power.

The power in the State to regulate voter qualifications is correct and proper for the same reason that it is correct and proper that the several sovereign States should separately denounce what acts are deemed by their people to be crimes within their borders. It is also a part of the same political philosophy of a federal system which holds that such other determinations as the age at which individuals are held to be criminally responsible for their own acts, or liable in tort for their own wrongs, or free to marry or to take other important actions without the consent of their parents or guardians, is properly a determination of the several States, and can be beneficially variable among them, relating in each State to the conditions which exist therein.

So it is with such things as the age at which a child may be licensed to drive, or to hunt, or permitted to drink, or to handle explosives, or to drop out of school, or to consent to many acts which may be detrimental to him. In all of these cases we have found it wise to leave to the people of the States the control over their own destinies.

So we have done with the franchise, and experience, wisdom, and the lessons of history prove we should continue to do. Where we have elected to take national action regarding the franchise we did not hesitate to adopt the course provided by the Constitution—a constitutional amendment. We did this to provide that all citizens might vote, and that women might vote. We have done it, albeit unwisely, to abolish the payment of a tax to the State as a prerequisite to the exercise of the franchise. If we now wish to make lowering of the voting age national policy, we should again follow the Constitution—we should amend it—not abrogate it. Otherwise our action is only a dangerous nullity.

A cursory examination of some of the emotional arguments made for this violation of the Constitution indicates at once how specious and dishonest they are. I will dispose of two of the most common quickly.

OUR 18-YEAR-OLDS ARE OLD ENOUGH TO FIGHT—THEY'RE OLD ENOUGH TO VOTE

It is said that those young men of 18 who are old enough to be drafted—to fight for, to risk their lives for, and to die for their country should be allowed to vote. This is an appealing non sequitur.

It presupposes that the qualifications for both military service and voting are the same, and that all who are eligible for that service should be permitted to vote. It logically disenfranchises all of those Americans who are not eligible for military service—including all of the women of the country. It would result, carried to its own logical conclusion, in an electorate consisting exclusively of honorably discharged veterans.

I doubt that any State legislature would refuse to face up to any proposal that it amend the election laws, or Constitution, to extend the right to vote to any man serving their country in the Armed Forces or honorably discharged—regardless of their age.

Likewise, most sensible observers have noted that the screaming mob espousing this slogan are not veterans nor fighting men but rather draft dodgers, draft card burners, and revolutionary vandals who have no intention whatsoever of fighting—at least not for the United States.

MEDIAN AGE PROPAGANDA

It is said that the median age of Americans is only 27 years—the mark of an ever younger population, and that the decreasing median age makes it necessary, as a purely democratic process, to lower the minimum age for voting. This argument is neither true nor relevant—another word which is often heard these days.

First, the median age has nothing to do with the qualifications of the electorate. It is a statistic, and as any statistic is only valuable in its proper setting.

That the median age of our population is 27 years only means that there are as many Americans under that age as there are over it. So what? There is also a median height, a median weight, a median blood pressure or red blood count, a median income, and a median almost anything else subject to measurement. Of the half of the Americans who have not yet attained the age of 27 years, a significant percentage have not attained the age of 18 years—or 15 years—or 10 years—or 5 years—some are still infants in their mothers arms. But we are not yet counseled that these children must vote—in the interests of responsible government.

On the fallacy of the decreasing median age, the most recent statistical abstract of the United States sets the matter to rest, once and for all, I hope. Instead of being a decreasing figure, it is an increasing one. True, since 1950 it dropped from an alltime high of 30.2 years to its present level of 27.7 years. But from the time of its first census significance in 1820, it has risen from 16.7 years. Thus, if the shifting age median

relates to the franchise, we should be considering raising the minimum voting age by the 11 years the median has risen, and establishing it at the age of 32 rather than the present age.

A statistical abstract follows:

STATISTICAL ABSTRACT OF THE UNITED STATES—1968

Total resident population excluding Armed Forces abroad

Year:	*Median age all classes*
Conterminous United States: [2]	
1790	(1)
1800	(1)
1810	(1)
1820	16.7
1830	17.2
1840	17.8
1850	18.9
1860	19.4
1870	20.2
1880	20.9
1890	22.0
1900	22.9
1910	24.1
1920	25.3
1930	26.4
1940	29.0
1950	30.2
1960	29.6
United States:	
1950	30.2
1960	29.5
1967 [3]	27.8

[1] Not available.
[2] Excludes Alaska and Hawaii.
[3] Estimate as of July 1.

Source: Dept. of Commerce, Bureau of the Census; Fifteenth Census Reports, Population, Vol. II, Sixteenth Census Reports, Population, Vol. II, Part 1, and Vol. IV, Part 1; *U.S. Census of Population:* 1950, Vol. II, Part 1; *U.S. Census of Population 1960*, Vol. 1, and Current Population Reports, Series P-25, Nos. 367 and 385.

THE 18-YEAR-OLDS TODAY ARE MORE INTELLIGENT AND BETTER INFORMED THAN ANY OTHER GENERATION

No one making this argument has ever bothered to produce the slightest proof of either of these assertions.

To the contrary, records in our public schools, the Selective Service System, and our Armed Forces show a constant decline in both intelligence and aptitude averages.

The common experience of adults—especially employers—is that today's young people cannot spell, cannot read, and cannot reason.

Yet, this is not to say that many of our young are not proficient in parrotting loudly the emotional slogan programed into them by the left-wing pseudo-intellectuals dominating our schools and the mass media.

The emotional aspects of the arguments suggest that some want the 18-year-old vote, expecting to exploit youth as another bloc vote.

The overwhelming majority of the American people have at the polls indicated their rejection of a teenage vote.

Should this body adopt the Senate amendments, our action will notify the people back home that they understand the need for an intelligent, responsible electorate far more than their representatives.

We have heard frequent suggestions that we ignore sound legal arguments that the teenage vote by statute is unconstitutional. I am reminded of my oath of office:

I, John Rarick, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

I urge that the previous question be voted down.

Mr. ROBISON. Mr. Speaker, the House is considering what may prove to be one of the most crucial and timely pieces of legislation that has come before it in recent years. This legislative package contains not only the Voting Rights Act extension, but also a provision extending the franchise in all elections—local, State, and National—to those citizens who are 18 years or older. While I would not suggest that one portion was any more or less important than the other, I do recognize that a great deal of controversy and uncertainty has been raised about the 18-year-vote legislation, and therefore I shall direct my remarks to that portion of the package.

The right to vote for one's representative government is the underlying rationale of our entire system of government. During our Nation's history, various groups of people have found themselves without the right to vote, but gradually and steadily we have extended the franchise to most portions of our population. Today, however, there is a large segment of our population which is denied access to the voting booth. This group is not delineated by race, by sex, by education, or by wealth, but rather by age. All but four States have established age 21 as the age at which one can first cast a vote, even though many of these same States grant other important privileges and responsibilities to those under that age.

Since voting qualifications were seemingly left to the several States to determine individually, there has been a great hesitancy on the part of Congress to make legislative decisions affecting this area. But it should be noted, parenthetically, that there is at least some question as to the actual delegation of this responsibility, since the Constitution speaks only generally about voting qualifications; besides which it would seem we could leave open this question of the ability of Congress to act directly on the question of voting qualifications because of the existence of the 14th amendment.

For, with the adoption of that amendment, congressional power and responsibility in this regard found clear and definite constitutional recognition. As section 5 of that amendment provides:

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

And it has to be on the strength and the authority of the 14th amendment that we rest the main thrust of our efforts to remedy, by legislation, what some of us view as a denial of equal protection of the laws to this Nation's young people.

I would note that the two prior extensions of the franchise—giving the vote to women and striking down poll taxes—were accomplished by virtue of a constitutional amendment, and therefore such a method stands as compelling precedent. However, I would suggest that, had Congress done by legislation what the States did by amendment, such legislation would still have been upheld by the Supreme Court as a legitimate exercise of Congress' 14th amendment powers.

In order to relate the 18-year-old vote to the congressional legislative power granted by the 14th amendment, an analysis must be made of the role that voting plays in our form of government. If we are to have a truly representative form of government, that government must be responsive to the wishes and views of all qualified voters. This is a matter which transcends State borders, it is a matter which defies local variations. Rather, as our Nation grows "smaller" due to advances in travel, education, and communication, the franchise becomes a national concern and has a national effect. There are two groups in our Nation which are excluded from the elective process in significant numbers—black citizens and those young people under 21. This legislative package is aimed at bringing to significant numbers in both groups the right of suffrage.

One cannot speak on this subject without mentioning the divisiveness which currently threatens to tear our country apart. We, as a nation, believing in the viability of our Government and its ability to respond to all citizens, constantly implore those with divergent views to "work through the system" and yet, in the case of those under 21, there is not truly such an opportunity. Our plea in this regard is viewed as largely empty rhetoric, or as establishment-oriented, or, worst of all, as offering a false hope.

There are those who submit that Congress has certain limited powers—powers which cannot be expanded no matter how compelling the case. They argue that since the Constitution seems to leave the right to set voting qualifications to the States, the only way of extending the franchise is through a constitutional amendment. I would submit that this analysis falls short of the mark because it erroneously interprets the action we are considering.

A good deal of confusion has stemmed from those of us who endorse the legislative power of Congress in this area. We have been talking about desire, preference, timeliness—that sort of thing—but we have not been addressing ourselves to the underlying and necessary question: Is there something about restricting suffrage to those 21 or older which is unconstitutional? I believe that, when viewed in such a light, the answer is clearly "yes." The equal protection clause of the 14th amendment prohibits discrimination between similar groups which is not founded in reason; and section 5 of the 14th amendment gives to Congress not only the power but also the duty of correcting those inequities.

After reading the available materials and giving this matter long and serious thought, I believe that there are essentially three ways that Congress has the

power to declare that denying the vote to 18-year-olds is an invidious discrimination and to take corrective legislative action:

First. Through a broad and liberal reading of Katzenbach against Morgan.

Second. By determining that the State action in denying the vote to 18-year-olds does not advance or protect any valid State interest.

Third. By determining that even were there some valid State interest, that it is outweighed by other competing interests which are constitutionally more important.

KATZENBACH AGAINST MORGAN

Although I certainly do not profess to be a constitutional scholar, it is my understanding that Morgan can be read in such a way as to vest in Congress the ability to make determinations that certain State activities are constitutionally impermissible as violative of the 14th amendment. Not only can Congress make determinations as to those activities which fall within the purview of existing Supreme Court decisions, but Morgan seems to give Congress the power to make independent decisions as to what is constitutionally permissible—thereby carving out new areas of equal protection.

Some contend that such ultimate decisionmaking is, and must be left exclusively within, the province of the Court, for to allow Congress access to this area puts it in competition with the Supreme Court and thereby disturbs the system of checks and balances. However, it would seem to me, both in logic and as I understand the thrust of Morgan, that such a role on the part of Congress need not infringe on the Court's jurisdiction as long as Congress makes factual findings while leaving the legal findings to the Court. Thus, it would be entirely consistent with Morgan for Congress to find that, as a factual matter, to deny the vote to an 18-year-old is impermissible as being an irrational and an invidious discrimination.

Congress could make this decision by making its own factual assessment that an 18-year-old of today is equal in judgment, maturity, character, education, and knowledge to a 21-year-old of 50 or 100 years ago. Having made such a factual determination, Congress could then conclude that, by failing to allow 18-year-olds access to the voting process, the States were violating the equal protection clause of the 14th amendment.

NO STATE INTEREST PROTECTED

As I have said previously, I believe that Morgan is just the "frosting on the cake," and is not necessary to a finding that Congress has acted within its powers by passing legislation granting the vote to 18-year-olds. Thus, apart from Congress carving out a new area of equal protection on the strength of Morgan, I believe that past Supreme Court decisions lead to the inevitable conclusion that the State practices in question are unconstitutional, and therefore subject to corrective legislative action by Congress by virtue of section 5 of the 14th amendment.

Those Court decisions teach us that all discrimination is not, in and of itself, violative of the 14th amendment. If there is a rational relationship between the discrimination and some valid State interest, then that discrimination might not be unconstitutional. Hence, if limiting suffrage to those 21 or older is based on a valid State interest; if that limitation actually serves to further that State interest; and if that State interest is not outweighed by some more important consideration, then such a discrimination might well be lawful.

What are the possible State interests to be protected by limiting the right of suffrage to those 21 or older?

First, is the interest of having an electorate which is sufficiently aware of the issues to cast an intelligent vote. Although this would appear to be a valid State interest, denying the vote to 18-year-olds does not seem to further that State interest. All of the evidence would suggest that present-day 18-year-olds are as intelligent and knowledgeable as ever before, and certainly as much so as the 21-year-old of 50 or 100 years ago.

Second, a State has an interest in having its electorate cast a mature vote. This likewise is a valid interest, but once again that interest does not appear to be served by denying 18-year-olds a vote for we are all constantly made aware of the increasing maturity of the vast majority of our young people, of their ability to digest sophisticated ideas, and of their ability to perform tasks requiring great emotional restraint.

Third, it is argued that a State has a valid interest in insulating itself from radical political thought—but this is not a legitimate State interest. It is imperative to distinguish between poor judgment and radical political opinion. The danger is evident: If we allow States to preclude 18-year-olds from voting because of their possible political opinions, the next step is to deny the vote to others who harbor similar opinions. As the Supreme Court noted in Carrington against Rash:

Fencing out from the franchise a sector of the population because of the way they may vote is constitutionally impermissible.

Additionally, in looking at State interest, it is helpful to note that those States which have already granted the vote to those under 21 have experienced no harmful effects. It would seem, then, that no valid State interest is served by denying the vote to 18-year-olds and therefore the conclusion must follow that denying suffrage to that segment of our population is constitutionally impermissible.

ANY STATE INTEREST IS OUTWEIGHED

Were we to assume that there is some valid State interest which is actually served by limiting the vote to 21-year-olds, the Supreme Court decisions indicate that such an interest may not be sufficient to support that discrimination which it engenders. If the State's interest is minor compared to the effect or the likely effect of the discrimination, then the discrimination is invalid as a violation of equal protection. In the case of limiting the vote to 21-year-olds, I would argue that any State interest is more than outweighed by the necessity and the desirability of extending the franchise.

Those factors which, on balance, outweighed State interests in this area bear mentioning, and I do so, Mr. Speaker, to adequately prepare the record and the legislative history of this measure so that the Supreme Court, in passing on this legislation can observe that the Congress has affirmatively found certain facts which, in its judgment, outweigh any conceivable State interest to the contrary.

Age 18 is normally the age at which most young people finish high school, and having thus completed the basic portion of their education they have absorbed a great deal of information about our Nation's history, our Government, our national objectives, and our shortcomings. This information and knowledge about our basic political structure allows them to be better voters—better in many cases than their parents since the knowledge is so fresh in their minds. In a number of States age 18 signifies the age at which a minor comes of age and is liable for his debts and contracts; and by so allowing him to obligate himself, those States have found him to be both mature and intelligent. Other States use age 18 as the point in time when an individual can enter into marriage without parental consent. Some States use 18 as that age at which a person is liable for criminal prosecution as an adult rather than as a juvenile.

The Congress, by means of the Selective Service Act, has determined that every male citizen who reaches age 18 must register for the draft and be available for induction. Indeed, our recent actions and those of the President place more of the burden of carrying on our wars on the younger men of our country. It is certainly logical to suggest that those who are subject to the draft should have some voice in their Government.

A related argument is that, having once been drafted, that person is subject to the warlike whims of his Government. Long ago this Nation felt that governmental policy which affected those who had no voice in determining that policy was a serious enough matter as to support a revolt. Certainly military obligation without representation is on a par with taxation without representation. This argument takes on additional weight when one looks to the casualty figures in Vietnam, and finds that a substantial portion of those who have given their lives for their country were under 21 and not able to voice their support of or opposition to that war.

These arguments are often dismissed as emotional, but I would suggest that we should not confuse emotion with concern. There is a rational basis for reducing the voting age, and that basis far outweighs any possible State interest to the contrary. It is on this analysis that Congress has made a factual finding that the State interests to limit the voting roles do not rise to the level of the interests to be served by lowering the voting age. The facts, Mr. Speaker, speak loudly and convincingly that lowering the voting age is mandated.

I would add one additional observation supporting the congressional finding of a 14th amendment violation. Since two States peg the voting age at 18, one at 19, one at 20, and the rest at 21, it would appear that these State practices give rise to a denial of equal protection. Young people under 21 are able to vote for Senators and Representatives in four States, while their counterparts in the other 46 States are not so privileged. Thus, the inconsistencies between the States give rise in national elections to the situation that some people under 21 are represented while others are not. Such a situation, on a national scale, also appears to me to be constitutionally impermissible.

There is one additional point that ought to be clarified, Mr. Speaker, for the legislative history of the 18 vote legislation in the Senate is somewhat unclear. There is some question as to when Congress intends this legislation to go into effect. Section 305 provides:

The provisions of Title III shall take effect with respect to any primary or election held on or after January 1, 1971.

This section was specifically added after the Senate became aware that a number of fall elections could be placed in doubt if those under 21 could vote in those elections while the Supreme Court might have this matter under consideration. To correct that uncertainty, section 305 was added. However, it is important to note that section 305 only refers to a "primary or election" and does not make reference to the other incidents of the extension of the franchise, such as registration or entering an election as a candidate prior to January 1, 1971, if the election takes place after that date. This law becomes effective upon signing by the President, but certain incidents of the law are delayed until 1971.

I specifically make this point, Mr. Speaker, since I understand that, currently, preparations are being made to test this legislation when and if Congress passes it. Since we wish those tests to start as soon as possible, it is our desire to have the matter become justiciable for the Supreme Court as of the date of signing by the President. With that in mind, the Congress intends the legislation to go into effect immediately, but to limit its effect to those actual elections which occur after January 1, 1971, so that the Court test will cause as little uncertainty in the elective process as possible.

To summarize, I would like to dwell for a moment on what Congress is attempting to do by passing this legislation, and equally important, what we are not trying to do. Most proponents of the entire Voting Rights Act, as amended by the Senate, have argued either that 18 is preferable to 21 as the age at which the voting franchise should be granted, or they have argued that lowering the voting age would take too long by the constitutional amendment. The opponents of the legislation have urged that the Constitution vests in the States the ability to determine voting qualifications and, therefore, the State legislatures should, through a constitutional amendment, voice their preference.

While there is some validity in all of these arguments, I believe that these analyses put the horse before the cart. As I read the Constitution and as I understand the upcoming vote, Congress is not substituting its preference for that of the States, but rather we are exercising our judgment under section 5 of the 14th amendment and deciding if limiting the vote to 21 denies equal protection.

Although it is the duty of the Congress to correct the infringement on equal protection by appropriate legislation, and although we are not authorized to delegate that responsibility to the States, it must be recognized that the States could, by constitutional amendment, cure these defects. There are, however, two cogent reasons for turning away from that alternative.

First, the experience in some States over the past year in turning down proposals to lower the voting age to 18 serves warning to Congress that the States may be unwilling to cure this denial of equal protection.

Second, even if the States would pass such a curative amendment, the soonest this could be done—in historical perspective—would be 9 months and the average passage time for amendments is over 22 months. Our responsibilities under the 14th amendment do not allow us to compel this group to so suffer the denial of equal protection.

In passing this legislation then, our vote is not one of preference, for preference most of us believe is a question left to the States. Our vote does not reflect our views on the desirability of the constitutional amendment vis-a-vis the statutory approach—no more so than our view of equal protection dictates—because they are not alternatives to one another. They are separate questions and not interchangeable. Before one can advocate a constitutional amendment, he must resolve the question of equal protection.

It is then this question of equal protection to which the House is addressing itself. On the strength of the factual evidence available, we are led to the inescapable conclusion that the restriction of the vote to some age other than 18 serves no valid State interest and is therefore violative of equal protection. In that regard, Mr. Speaker, I urge my colleagues to pass the Voting Rights Act as amended by the Senate.

Mr. BINGHAM. Mr. Speaker, the legislation currently before the House, the Voting Rights Act as amended by the Senate, which includes a provision to extend the vote to 18-year-olds, is a momentous measure. After careful study of the many difficult issues raised by this legislation, I have concluded that it merits support, and I shall vote for it.

The 18-year-old vote, of course, has stimulated much attention and controversy, as well it should. In my judgment, young people between 18 and 21 are, on the whole, quite capable of assuming the responsibilities of enfranchisement and using their voting power carefully and wisely. Despite the behavior of a small minority of young people who seem willing to resort to violence and other extra-legal tactics to try to achieve their political ends, the vast majority of today's young people are anxious to participate fully in the political system and to seek improvements through legitimate political means.

I have been concerned, however, about the question of the most appropriate means of extending the vote to 18-year-olds from both a legal and practical point of view. To extend the vote by statute, as this legislation would do, raised the possibility of throwing future elections into chaos. I am now convinced, however, that an act of Congress will help resolve uncertainties about the validity of future elections rather than create or intensify them. Harvard law professor and constitutional expert Paul A. Freund has summarized this conclusion very well in a letter to the majority leader, as follows:

Without a statute, there is almost sure to be litigation on the model of the poll tax case, attacking the 21-year requirement as an unreasonable classification in present conditions of life and education. Such a challenge would indeed create an embarrassment for the (Supreme) Court. It is probable that, without a statutory alternative, the Court would feel obligated to reject the complaint, and would thereby exacerbate the feelings of a great many young people. An Act of Congress would provide the Court with a strong underpinning for a judgment of unreasonableness, and would furnish an appropriate replacement. . . . There remains the tactical question of expediting the measure, so that elections will not be clouded by uncertainties. This could be done by a suit, in the original jurisdiction of the Supreme Court, brought by a state against the Attorney General, who is given enforcement powers under the Act. Or a suit could be brought in a lower federal court by a voter under 21 who is denied registration, or a voter over 21 if those under 21 are granted registration. These suits would warrant calling a three-judge court, with direct appeal to the Supreme Court.

I trust that, should this legislation be approved by the Congress and enacted into law, as I hope it will, these tests of the law will be made promptly and decisively so that future elections are in no way interfered with.

Finally, Mr. Speaker, the question of the 18-year-old vote must not lead us to ignore the other important provisions of this legislation. In particular, this legislation contains a nationwide ban on the use of literacy tests. I have consistently opposed literacy tests on the grounds that, even when formulated and administered with care and without malice, they impose unjustifiable restraints on the right of every citizen to vote and to participate in the political process. When this nationwide ban came before the House earlier this year, it was part of the administration's version of the Voting Rights Act extension, which had the general effect of weakening the voting protections established by the 1965 act. So I was forced to vote against the bill as a whole. The Senate version of the voting rights extension now before us is a great improvement over the House version in its general voting rights provisions, and I am therefore pleased to be able now to

vote for it, with its strong literacy test ban which I have long favored.

Mr. HECHLER of West Virginia. Mr. Speaker, I am proud to be able at last today to cast my vote for a long-overdue reform—extension of the voting franchise to young men and women 18 years of age and over. Ever since I began teaching political science in 1939, I have advocated this reform which is finally coming to pass on this historic day. The strongest argument is that our educational system has progressed so far since the very early years when the voting age was set at 21, that now young men and women at 18 are better prepared than were their ancestors at age 21.

There are, of course, many who would deny the extension of the vote to those who are 18 on the grounds that there is far too much turmoil, rioting, destruction and immaturity among young people of that age. This is the kind of generalization which is very false because there are vast differences in the level of responsibility of both young people and those who are older. An overwhelming majority of young people are law abiding, alert, clear-thinking and fully responsible to exercise all the aspects of citizenship. To deny them these rights is merely to frustrate them, turn them toward using the streets rather than the ballot boxes for the expression of their opinions, and perhaps polarizing them toward the right or left extremist groups.

In the past 12 years, I have had considerable experience with thousands of high-school-age students whom I have brought to the Nation's Capital under my "week in Washington" program. These students, seniors in high schools throughout West Virginia, have each spent a week at a time working in my office, observing the Congress and its committees in session, interviewing officials, analyzing legislation, and performing other duties to acquaint them with governmental processes. The average age of these students is 16 or 17, and I am impressed by their grasp of national issues and their implications.

My neighboring State of Kentucky, which has had the 18-year-old vote along with Georgia for many years, has discovered that this has stimulated a greater degree of interest among young men and women who might otherwise turn toward other interests, social and otherwise, when they could not vote at 18. Also, I am impressed by the fact that as the progress of medical science enables all people to live longer, the average age of the electorate is growing. To balance the danger of developing a kind of gerontocracy, we ought to average out the age of the electorate by enabling those between 18 and 21 to vote.

I would like to pause to pay tribute to an outstanding Member of the U.S. Senate who has been one of the peerless leaders in the fight to enact the 18-year-old vote, the Senator from Indiana, the Honorable BIRCH BAYH. Today, I was proud to note Senator BAYH's presence in the House of Representatives when this body crowned his efforts with the glory of voting on this measure in the House. Certainly the Nation is proud of the indefatigable efforts of Senator BAYH, without which the 18-year-old vote never would have succeeded.

We now hope and trust that the President of the United States will sign this measure which has been so long in coming. The results will, I am confident, provide healthy benefits for the Nation, for the young people, and for the entire electorate as well as the general welfare of our Nation.

Mr. RANDALL. Mr. Speaker, the previous question on House Resolution 914 should be voted down and H.R. 4249, the voting rights bill should be sent to conference.

There are multiple reasons why this course should be taken. The House Rules Committee summarily rejected the requests of countless witnesses to grant an open rule. Today we are forced to consider two matters joined together which should be considered separately. This unnecessary, uncalled for and indefensible procedure, as one editorial writer has put it, is endangering the one, meaning the civil rights voting portion and blurring consideration of the other, meaning the 18-year-old vote.

I supported the 1965 Voting Rights Act and have supported its extension. Moreover, I have clearly pronounced my position before assemblies in the high schools of our district as being in favor of submitting the issue of 18-year-old voting to a State referendum. I have offered to assist in the circulation of petitions for such a referendum. If I were a member of our State legislature I would vote to ratify a constitutional amendment which had been approved by the voters of our State. I firmly believe every registered voter should have the privilege to express his preference on such an important matter as the 18-year-old vote.

My complaint is that our procedure today is unconstitutional. Even if it should later be declared constitutional it is in my opinion an unwise preemption upon the domain of our States. Because I am so deeply concerned about the constitutionality of this action I will not be able to support House Resolution 914.

My opposition to this resolution is not based alone on my conviction that what we are doing is unconstitutional. I am just as strongly opposed because of the procedure we are forced to follow today. House Resolution 914 is not only a gag rule, it is a double gag rule. The rule forecloses all opportunity to constructively amend the Senate version and then it does even worse when it limits the time of debate to 1 hour. This figures about 8 seconds per Member assuming it is possible for each Member to be recognized. Such a way to conduct the country's legislative business. Remember it was under rules like this the House was forced to swallow the Senate-passed open housing bill and the Senate-written surtax bill.

It is rules like House Resolution 914 which disbars House Members from effectively participating in the legislative process. Rules of this kind make the U.S. Congress a unicameral national legislature. The rule of House Resolution 914 makes voting rights a hostage for the proposition of 18-year-old voting and makes the 18-year-old right to vote a hostage to the civil rights extension.

What we are doing today impresses me as being parallel to what happened during World War II when certain foods were rationed and merchants adopted the shoddy practice of what is called tie-in sales. Merchants used this procedure to dispose of some of their undesirable goods by requiring purchasers to take such items as canned carrots or okra in order to get a can of green beans. The Rules Committee is today forcing House Members who may wish to support one or the other in the proposition contained in the Senate-passed bill to take both provisions together when they may be much opposed to one or the other. This is a true tie-in sale.

It should be recalled the vote in the Rules Committee was nine to six. Let us remember then this rule superimposes the wills of the nine Rules Committee members who voted it out over both the rights and responsibilities of all other House Members and I might add because of the constitutional situation it seeks to impose the will of these same nine men over the wills of all the members of the legislatures of our 50 sovereign States.

At the expense of repetition, I emphasize once again that we are today following a most indefensible procedure. No House committee has held hearings on the subject matter of this resolution. No Senate committee has held any such hearings. At the time we expanded the right of franchise to include women there was not only protracted hearings but the right was extended by the 19th amendment of the Constitution, not by a simple act of the Congress.

Not only is our procedure wrong today but it is a tragedy that we must be so restricted by limitation of time. If we adopt this rule the House agrees that it is the second-class body of the Congress. I cannot understand why so many seem so intent to eliminate ourselves as a legislative body.

I intend to refuse to follow the course of political expediency. Eighteen-year-old voting may be popular. We are not talking about popularity but about constitutionality. The 18-year-old voting section is clearly and unequivocally unconstitutional.

Mr. CHARLES H. WILSON. Mr. Speaker, with the passage of the Senate-amended Voting Rights Act, H.R. 4249, the House has once again moved progressively forward in its effort to secure for all of our citizens their basic right to vote. This extension of the 1965 Voting Rights Act was accomplished with careful expedience in order to preserve a law which has done more for black voting registration than any other law in existence.

Beyond this extension, H.R. 4249 provides for a nationwide ban on literacy tests and a nationally uniform residence requirement for voting in presidential elections. Both of these provisions are desperately needed to provide fair and equal opportunity to all voters and potential voters of this Nation. A third

and most essential provision extends the right to vote to 18-, 19-, and 20-year-old citizens. The controversy surrounding this provision is unwarranted.

Mr. Speaker, I would not hesitate to argue that those who can fight for their country have the right to vote in its elections. But there are far more important points to be made. Maturity is difficult to measure. If it can be measured, then let information, intelligence, and understanding dictate the guidelines of maturity. Today's 18-year-olds are more aware, better educated, and better informed than those of yesteryear. These elements contribute to a greater understanding. Violent protests are certainly no measure of maturity or immaturity; they are more aptly frustrations, frustrations which even those over the age of 21 are liable to have at one time or another. Furthermore, many 18-year-olds are married and also pay taxes. If they are disenfranchised, this can constitute the governmental sin of taxation without representation.

If this democratic system is going to extend the right to vote to all of its qualified citizens, then I go on record as saying that our 18-, 19-, and 20-year-olds today are as qualified to vote, if not better qualified to vote, than those older citizens who are recognized today as qualified voters. Also, if we are to gain the all-important confidence of those citizens 18 years and older, we must acknowledge by our legislative confidence their ability, and their right, to vote. I compliment all of my colleagues in the House who have contributed to the passage of this bill.

Mr. LEGGETT. Mr. Speaker, I do not want to appear unappreciative of the constitutional questions raised by this bill. But I suggest that, since the 18-year-old vote would not go into effect for half a year, this issue can and will be resolved in the courts. The real issue before us is whether or not we want our young people to vote.

I do.

There are those who say young people's minds are not sufficiently developed to enable them to vote intelligently. But the people who design intelligence tests have generally found that intelligence increases until about the age of 16, remains constant until about age 29, and from there slowly declines. So it appears that our 18- to 21-year-olds have better neural circuits than do most of the Members of this body.

There are those who say young people lack the information they need to vote. But somehow I doubt we will ever see college students ripping down a Red Cross flag in the belief it was a Vietcong flag, as our middle-aged hard-hat friends did in New York the other day.

There are those who say young people lack experience and maturity. In a sense, this is true. A 20-year-old has not witnessed as much history as has a 40- or 60-year-old. But I suggest this may be as much of an asset as it is a handicap. All too often, older people do not learn from the past; instead, they become fixated by it. How many times have we heard our diplomats vainly try to force the nationalistic struggles of Southeast Asia into the pattern of the Munich disaster they witnessed in their formative years? For how long have we watched our generals trying to fight the Vietnam war as if it were the World War II of their formative years?

We need voters with experience. But we also need voters who are not bound to the mistakes of the past.

There are those who say young people should not vote because they do not hold jobs or pay taxes. But even if this argument were factually sound, which it is not, I think we would have to reject it. Young people have more taxpaying years to look forward to than we do. And in every other sense, they have a bigger stake in the country than we do. They are going to have to live with it a heck of a lot longer than will the people now running it.

But these are debating points. Here is what the question comes down to: Are 18- to 21-year-olds capable of voting responsibly, or are they not?

For my part, the answer is unequivocally affirmative. I have found them to be more idealistic, more concerned, and better informed than their elders, and I believe they also surpass any other generation of young people in our history in these respects.

Mr. Speaker, the country is mired in an aimless and misconceived war in Southeast Asia. We are caught up in a sterile and dangerous arms race. We have poverty, hunger, neglected health and education programs, and we are ridden with racial tension. We tend to look at these things and say we know they are bad, but they were a long time developing and we cannot expect to get rid of them overnight. But the young people could not care less how long it took us to create a problem; they want to know exactly why it cannot be solved overnight. And many times we find there is no reason why it cannot be done, other than our own complacency. And not being able to come up with a reason why it cannot be done, sometimes we go ahead and do it.

So I say we need these young people as active participants in our political system. I say let us give them the vote, and both they and the country will be the better for it.

Mr. COLLIER. Mr. Speaker, it is regrettable that political expediency has so frequently of late been given priority over the preservation of the Constitution of the United States.

On seven occasions during the past 14 years, I have raised my hand in this Chamber to take an oath to uphold the Constitution. I intend to do so today in fulfilling my obligation to that oath when we reach a final vote on H.R. 4249. I do not believe that in deep conviction I can vote for a bill which to me flagrantly violates the Constitution. I do not believe this Congress has the right to abridge the historical and traditional right of the several States to establish voter qualifications except as they violate other provisions of the Constitution.

If this Congress were not as anxious to yield to political pressures stemming from troublesome problems of our day, we could deal with the matter of lowering the voting age as it properly should be done—through the adoption of a resolution calling for a constitutional amendment and permitting the States to ratify or reject the proposition. This was the procedure properly followed when the women of this country were enfranchised by the 19th amendment to the Constitution in 1920.

The fact that the authors of the bill provided for a delayed effective date because of the probability of its being declared unconstitutional by the Supreme Court points to the good judgment of following the constitutional course. I believe that the Supreme Court will be obliged to rule this bill unconstitutional, and this will merely delay the consideration of the issue under the proper procedure.

There are other serious ramifications to this legislation which cause me to regret the hasty, unwise, and politically expedient course of action which it appears this House is about to take today.

Mr. CHAPPELL. Mr. Speaker, consideration by the Congress in setting the voting age for the States is clearly a conflict with the Constitution. The Constitution provides that each State set its voting qualifications. I believe the Voting Rights Act, in setting the age limit for voting, is a further usurpation of power of the States by the Federal Government.

In my own home State of Florida, this very issue will be considered on the ballot in November. This is as it should be. The States should be allowed to consider their own qualifications without interference by the Federal Government.

The Voting Rights Act, which extends the vote to 18-year-olds, likewise extends for 5 years the provision whereby the Attorney General will continue to oversee election procedures in the South. In effect, we are continuing to make five Southern States the whipping boys of the Nation. Under the provisions of this act, they are unable to change any election laws without the approval of the Attorney General. Forty-five States can make any changes their elected officials wish to consider. The Attorney General sends supervisors into these States, just as in reconstruction days, to watch election procedures. We have the same expression of attitude by many in the Congress as during that era—presupposing some wrongdoing on these States' part.

Mr. Speaker, I realize that many in the Congress who are in favor of the Voting Rights Act, are under the impression that by Congress acting to give the 18-year-olds the right to vote, they are voting for harmony and peace within the Nation. But it seems to me, Mr. Speaker, that anytime in this Nation that Congress usurps the power of the States, we are buying a dime's worth of peace at a dollar's cost in liberty. For, as we further erode the States, we further despoil the liberties granted to us under the Constitution and ultimately we destroy the very system of checks and balances which we adopted to protect ourselves.

Mr. Speaker, let us not further assault our foundation of freedom for expediency's sake. Let us leave this responsi-

bility with the States' elected officials, where it rightfully belongs.

Mr. MATSUNAGA. Mr. Speaker, I yield 5 minutes to the distinguished Speaker of the House, the gentleman from Massachusetts (Mr. McCORMACK).

Mr. McCORMACK. Mr. Speaker, this is probably one of the most important bills that has been before this body in many years.

It involves, in the question that is before us today, two very important matters:

One, the extension of the voting rights act.

Now we are all practical legislators. We know that if this bill goes to conference, its extension is seriously endangered.

Second, it involves the voting right at 18 years of age.

The gentleman from California made a very pertinent observation during his remarks. I think it is an observation which strongly supports concurrence in the Senate amendments—when the gentleman from California (Mr. SMITH) said that we are not the Supreme Court of the United States. Of course, that means on the constitutional question that will finally be resolved by the Supreme Court. How true that is.

I, therefore, suggest to anyone, if I might make the suggestion—I would suggest to anyone who believes in voting at the age of 18 and 19 and 20, and who favors the extension of the Voting Rights Act—to be sure that it will not be defeated and prevented from being enacted into law this year.

I would suggest that my colleagues who favor such extension of the Voting Rights Act determine the constitutional question in favor of its constitutionality, because the matter will have to be passed upon by the Supreme Court.

Furthermore, as to the constitutional method, it would take at least 10 to 20 years, in my opinion, before any amendment would get through this body and be adopted by the necessary number of States to provide for voting at the age of 18 and 19 and 20.

On that constitutional question we have such eminent scholars as Dr. Paul Freund of Harvard and Archibald Cox, former Solicitor General of the United States, that the Congress possesses ample constitutional authority to lower the voting age by statute.

We also have a strong indication in Supreme Court decisions such as in Katzenbach against Morgan, by 7-to-2 majority indicating that this question comes within the power and purview of the Congress of the United States.

To me the question is whether or not Americans 18 years of age, and 19 years of age, and 20 years of age are qualified from an educational angle to assume the fullness of citizenship.

At birth they are citizens. Every child born in this country is a citizen. The question is the assumption of the fullness of citizenship. It seems to me that the educational institutions of our country today qualify Americans who are 18, 19, and 20 years of age to assume the fullness of citizenship.

On that point I call attention to the fact that four States of the Union already provide the privilege of voting for those under 21 years of age. One of the leaders, one that has been a leader, is the great State of Georgia.

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

Mr. McCORMACK. I yield to the gentleman from Louisiana.

Mr. BOGGS. I thank the distinguished Speaker for yielding to me. I congratulate the Speaker on the very fine statement he has made and I concur in what he has said. What the young people of this country want is to be a part of our democracy. They want in. They want to be responsible citizens. In my judgment, there is no more important vote that we can cast in this session than this vote.

Mr. McCORMACK. I also wish to point out in respect to the educational abilities of Americans 18, 19, and 20 years of age that we are talking about citizens. We are not conferring citizenship because they are citizens once they are born. The question is the assumption of the fullness of citizenship, to wit, the vote.

For example, in 1920, just 50 years ago, only 17 percent of Americans between the ages of 18 and 21 were high school graduates. Only 18 percent of them went on to college.

Today, by contrast, 79 percent of Americans in this age group are high school graduates and 47 percent go on to college.

On the question of ability and assuming the fullness of citizenship, clearly the evidence is uncontradicted and overwhelming, and on that ground we shoud not have any hesitancy in making our decision.

I am very happy to see the bipartisan support for the resolution today. That is as it should be. I congratulate my colleagues. I realize that there are some honest differences on the constitutional question. But on that question I urge that any doubts be resolved in favor of constitutionality, because the Supreme Court is going to pass upon the question.

In the closing seconds of the time allotted to me—and I shall not be back here next year—might I make a personal observation. Nothing would make JOHN McCORMACK happier than to see this resolution adopted.

Mr. SMITH of California. Mr. Speaker, I yield 7 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, at the outset, let me make it crystal clear that I favor the right of a person who is 18 years old to vote in local, State, and Federal elections. In 1966, the State of Michigan had a statewide referendum on the question of whether or not we should amend our constitution to permit 18-year-olds to vote. I campaigned for the right of 18-year-olds to vote. I voted for that amendment to our constitution. Regrettably, it was defeated by a vote of 3 to 2 throughout the State.

If the amendment is again proposed—and I undersand that it might be in Michigan in 1970—I will do the same thing. I will campaign for it. I will vote for it.

I am also in favor of a constitutional amendment to the Federal Constitution to authorize the action that is proposed here by a statutory provision. A constitutional amendment can be and should be approved by the House Committee on Judiciary and then the Congress as a whole.

But I am deeply concerned about the constitutionality of a statute passed by the Congress of the United States which would authorize 18-year-olds to vote in municipal, State, and Federal elections.

Comments have been made here this afternoon that two very distinguished members of the Harvard Law School faculty have said that the proposal is constitutional. Mr. Speaker, I have in my hand a number of letters from eminent, recognized constitutional lawyers in a number of outstanding law schools throughout the United States. These are opinions requested by the President of the United States, and each and every one of them, even though in most cases they were for the 18-year-old vote, said that in their opinion a statutory approach is unconstitutional. I agree with such eminent constitutional lawyers as Philip B. Kurland and Gerhard Casper of the University of Chicago, William B. Lockhart of the University of Minnesota Law School, Paul G. Kauper, University of Michigan Law School, Gerald Gunther, professor of law, Stanford University School of Law, Alexander M. Bickel, Charles L. Black, Jr., Robert H. Bork, John Hart Ely, Louis H. Pollack, Eugene V. Rostow of the faculty of Yale Law School, Louis Henkin, Columbia University School of Law, and Charles Alan Wright, professor of law, University of Texas.

I, therefore, urge, Mr. Speaker, that we vote no on the previous question. In the light of these opinions written to the President of the United States, I think it is perfectly legitimate to raise the question whether or not the President could in good conscience sign this proposal if and when it comes to his desk.

But let me say there are other good and sufficient reasons why, in my opinion, we should vote no on the previous question. In the first place, let me point this out, that if this resolution is approved, and the bill is signed by the President of the United States, from the date that it becomes law—if it does—until there is a decision by the U.S. Supreme Court, every State, every municipal and every school board bond issue vote, every millage vote cast will be in jeopardy—every one.

There will be a delay before the Supreme Court will make a decision. In *South Carolina* v. *Katzenbach*, 383 U.S. 301, the delay between the initiation of the law suit and the Supreme Court decision was 4 months. In *Katzenbach* v. *Morgan*, 384 U.S. 641, the delay was 10 months. This would create serious problems.

I contacted a most eminent bond lawyer in the State of Michigan, an attorney who passes judgment in many instances on whether or not a municipality, a State

or school board bond issue is valid. I asked him, Mr. Speaker, this eminent bond attorney, whether he, in his capacity, would validate those bonds and approve their sale. This is what he wrote, dated June 15:

DICKINSON, WRIGHT, MCKEAN & CUDLIP,
Detroit, Mich., June 15, 1970.

Representative GERALD R. FORD,
U.S. Capitol,
Washington, D.C.

DEAR CONGRESSMAN FORD: You have asked for our comments, as bond attorneys in the State of Michigan, as to the possible effect on millage and bond elections in governmental units and school districts in this state of a granting of the voting right to 18 year olds by an Act of Congress which is likely to be immediately attacked in court as being unconstitutional and invalid.

It is our opinion that bonds cannot be issued nor taxes levied on the basis of the results of an election in which the vote of persons under 21 years of age has influenced the outcome of the election, until such time as attacks on the constitutionality of the Act of Congress have been resolved in favor of such Act by the U.S. Supreme Court.

In order to determine the influence of the voters under 21 years of age on the outcome of elections, we will require separate ballots to be issued or separate machines to be used and the votes to be separately tabulated on all bond and millage propositions. We will be able to approve only those propositions which are carried by the required majority of all persons voting including both those voters over 21 years of age and those under and also which are carried by a majority of voters over 21 years of age.

We appreciate that the separation procedures are complicated and expensive and will probably slow the vote in heavily attended elections, but we see no alternative until the constitutional question is resolved.

Yours very truly,

CHARLES R. MOON.

Gentlemen, we put a great burden on ourselves if we, by the action today, put in jeopardy $6 billion of State, municipal, and school board bond issue election. There are usually three to four thousand such elections taken every year, and they involve approximately $6 billion worth of water pollution projects, school buildings, and other programs and projects.

I say we should vote against the previous question and we should take the course of action recommended by the gentleman from California. Vote no on the previous question.

Let me make one other point. This proposition is coming to the floor of the House under the most indefensible combination of legislation and parliamentary procedure I have ever seen. We are, in effect, asked to make a historic decision, and there have been no hearings held in the Committee on the Judiciary in the House on this proposition that Congress can, by a Federal legislative act, give the right to vote to 18-year-olds in local and State elections. Not one hearing has been held on this issue before the Committee on the Judiciary in the House. Not one hearing has been held in the Senate Committee on the Judiciary—not one on this constitutional issue. And we are asked, in less than an hour, to vote on this proposition. It is the most indefensible procedure I have ever seen.

Let me say this also. Very seldom, Mr. Speaker, do I quote, to back up my arguments, a magazine called the New Republic, but in the June 20 issue of the New Republic, there is an editorial, and here is what this editorial says:

KEEP IT BRIEF

The Voting Rights Act of 1965, quite likely the single most effective civil rights measure ever enacted by Congress, expires in August, and it must be extended. Despite some initial equivocation by the Nixon Administration, the Senate voted to extend it, and the Administration ended by supporting it. But the Senate attached a rider to the Act, to enfranchise 18-year-olds in both state and federal elections. This sort of joinder of two separate policies is bad legislative practice, endangering the one and blurring consideration of the other. But worse was to come.

In the House, where a Voting Rights Bill was passed before the 18-year vote was given a piggy-back on it, liberals on the Rules Committee, with the support of the Democratic leadership, succeeded in sending the Senate package to the floor under a rule requiring the House to vote the whole thing up or down. No amendments will be permitted. Anyone who supports extension of the Voting Rights Act but not the enfranchisement of 18-year-olds by simple federal statute has to swallow the rider if he feels strongly enough about the Voting Rights Act, or sacrifice the Act if he really can't stand the rider. And he will have to make up his mind in the course of a debate limited to one hour: half to each side, which means a quarter to the side opposed to the rider.

Now there was a hearing and some debate on the rider in the Senate. There has been no hearing, and no previous debate in the House, not five minutes. Yet there is clearly something of consequence to debate: whether this extension of the franchise by legislative order is desirable, whether it is constitutional and would be so held, and whether, there being at the very least doubt about unconstitutionality, Congress would be acting responsibly in throwing the burden of a difficult decision on the Court, rather than going the route of a Constitutional Amendment. Yet where are the usual guardians of legislative process, of full and free debate? They are silent. They are fighting fire with fire, they tell themselves, for to send the Voting Rights Act back to the Senate by separating the rider from it would be to give another set of arbitrary hierarchs, the Southerners, a chance to filibuster it to death.

But the Voting Rights Act was not filibustered the first time through the Senate, when the Administration was not so firmly committed to it. Was there enough to be gained in this sorry exercise to offset the discredit that the usual advocates of process, of constitutionalism and of democratic reform have brought on themselves? Who will believe that these are really the things they care about, next time they say so?

I say that the resolution should be defeated and the previous question voted down.

Mr. MATSUNAGA. Mr. Speaker, I yield 9 minutes to the chairman of the Rules Committee (Mr. COLMER).

Mrs. GREEN of Oregon. Mr. Speaker, 2 or 3 months ago, I came out publicly for the Senate amendment, providing for the 18-year-old vote, subject to a constitutional court test. Every other member of the Oregon delegation came out for the 19-year-old vote which was on the Oregon ballot in the Oregon primary less than 1 month ago. I believe it is accurate to say that almost every political leader in Oregon actively campaigned for the 19-year-old vote. In spite of this, it went down to a better than 2 to 1 defeat.

I suggest that, as a Representative, I certainly must argue and vote for those beliefs which I hold with the best possible information I have available to me at the time. But it seems to me this includes the obligation to represent the views of the majority of the people of my State and their wishes when I clearly knew them, even though they differ from mine.

Of course, no Representative of the people can sacrifice his or her conscience on any vote. Regarding this issue, there is no question of conscience. Therefore, even though my judgment was that the 18-year-old vote was worthy of endorsement with constitutional review, the majority of my constituents have clearly judged otherwise, and I both respect and yield to their judgment. The mandate has been clearly given by a better than 2 to 1 vote in Oregon. I intend to honor the results of that democratic election.

Mr. COLMER. Mr. Speaker, I appreciate the contribution of the gentlewoman from Oregon, who always contributes substantially to the question under debate. But I regret that I am not going to be able to yield to any other Member because of the limitation on time.

Mr. Speaker, one of the great tragedies of what we are going through here today is that very limitation on time.

Here we are, going to consider a new version of a civil rights voting rights bill. Here we are, going to invade new territory and attempt to amend the Constitution of the United States by statute, all within an hour.

How many Members among you will have or have had an opportunity to voice approval or disapproval of this measure? It is a tragic situation. The beloved Speaker just said it was one of the most historic and important bills to come before this House in years, and yet my beloved Speaker would rush this important piece of legislation through this House with less than an hour of debate.

Many, many times have I risen on the floor of this House and expressed my exasperation at this body becoming a second-class legislative body, permitting the other body to write the legislation. Here we are again doing exactly that same thing and following that same course.

What you are really doing here—those of you who profess great love for this body, and I am sure we all do, including the Speaker himself, and I know that he does—is making of this body a unicameral legislative body. We might just as well quit and ask the other body what they think we ought to do over here; and permit them to write the legislation in the first place.

Now again I am pressed for time, although I admit I have the lion's share of it because I was in position to get it.

But what are we doing here? We are considering this matter under restraints where we do not have time to debate this civil rights bill, this new version that the Senate wrote. I do not even have the time to make a comparison between the House-passed version and the one passed by the Senate. You would think it would

be the duty of the learned chairman and the other members of the Committee on the Judiciary to try to protect the House's position in this matter and send it to conference. We do not have time to discuss that. I am going to dismiss it with this one remark. It makes no difference what you do here today, whether you send this bill to conference in the orderly way or whether you adopt it as is, unless the President vetoes this you are going to have a civil rights bill voted, with all of the hollering about filibusters to the contrary notwithstanding.

Let me say to my learned friend from New York and others that the day of the civil rights filibuster in the other body has passed. So we get down to one question, aside from following the orderly procedures which I think the leadership of this House on both sides ought to be for, of sending this bill to conference and trying to iron out these matters there. We have only one question left, and that is the question of voting rights for 18-year-olds.

Mr. Speaker, the gentlewoman from Oregon referred to what her State has done. Fourteen States have passed on this matter and denied it, and only four have adopted it.

So, maybe, it is not as popular as some of you think it is because of all the campus disturbances. But I am not discussing the merits of this bill. I am discussing the Constitution of the United States and the orderly process of legislating.

Oh, I know that we have gotten briefs here from learned Harvard professors. However, as far as I am concerned I would rather have the opinion of the very learned constitutional lawyers on this floor, to wit, the gentleman from Virginia (Mr. POFF) and the gentleman from New York (Mr. CELLER), both of whom have publicly stated that it is unconstitutional. But, expediency enters into this matter. And this gentleman from New York (Mr. CELLER), still admitting that the 18-year amendment is unconstitutional resorts to expediency.

Permit me to quote from the Constitution of the United States.

First, article I, section 2 of that immortal document provides—

> The House of Representatives shall be composed of Members chosen every second year by the People of the several States, and *the electors in each State shall have the Qualifications requisite for Electors of the* most numerous Branch of the State Legislature.

Of course, the word electors as used here is synonymous with voters.

Can anyone deny, from a reading of this provision, that the power to name the qualifications of voters is delegated to the States?

And now I quote section 2 of the XIV amendment as follows:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President or Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any 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 crimes, 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.

It will be noted, and I wish to emphasize, in this amendment the phrase 21 years of age is used twice. And, I should also like to call the attention of my colleagues to the fact that this amendment is the one relied upon by the proponents of the voting rights bill to give voting rights to the slaves who had just been liberated.

Again, after the Constitution had been amended providing for the election of U.S. Senators by the XVII amendment and not by statute, this amendment repeats section 2 of article I, providing for the qualifications for voters in the election of Senators to be the same as those provided for the election of Members of the House of Representatives. To wit: The electors—voters—in such States shall have the qualifications requisite for the electors of the most numerous branch of the State legislatures. The amendment is as follows:

> Amendment XVII: The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. *The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.*

Moreover, the constitutional amendment number X provides:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

And finally, Mr. Speaker, to insure that the Constitution is followed and obeyed by the Members of Congress, article VI of the Constitution provides:

> Article VI: The Senators and *Representatives* before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, *shall be bound by Oath* or Affirmation, *to support this Constitution. . .*
>
> Form of oath: "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

Certainly, even the ordinary layman cannot escape, after the most casual perusal of these amendments, the fact that the U.S. Constitution is crystally clear that the qualifications of voters cannot be provided by the enactment of a statutory provision. Of course, there is a way to change the Constitution legally, which the Constitution provides, and I quote the pertinent part of article V of the Constitution:

> The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; . . .

Assuredly, Mr. Speaker, if this provision to change the voting qualifications making 18-year-olds eligible to vote by statute is adopted, then can it not with equal logic and construction be said that we can change the constitutional provision requiring that the President of the United States be a natural born citizen and 35 years or more of age? Once we embark upon this method of amending the Constitution by statute there is no limit beyond which the reformers cannot go. We might just as well discard the Constitution entirely.

The SPEAKER. The gentleman from Mississippi has 10 seconds left.

Mr. COLMER. Mr. Speaker, may I just get a long count on that 10 seconds, because I wanted to conclude *this statement* with this remark?

There is no man in this House who has a higher regard for you, Mr. Speaker, than I. I paid my respects to you the other day when we honored you in this Chamber. I hate to see you leave here. But I cannot bring myself, as much as I would like to pay further tribute to you, to violate my conscience in order to give you a farewell sendoff. This is an important matter transcending personal affection.

The SPEAKER. The time of the gentleman from Mississippi (Mr. COLMER) has expired. All time has expired.

GENERAL LEAVE

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the matter now pending before the House and to include extraneous matter.

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

There was no objection.

PARLIAMENTARY INQUIRY

Mr. MATSUNAGA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. MATSUNAGA. Is my understanding correct that an "aye" vote on House Resolution 914 is a vote to agree to the Senate amendments to H.R. 4249, the Voting Rights Extension Act, so that the bill may then be sent to the President for his signature before the existing act expires on August 6 of this year?

The SPEAKER. The Chair will state to the gentleman from Hawaii that while that is not a parliamentary inquiry, the statement made by the gentleman from Hawaii is accurate.

Mr. MATSUNAGA. I thank the Speaker.

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

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Michigan will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Speaker, a "no" vote on the previous question does give an opportunity for one of those who led the fight against the resolution to amend the resolution now pending before the House?

The SPEAKER. The Chair will state in response to the parliamentary inquiry of the gentleman from Michigan that if the previous question is voted down, the resolution is open to amendment. The Chair's response is the same response as given to the gentleman from Hawaii.

PARLIAMENTARY INQUIRY

Mr. WATSON. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WATSON. Mr. Speaker, if this resolution is voted down then, further, it will mean we will follow the orderly procedure and let this matter go to conference and reconcile the differences?

The SPEAKER. The Chair will state that if the resolution is voted down the matter will lie on the Speaker's desk until the House determines what it wants to do with the matter.

Mr. WATSON. I thank the Speaker.

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

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 224, nays 183, answered "present" 2, not voting 20, as follows:

[Roll No. 175]

YEAS—224

Adams	Dulski	Jacobs
Addabbo	Duncan	Johnson, Calif.
Albert	Dwyer	Karth
Anderson, Calif.	Eckhardt	Kastenmeier
Anderson, Ill.	Edwards, Calif.	Kazen
Anderson, Tenn.	Edwards, La.	Kee
Annunzio	Eilberg	Keith
Ashley	Esch	Kluczynski
Aspinall	Evans, Colo.	Koch
Ayres	Evins, Tenn.	Kyros
Barrett	Fallon	Leggett
Beall, Md.	Farbstein	Lloyd
Bell, Calif.	Fascell	Long, Md.
Bennett	Feighan	Lowenstein
Biaggi	Findley	McCarthy
Biester	Fish	McClory
Bingham	Flood	McCloskey
Blatnik	Foley	McCulloch
Boggs	Ford, William D.	McDade
Boland	Fraser	McDonald, Mich.
Bolling	Frelinghuysen	McEwen
Brademas	Friedel	McFall
Brasco	Fulton, Pa.	Madden
Brooks	Fulton, Tenn.	Mailliard
Broomfield	Galifianakis	Matsunaga
Brown, Calif.	Gallagher	Meeds
Burke, Mass.	Garmatz	Melcher
Burlison, Mo.	Giaimo	Meskill
Burton, Calif.	Gibbons	Mikva
Burton, Utah	Gilbert	Miller, Calif.
Button	Gonzalez	Minish
Byrne, Pa.	Gray	Mink
Carey	Green, Pa.	Mollohan
Carter	Griffiths	Monagan
Celler	Gude	Moorhead
Chisholm	Halpern	Morgan
Clay	Hamilton	Morse
Cleveland	Hanley	Mosher
Cohelan	Hanna	Moss
Conte	Hansen, Idaho	Murphy, Ill.
Conyers	Hansen, Wash.	Murphy, N.Y.
Corman	Harrington	Natcher
Coughlin	Hastings	Nix
Culver	Hathaway	Obey
Daddario	Hawkins	O'Hara
Daniels, N.J.	Hechler, W. Va.	O'Konski
de la Garza	Heckler, Mass.	Olsen
Delaney	Helstoski	O'Neill, Mass.
Diggs	Holifield	Ottinger
Dingell	Horton	Patten
Donohue	Hosmer	Pepper
	Howard	Perkins
Philbin	Rosenthal	Thompson, N.J.
Pike	Rostenkowski	Tiernan
Pirnie	Roth	Tunney
Podell	Roybal	Udall
Powell	Ruppe	Van Deerlin
Preyer, N.C.	Ryan	Vander Jagt
Price, Ill.	St Germain	Vanik
Pryor, Ark.	Scheuer	Vigorito
Pucinski	Shipley	Waldie
Quie	Sisk	Watts
Railsback	Slack	Weicker
Rees	Smith, Iowa	Whalen
Reid, N.Y.	Snyder	White
Reifel	Stafford	Whitehurst
Reuss	Staggers	Widnall
Riegle	Stanton	Wolff
Robison	Stokes	Wright
Rodino	Stratton	Wydler
Roe	Stubblefield	Yates
Rogers, Colo.	Sullivan	Yatron
Rogers, Fla.	Symington	Young
Rooney, N.Y.	Taft	Zablocki
Rooney, Pa.	Taylor	Zwach

NAYS—183

Abbitt	Flowers	Mizell
Abernethy	Flynt	Montgomery
Adair	Ford, Gerald R.	Morton
Alexander	Foreman	Myers
Andrews, Ala.	Fountain	Nelsen
Andrews, N. Dak.	Frey	Nichols
Arends	Fuqua	Passman
Ashbrook	Gettys	Patman
Baring	Goldwater	Pettis
Belcher	Goodling	Pickle
Berry	Green, Oreg.	Poage
Betts	Griffin	Poff
Bevill	Gross	Price, Tex.
Blackburn	Grover	Purcell
Blanton	Gubser	Quillen
Bow	Hagan	Randall
Bray	Haley	Rarick
Brinkley	Hall	Reid, Ill.
Brock	Hammer-schmidt	Rhodes
Brotzman	Harsha	Rivers
Brown, Mich.	Harvey	Roberts
Brown, Ohio	Henderson	Ruth
Broyhill, N.C.	Hogan	Sandman
Broyhill, Va.	Hull	Satterfield
Buchanan	Hungate	Saylor
Burke, Fla.	Hunt	Schadeberg
Burleson, Tex.	Hutchinson	Scherle
Byrnes, Wis.	Ichord	Scott
Cabell	Jarman	Sebelius
Caffery	Johnson, Pa.	Shriver
Camp	Jonas	Sikes
Casey	Jones, Ala.	Skubitz
Cederberg	Jones, N.C.	Smith, Calif.
Chamberlain	Jones, Tenn.	Smith, N.Y.
Chappell	Kleppe	Springer
Clancy	Kuykendall	Steed
Clausen, Don H.	Kyl	Steiger, Ariz.
Clawson, Del	Landgrebe	Steiger, Wis.
Collier	Landrum	Stephens
Collins	Langen	Stuckey
Colmer	Latta	Talcott
Conable	Lennon	Teague, Calif.
Corbett	Long, La.	Teague, Tex.
Crane	Lujan	Thompson, Ga.
Cunningham	Lukens	Thomson, Wis.
Daniel, Va.	McClure	Ullman
Davis, Ga.	McKneally	Waggonner
Davis, Wis.	Macdonald, Mass.	Wampler
Dellenback	MacGregor	Watkins
Denney	Mahon	Watson
Dennis	Mann	Whalley
Derwinski	Marsh	Whitten
Devine	Martin	Wiggins
Dickinson	Mathias	Williams
Dorn	May	Wilson, Bob
Dowdy	Mayne	Winn
Downing	Michel	Wold
Edmondson	Miller, Ohio	Wyatt
Edwards, Ala.	Mills	Wylie
Eshleman	Minshall	Wyman
Fisher	Mize	Zion

ANSWERED "PRESENT"—2

Hays	Hicks

NOT VOTING—20

Bush	Gaydos	Pelly
Clark	Hébert	Pollock
Cowger	King	Roudebush
Cramer	Kirwan	Schneebeli
Dawson	McMillan	Schwengel
Dent	Nedzi	Wilson, Charles H.
Erlenborn	O'Neal, Ga.	

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Nedzi for, wtih Mr. Hicks against.

Mr. Kirwan for, with Mr. Hays against.

Mr. Clark for, with Mr. King against.

Mr. Gaydos for, with Mr. Hébert against.

Mr. Schwengel for, with Mr. Erlenborn against.

Mr. Cowger for, with Mr. Cramer against.

Mr. Charles H. Wilson for, with Mr. O'Neal of Georgia against.

Mr. Pollock for, with Mr. Pelly against.

Until further notice:

Mr. Schneebeli with Mr. Bush.

Mr. McMillan with Mr. Roudebush.

Mr. Dent with Mr. Dawson.

Mr. DUNCAN changed his vote form "nay" to "yea."

Mr. HICKS. Mr. Speaker, I have a live pair with the gentleman from Michigan (Mr. NEDZI). If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. HAYS. Mr. Speaker, I have a live pair with the gentleman from Ohio (Mr. KIRWAN). If he had been present, he would have voted "yea." I voted "nay." I withdraw by vote and vote "present."

The result of the vote was announced as recorded above.

The SPEAKER. The question is on the resolution.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 272, nays 132, not voting 25, as follows:

[Roll No. 176]

YEAS—272

Adair	Corman	Hastings
Adams	Coughlin	Hathaway
Addabbo	Daddario	Hawkins
Albert	Daniels, N.J.	Hays
Anderson, Calif.	de la Garza	Hechler, W. Va.
Anderson, Ill.	Delaney	Heckler, Mass.
Anderson, Tenn.	Diggs	Helstoski
Andrews, N. Dak.	Dingell	Hicks
Annunzio	Donohue	Hogan
Arends	Dulski	Holifield
Ashley	Duncan	Horton
Aspinall	Dwyer	Hosmer
Ayres	Eckhardt	Howard
Barrett	Edmondson	Hungate
Beall, Md.	Edwards, Calif.	Jacobs
Bell, Calif.	Edwards, La.	Johnson, Calif.
Bennett	Eilberg	Jones, Ala.
Biaggi	Esch	Karth
Biester	Evans, Colo.	Kastenmeier
Bingham	Evins, Tenn.	Kazen
Blatnik	Fallon	Kee
Boggs	Farbstein	Keith
Boland	Fascell	Kleppe
Bolling	Feighan	Kluczynski
Bow	Findley	Koch
Brademas	Fish	Kuykendall
Brasco	Flood	Kyl
Bray	Foley	Kyros
Brooks	Ford, Gerald R.	Langen
Broomfield	Ford, William D.	Latta
Brotzman	Fraser	Leggett
Brown, Calif.	Frelinghuysen	Lloyd
Brown, Mich.	Friedel	Long, Md.
Brown, Ohio	Fulton, Pa.	Lowenstein
Burke, Mass.	Fulton, Tenn.	Lujan
Burlison, Mo.	Galifianakis	McCarthy
Burton, Calif.	Gallagher	McClory
Burton, Utah	Garmatz	McCloskey
Button	Giaimo	McCulloch
Byrne, Pa.	Gibbons	McDade
Cabell	Gilbert	McDonald, Mich.
Carter	Gonzalez	McEwen
Cederberg	Gray	McFall
Celler	Green, Pa.	McKneally
Chamberlain	Griffiths	Macdonald, Mass.
Clancy	Gubser	MacGregor
Clausen, Don H.	Gude	Madden
Clay	Halpern	Mailliard
Cleveland	Hamilton	Mathias
Cohelan	Hanley	Matsunaga
Conte	Hanna	May
Corbett	Hansen, Idaho	Meeds
	Hansen, Wash.	Melcher
	Harrington	Meskill
	Harvey	

Mikva	Price, Ill.	Steed
Miller, Calif.	Pryor, Ark.	Steiger, Wis.
Miller, Ohio	Pucinski	Stokes
Minish	Quie	Stratton
Mink	Railsback	Stubblefield
Minshall	Rees	Stuckey
Mollohan	Reid, Ill.	Sullivan
Monagan	Reid, N.Y.	Symington
Moorhead	Reifel	Taft
Morgan	Reuss	Taylor
Morse	Rhodes	Teague, Calif.
Morton	Riegle	Teague, Tex.
Mosher	Robison	Thompson, N.J.
Moss	Rodino	Tiernan
Murphy, Ill.	Roe	Tunney
Murphy, N.Y.	Rogers, Colo.	Udall
Myers	Rogers, Fla.	Van Deerlin
Natcher	Rooney, N.Y.	Vander Jagt
Nelsen	Rooney, Pa.	Vanik
Nix	Rosenthal	Vigorito
Obey	Rostenkowski	Waldie
O'Hara	Roth	Watts
O'Konski	Roybal	Weicker
Olsen	Ruppe	Whalen
O'Neill, Mass.	Ryan	White
Ottinger	St Germain	Whitehurst
Patten	Scheuer	Widnall
Pepper	Schneebeli	Wilson, Bob
Perkins	Shipley	Wolff
Pettis	Sisk	Wright
Philbin	Slack	Wydler
Pickle	Smith, Iowa	Yates
Pike	Snyder	Yatron
Pirnie	Springer	Young
Podell	Stafford	Zablocki
Powell	Staggers	Zion
Preyer, N.C.	Stanton	Zwach

NAYS—132

Abbitt	Fisher	Passman
Abernethy	Flowers	Patman
Alexander	Flynt	Poage
Andrews, Ala.	Foreman	Poff
Ashbrook	Fountain	Price, Tex.
Baring	Frey	Purcell
Belcher	Fuqua	Quillen
Berry	Goldwater	Randall
Betts	Goodling	Rarick
Bevill	Green, Oreg.	Rivers
Blackburn	Griffin	Roberts
Blanton	Gross	Ruth
Brinkley	Grover	Sandman
Brock	Hagan	Satterfield
Broyhill, N.C.	Haley	Saylor
Broyhill, Va.	Hall	Schadeberg
Buchanan	Hammer-schmidt	Scherle
Burke, Fla.	Harsha	Scott
Burleson, Tex.	Henderson	Sebelius
Byrnes, Wis.	Hull	Shriver
Caffery	Hunt	Sikes
Camp	Hutchinson	Skubitz
Casey	Ichord	Smith, Calif.
Chappell	Jarman	Smith, N.Y.
Clawson, Del	Johnson, Pa.	Steiger, Ariz.
Collier	Jonas	Stephens
Collins	Jones, N.C.	Talcott
Colmer	Jones, Tenn.	Thompson, Ga.
Conable	Landgrebe	Thomson, Wis.
Crane	Landrum	Ullman
Cunningham	Lennon	Waggonner
Daniel, Va.	Long, La.	Wampler
Davis, Ga.	McClure	Watkins
Davis, Wis.	Mahon	Watson
Dellenback	Mann	Whalley
Denney	Marsh	Whitten
Dennis	Martin	Wiggins
Derwinski	Mayne	Williams
Devine	Michel	Winn
Dickinson	Mills	Wold
Dorn	Mize	Wyatt
Dowdy	Mizell	Wylie
Downing	Montgomery	Wyman
Edwards, Ala.	Nichols	
Eshleman		

NOT VOTING—25

Bush	Dent	Nedzi
Carey	Erlenborn	O'Neal, Ga.
Chisholm	Gaydos	Pelly
Clark	Gettys	Pollock
Conyers	Hébert	Roudebush
Cowger	King	Schwengel
Cramer	Kirwan	Wilson, Charles H.
Culver	Lukens	
Dawson	McMillan	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Schwengel for, with Mr. Hébert against.
Mr. Cowger for, with Mr. McMillan against.
Mr. Gaydos for, with Mr. King against.
Mr. Nedzi for, with Mr. Cramer against.

Until further notice:

Mr. Carey with Mr. Bush.
Mr. Culver with Mr. Erlenborn.
Mr. Dent with Mr. Pelly.
Mr. Gettys with Mr. Pollock.
Mr. Clark with Mr. Roudebush.
Mr. O'Neal of Georgia with Mr. Lukens.
Mr. Kirwan with Mrs. Chisholm.
Mr. Charles H. Wilson with Mr. Conyers.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

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

There was no objection.

POSTAL REORGANIZATION AND SALARY ADJUSTMENT ACT OF 1970

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 further 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 SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through the first section ending on page 156, line 14, of the committee substitute amendment.

AMENDMENT OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WRIGHT: Strike out all after the enacting clause and insert in lieu thereof the following:

"SEC. 1. The compensation for each person employed by the Post Office Department is hereby increased by 8 per centum per annum.

"SEC. 2. Any person who, being an employee of the Post Office Department, shall participate in any illegal strike against the Post Office Department following the date of enactment of this Act, shall forfeit his employment by such act and shall thereafter be ineligible for employment or reemployment by the Post Office Department.

The CHAIRMAN. The gentleman from Texas (Mr. WRIGHT) is recognized.

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

The CHAIRMAN. The Chair will count.

Seventy-two 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. 177]

Adair	Fulton, Tenn.	Ottinger
Ashley	Gaydos	Patman
Baring	Gilbert	Pelly
Bell, Calif.	Hall	Pepper
Bray	Hanna	Pollock
Brock	Hébert	Powell
Bush	Holifield	Reid, N.Y.
Carey	Hosmer	Rivers
Cederberg	King	Rooney, N.Y.
Celler	Kirwan	Rooney, Pa.
Chamberlain	Leggett	Roudebush
Clark	Long, Md.	Schwengel
Clay	McCarthy	Smith, Calif.
Cohelan	McCulloch	Springer
Cowger	McEwen	Staggers
Cramer	McMillan	Talcott
Culver	Meskill	Ullman
Daddario	Mikva	Weicker
Daniels, N.J.	Miller, Calif.	Wilson, Charles H.
Dawson	Murphy, N.Y.	Zion
Dent	Myers	
Erlenborn	Nedzi	
Evins, Tenn.	O'Neal, Ga.	

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 363 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Texas (Mr. WRIGHT) is recognized for 5 minutes.

Mr. WRIGHT. Mr. Chairman, this amendment is the essence of simplicity. It may be the best and most direct way for the House to resolve the principal problem that it wants to resolve, without having to accept a lot of unacceptable provisions that appear in both the committee bill and the Udall administration substitute.

This amendment would strike everything after the enacting clause and insert in lieu thereof two very simple and straightforward provisions.

First of all, it would increase the pay of everyone employed by the Post Office Department by 8 percent.

Second, it would provide that following the enactment of this act, any person who participates in an illegal strike against the Post Office Department of the United States shall thereby forfeit his position of Federal employment and shall thereafter be ineligible for employment or reemployment by the Post Office.

Let us just face the facts.

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

Mr. WRIGHT. I yield to my friend, the gentleman from Florida.

Mr. HALEY. That is the law now, is it not, if it were enforced?

Mr. WRIGHT. I will respond to the gentleman that there is in the law a stipulation that anyone striking against the Government may be required to forfeit his rights of employment, but it is my impression that present law does not make this forfeiture mandatory.

Mr. HALEY. I thank the gentleman.

Mr. WRIGHT. Quite obviously, many

have not been required to forfeit their rights of employment because there are several thousand people who did, very recently, go on strike illegally against the Government of the United States who are still working.

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

Mr. WRIGHT. I yield to my distinguished colleague.

Mr. OLSEN. I would just like to read to you from section 7311.

Mr. WRIGHT. I should prefer not to yield for the purpose of any lengthy reading. The gentleman can get his own time. I only have 5 minutes, if the gentleman would permit me to proceed.

Mr. OLSEN. But just for the purpose of correcting you, sir. It says that any individual may not accept or hold a position in the Government if he commits this violation.

The gentleman from Florida was correct.

Mr. WRIGHT. I thank the gentleman for this clarification. I would merely point out to the gentleman, my distinguished friend from Montana, that there are people who have violated this law who are still working for the Government.

I do not think the Congress of the United States wants to be in the position of being accused of knuckling under to threats of intimidation from anyone, whether it be from some great postal union, or whether it be from the President of the United States, or whether it be from the Postmaster General or from the president of the AFL–CIO.

I agree that the post office employees are long overdue for a pay raise. This amendment will provide that pay raise. That is what brought this entire controversy to a head. Everyone here present knows that this is the crux of the matter.

There is no reason on earth, if the Congress wants to provide that pay raise which many of us have so long supported, that in order to do so Congress should have to surrender its historic prerogatives and its own responsibility to provide service through the Post Office Department to the people of the United States.

I do not think the Members of this Congress want to sacrifice supinely their responsibility for determining the rates that the American public has to pay to send letters through the mail. I for one am not willing to sacrifice that responsibility.

I do not think the Congress is ready to sacrifice and condemn to the past the initial fundamental concept of the Post Office Department as a service institution.

The Post Office Department has one purpose in being, and one purpose only—service to the people of the United States.

From its very beginning, the Post Office has existed not to make money but to serve people—all of the people—from the biggest business in the most crowded city to the humblest farmer in the remotest wilderness.

This is its function. It always has been.

Of all the institutions of American life, the Post Office promotes the most humanizing and most civilizing activity of all—the free flow of personal communications. Without this, the word "Democracy" would have an incomplete meaning.

The Post Office is the oldest of Government functions—and the most personal. Before the writing of the Constitution, the Continental Congress authorized money for "post offices and post roads."

The Founding Fathers did not ask whether this service would return a profit to the Government.

They no more expected the Post Office to return a profit than they expected the Army and the Navy to return a profit.

They knew it would not do so, except in the incalculable dividends of nationhood—the promotion of commerce and public enlightenment, and the invisible bands of national unity by which the people were able to tie themselves together into a nation.

Without the postal service, there could have been no nation—only a disconnected scattering of isolated settlements.

If profit had been the motive, post roads beyond the Shenandoah would never have been built, and the Ohio and Tennessee Valleys never would have been settled.

If profit had been the motive, the Pony Express never would have extended the long fingers of civilization beyond the Mississippi.

If profit had been the motive of the postal service, hundreds of thousands of small businesses would have been stymied at birth by prohibitive postage rates. They never could have grown to medium and big businesses and the American economy would have been stillborn.

Today the prompt and efficient delivery of mail is the life blood of business, and practically every business in America is geared to its dependable flow.

No other function of society comes into such constant daily contact with the average citizen. All of us depend upon it, and it belongs to all of us—not to a corporation, not to some appointive board, but to all of the people. And only the Congress can be truly responsive, responsible, and directly answerable to the people.

That's the way it always has been in this country. That's the way it should be. And, so far as I am able to influence things, that's the way it will continue to be.

Today the advocates of change are trying to reverse this most basic, fundamental and time-honored concept.

Instead of a public institution directly responsible to the people through their elected representatives, these latter-day rearrangers would make it a closed corporation privately responsible to a board of directors in whose selection the public would have no choice.

Instead of glorifying service, they would glorify profit. Instead of expanding and improving service for this expanding nation, they want to restrict and curtail service. Instead of going forward, they would go backward.

Already the Post Office Department is in the process of denigrating service. On last July 1, it reduced by one the number of daily mail deliveries to every business district in America.

In March of last year, the Department abolished the ABCD program which guaranteed local delivery of business mail on the same day it was posted.

This is not forward movement. This is backward movement.

And to balance off this reduction in service, are they offering a reduction in rates? Not on your life. They have been asking for still another increase in first-class postage rates, to be paid by the average American.

Higher rates for less service—that is exactly what it boils down to.

And to make sure they get it, they are proposing that the decisions on postage rates and postal salaries be taken out of the hands of Congress and placed in the hands of a corporation, with the people's elected representatives reduced to merely rubber-stamping the decisions of the corporation.

They defend this elaborate scheme under the grandiose slogan of "taking the Post Office out of politics."

That slogan is a hoax and a fraud. It is the hand of Esau and the voice of Jacob.

The Postmaster General announced early last year that he was taking the selection of postmasters and rural letter carriers from the elected Members of Congress, whose responsibility it had been, and assuming it to himself.

He piously said that this was "taking it out of politics."

Apparently he thinks the legislative branch is prone to politics and the executive branch is immune.

Or perhaps he regards the motives of elected officials as suspect and those of appointed politicians as pure.

But let us be perfectly clear about one thing: He did not take it out of "politics." He simply usurped one longstanding congressional prerogative and arrogated it to the executive branch.

As one Member of Congress, I do not covet the responsibility of choosing postmasters. That task is not my idea of a political asset nor a pleasant chore. Each time you make one applicant happy, you offend 10 others, each of whom is absolutely certain in his own mind that he is better qualified than the person selected.

But if postmasters are to be chosen by some governmental official, it is much better for that to be a local official, responsible to the local public and familiar with the personality and qualifications of the applicants, rather than by an appointive political person in Washington.

What exactly does the Postmaster General mean when he says he wants to take these appointments "out of politics?" Does he mean he wants to reduce the possibility of unsavory political influence? Does he mean he wants the selections made on the basis of merit rather than on the basis of political influence?

If this is what he means, I can tell him how to achieve it.

First, if we want to make responsible political appointments on the basis of merit instead of "politics," let us begin with the recognition that the postal serv-

ice itself contains an enormous reservoir of intelligent, dedicated and proven public officials. Instead of looking outside the service into other avenues of life—instead of selecting someone who has made financial contributions to a political party—let us instead select a qualified career man whose dedication has brought him up through the ranks of the postal service.

This is the way to take these appointments out of politics. This is what we did in Fort Worth, and I am extremely happy to report that no appointment I have ever recommended has been better received by the postal service itself and by the public at large than my recommendation of Jack Watson to be postmaster of Fort Worth.

This, unfortunately, is not what the Postmaster General has been doing in his selection of regional postal heads. Those he has appointed to date, have been characteristically men with no experience whatever in the postal service.

I dislike being critical of the administration. I want to cooperate with the President in every way possible. I do not want to throw rocks in his path. I want to be part of his solution, not part of his problem. We have one President at a time, and most Members know that I have supported him in matters of national security.

But, I for one, cannot willingly acquiesce to so radical a change in the basic philosophy of public service which has always been the way of life of the Post Office.

I cannot acquiesce in substituting profit in the place of service.

I cannot willingly acquiesce in removing from Congress the responsibilities for postage rates and postal wages and placing these responsibilities in the executive branch.

I shall not acquiesce in reducing service and increasing first-class postage rates for less service.

And I do not acquiesce in the verbal downgrading of the postal service which is being so actively promoted by some.

Do not try to tell me that the Post Office is, on balance, a losing proposition for the American people. Ours is the richest Nation on earth, and traditionally we have had the best postal service on earth. The U.S. Post Office handles more letters than all other postal services in the world combined, and we have built the strongest economy in the history of man. Do not try to tell me that this is a coincidence.

The Post Office exists to serve the people. That is the way I want to keep it.

So, Mr. Chairman, if you feel as I do, support this amendment. Strike out all of these nebulous questions that involve the jurisdiction of the Committee on Interstate and Foreign Commerce and the Committee on Public Works, questions of transportation, questions of right to work—strike out all of those nebulous things and start from scratch.

Let us provide a well-earned 8-percent increase, which is so justly deserved by the postal employees of the United States. And let us unmistakably provide that hereafter anybody who does go on an illegal strike against the Government shall forfeit his job and shall thereafter be ineligible for reemployment.

If the Congress has the courage to do these two things today, whatever unaddressed deficiency there may remain can be ironed out in the future. If there should be any deficiency in this amendment or any lack of specific provisions you would like to see included, those can be added in the Senate and agreed to in conference if they are considered worthy of support by the Senate and the House of Representatives.

Here is our chance to solve the basic problem without turning over our congressional responsibilities to an appointive board, and I urge you to join me in doing so by supporting this amendment.

Mr. DULSKI. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. DULSKI. Mr. Chairman, no one could say that the gentleman from Texas is not sincere in offering an amendment that perhaps could have a great deal of support.

As chairman of the Committee on Post Office and Civil Service, with the responsibility involved, I realize it would be very easy to go along with the amendment. But under the amendment, 14 months of the laborious work that our committee has done, trying to bring reality to the Post Office Department, would be lost. That work was commenced under the Democratic administration and has continued under the present administration. If we should adopt the amendment, we would be like the ostrich, putting our heads into the sand and saying "maybe the storm will pass by because we are going to give a pay increase to the postal employees."

Since I have had the pleasure to chair this committee, I have been very closely acquainted with the plight of the postal employees. They know very well that the members serving on this committee have been their sincere friends. But, my colleagues, if we adopt the amendment, we will find out what will happen to the modernization plan. When will we then face the problem of financing? When will we bring reality to the subject of collective bargaining with these employees? When will we provide decent, modern facilities? I feel we would be very remiss if this amendment were to be adopted this afternoon. All we would do would be to give an 8-percent increase and let the Post Office modernization be lost.

The American public demands that we bring about postal reform. And while we could give the employees 10 percent or even 20 percent, we would not solve the plight of the poor employee who has been serving for 21 years and has been trying to get his grade advancement down to 8 years. You can go down the line on increases and fringe benefits, and you will find that you would not be doing anything but adding to the plight of the postal employees.

My dear friends and colleagues, I have the greatest respect for my good friend, the gentleman from Texas, and I know his sincerity. But we also have an obligation to the people of the United States.

This is a very complex bill—a big bill that comes before us. It deals with a great many modernization aspects, including transportation, finance, labor, management, postal facilities, buildings, and many others. This is one of the greatest bills, one of the most extensive bills, which this House will consider in the 91st Congress. It involves a $7 billion-plus operation.

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

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

Mr. UDALL. Mr. Chairman, I think the committee might want to know what this little old noncontroversial amendment would cost. The Post Office Department already this year has a projected deficit of $1.6 billion. That is this year only: $1.6 billion. Of that, $800 million is for public service. We already voted a 6-percent pay raise in April, and the cost of that was $372 million over the President's budget. The cost of this little amendment would be another half billion dollars, or $496 million to be exact.

We are setting up a deficit—if we pass this amendment—of $2.5 billion for next year, without making any additional provision at all for additional revenue. I think this would not be a particularly responsible way to legislate.

Mr. Chairman, I commend the chairman for the statement he is making.

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

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

Mr. HENDERSON. Mr. Chairman, I certainly support the chairman in his vigorous opposition to the amendment.

If we want to turn postal reform down, this is one way to do it.

I would point out to the Members of the House that we have a pay bill in the conference that is a great deal better than the Wright amendment is for postal employees. If we vote for this amendment, we will completely ignore all the work of the committee, and it will be taken that we do not even want to listen to the proposals of our own committee to improve postal service.

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

(By unanimous consent, Mr. DULSKI was allowed to proceed for 2 additional minutes.)

Mr. DULSKI. Mr. Chairman, may I just conclude by saying that this committee has labored for 14 months. Yes, we have had difficulty trying to get quorums. We have had difficulties because of differences of opinion, and because of the vastness of this bill. But we have brought to the House a sound bill, although it may not be perfect. No bill is perfect which covers all the things that we have at stake here, with transportation and modernization and finance and employee benefits and postal facilities and other programs therewith connected.

I urge every Member of this House to give consideration to the fact that these

employees deserve a fair recognition in collective bargaining and are entitled to what this bill does in labor management fields. The Members will have an opportunity to vote on every feature of the bill. But once and for all, let us give an opportunity to the Postmaster General under this bill to have the flexibility he needs for good management.

It is very easy to stand here and say, "I am for a postal pay increase," but we must realize that with that also comes another part, which is responsibility.

I urge every Member to consider what this amendment would do. It would strike out all of the work of the Committee on Post Office and Civil Service and effectively kill postal reform this year. It would provide just a postal pay increase, while depriving employees of collective bargaining rights and striking out their long-sought compression from 21 years to 8 years in moving forward to top pay rates.

I do hope my colleagues in the House will defeat this amendment.

Mr. DERWINSKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, please keep in mind there is a problem in the Post Office Department, which is why we need postal reform. I would suggest to the Members that they take a look at the mail flowing into their own offices and note how long it takes to have letters mailed by constituents to come through and then note how long it takes for your replies to reach them. Then Members will have a fair idea of the complications facing everybody in the country on mail service.

Merely granting a pay raise will not solve the problems in the Post Office Department. If the gentleman from Texas wanted to solve the postal problems, he should add to his amendment specific language cutting $10 billion from education or from welfare or other programs that we support and instead allocate that $10 billion to the Post Office Department.

We envision in our postal reform package permitting the postal service to raise $10 billion to meet the needs of the Department in obtaining facilities, in order to automate, and to obtain equipment they need to move the mail.

If the strategy at this point is to end this entire procedure, to pass the pay raise bill and scuttle postal reform for this session, this amendment would accomplish it.

If we are at all serious about the problems besetting the postal customer, the problems besetting the postal user, the problems of postal workers far greater than just pay in the Post Office Department, then we should matter of factly reject this amendment and get down to the business of marking up the bill.

I strongly recommend the overwhelming rejection of this amendment.

AMENDMENT OFFERED BY MR. OLSEN TO THE AMENDMENT OFFERED BY MR. WRIGHT

Mr. OLSEN. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Texas (Mr. WRIGHT).

The Clerk read as follows:

Amendment offered by Mr. OLSEN to the amendment offered by Mr. WRIGHT: Add a new sentence at the end of section 1 to read as follows: "Such increase shall take effect on the first day of the first pay period which begins on or after April 16, 1970."

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

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

Mr. WRIGHT. I thank the gentleman for yielding.

I would favor the gentleman's amendment. I believe it is what I intended to do. It is a perfecting amendment. I would urge adoption of the amendment.

Mr. OLSEN. Mr. Chairman, I know all Members want to vote quickly on this, but I want everyone to know that the effect of this amendment to the amendment offered by the gentleman from Texas (Mr. WRIGHT) is to make any such pay increase effective on the first pay period after the agreement was made April 16. It amounts to a question of some $2 a day on the average for each postal worker.

Mr. BRASCO. Mr. Chairman, I rise in opposition to the amendment.

I believe what is wrong with the Wright amendment is that it is an oversimplification in terms of a solution to the problem which faces us.

The basis of it is as being a cureall for the plight of the postal employees, in that it will give to them an 8 percent increase.

I suggest that is being unfair in and of itself to the postal employee, because the legislation before us would go much further than that particular amendment.

I do not know how many Members are aware of it, but in this particular package there is a provision that, if the bill is enacted, the postal employee will have the opportunity to reach the top salary within 8 years rather than 21 years. I believe this is most important and something they have worked for since I have been in Congress.

Over and above that, what we are missing is the historic nature of this legislation; namely, that in the future postal employees will not have to come hat-in-hand to the Congress to ask for needed wage increases. They will be able to sit down across the table from management and collectively bargain for future increases—not only for future increases in pay but also for each and every fringe benefit they are entitled to receive.

The gentleman from Texas leaves out these two most important ingredients to the solution of the problem of the Post Office employee.

Do Members wish to know something else? I am inclined to agree with the gentleman that the second part of his amendment is much more stringent than present law. None of us condones strikes on the part of Federal employees, but I believe we have always prided ourselves as having a society which is capable of the rehabilitation of people.

Under our present system a postal employee may or may not be barred from employment if he participates in a strike. There are legal protections he is entitled to under present law. It is a drastic step when you say that a man who is involved in a strike, notwithstanding the economic justice of it and notwithstanding the sociological problems he faces in his particular hometown with his family, is barred from any employment in the present and future. What would we do with him? What would we do with our concept of rehabilitation? Mr. WRIGHT's amendment suggest we give up everything and place a striker on the welfare rolls? Then I think the gentleman's oversimplification of his amendment misses the additional fact that there has to be money to pay for all of the benefits in this bill. Part of this postal reform package is a way to finance all of the increases not only in terms of the 8-percent increase in salary but all of the other benefits that will cost money.

Mr. Chairman, last but not least, what the gentleman refuses to face up to—and I hope this Congress will disagree with him—is the fact that Americans throughout the country have been unhappy to date with the service as rendered by the Department. This is a new concept that will give management and employees the opportunity to improve postal service, to improve working conditions, and to improve salary levels. What we do if we adopt this amendment is we allow 14 months of hard work to go down the drain. We forfeit our commitment to the postal employees and forfeit our commitment to the American public. Under these circumstances, I ask the Committee to resoundingly defeat this amendment.

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment that is offered by Mr. WRIGHT of Texas has been eloquently defended, and the answer of the able chairman of the committee has been most logical. The thing that would throw the weight with me would be what the committee would ultimately do with respect to the conflict with the Committee on Interstate and Foreign Commerce. If this amendment should pass, it would eliminate that conflict. It would strike totally title VIII, along with most of the rest of the bill. I understand there is an amendment that would remove that conflict that will be brought up at a later time, but this will solve it here and now. So the Member in the well is in a dilemma as to how to vote because he does not yet know how the chairman will recommend with respect to the amendment that Chairman STAGGERS will later offer.

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

Mr. ECKHARDT. I am happy to yield to the distinguished chairman of the committee.

Mr. DULSKI. At the present time the amendment pending before us deals with the striking of everything else except the pay increase.

If it is defeated, when we come to other sections of the bill, I, as the chairman of the committee, will stay with the decision of the committee. We will stay with the committee bill. Members of the Committee on Interstate and Foreign Commerce may present their views and their amendments at that time. We will then explain the need to give the Postmaster General and the Post Office Department more flexibility in the

transporting of mail. At the present time, as I understand it, private enterprise has access to better air transport than the Post Office Department has.

If this is the gentleman's concern, I would appreciate very kindly having him vote to reject this amendment, and then, when the other amendment comes before us, we will both try to explain our positions later this afternoon and take our chances with that.

Mr. ECKHARDT. Then, it is my understanding that the chairman of the Committee on Post Office and Civil Service would oppose an amendment to strike out those areas of conflict which this bill purports to govern. There are certain areas that are clearly within the jurisdiction of the Committee on Interstate and Foreign Commerce dealt with in this bill, such as subchapter No. 2, the transportation of mail by surface carriers, and subchapter 3, the transportation of mail by air. These things seem to me to be well within the jurisdiction of the Committee on Interstate and Foreign Commerce. We might come to the same conclusion that your able committee has come to, but it is a matter primarily within our concern.

Mr. OLSEN. Will the gentleman yield to me?

Mr. ECKHARDT. I yield to the gentleman from Montana.

Mr. OLSEN. Let me say to the gentleman from Texas that insofar as transportation is concerned in the case of surface transportation and vessel transportation, the change in the law is less stringent with respect to transportation facilities than present law.

The real argument between our committee and the Committee on Interstate and Foreign Commerce is actually on the air transport.

Mr. ECKHARDT. With respect to subchapter 3, yes, that is the way I understand it.

Mr. OLSEN. Regarding the Civil Aeronautics Board and its authority and the authority proposed for the Postmaster General.

And, let me say that for my part, as a member of the Committee on Post Office and Civil Service, I have been talking with your chairman of the Committee on Interstate and Foreign Commerce and we think we will be able to work out an amendment with which both committees can live.

Mr. ECKHARDT. Then, you may be favorably disposed to removing the area involving transportation of the mail by air, which might be within the jurisdiction of the Committee on Interstate and Foreign Commerce?

Mr. OLSEN. I would be. And, let me say that I think the gentleman from West Virginia (Mr. STAGGERS) and I are going to work out language that may very well be agreeable to all, both our Committee on Post Office and Civil Service and the Committee on Interstate and Foreign Commerce.

Mr. ECKHARDT. And the gentleman understands that such an amendment will be offered? I understand there will be a good-faith attempt by this committee to get out of the field of jurisdiction of the Committee on Interstate and Foreign Commerce.

Mr. OLSEN. Yes; but we are looking for the Committee on Interstate and Foreign Commerce giving some real genuine assistance to the Postmaster General so that we can get the services from the air transportation industry of this country that he needs and that he will get it at as fair rates as the airlines are giving to those who transport to bulk mail under private contracts, especially second-class material.

Mr. ECKHARDT. I do not feel that there are sharp differences in objectives, but our committee deals specifically with this subject matter. It is peculiar to our committee. We understand it. It is my understanding that the gentleman will cooperate in this regard?

Mr. OLSEN. That is correct.

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have taken this time to ask the distinguished chairman of the committee, the gentleman from New York (Mr. DULSKI), the gentleman from Arizona (Mr. UDALL), or the gentleman from Illinois (Mr. DERWINSKI) a question that may have a bearing on how I am going to vote on this amendment.

We have heard talk about service, we have heard talk about postal reform and talk about fixing rates—airplane rates and train rates and postal rates; you are talking about negotiating pay scales at the bargaining table instead of through the legislative process.

My question is this: Where is this corporation going to get its money when there are deficits? We anticipate in the present fiscal year that there will be a postal deficit of $1.1 billion. With the 8-percent pay increase, it is safe to assume that the deficit may reach as much as $2 billion in the following year.

I would like to know from the chairman where this money is going to come from when you pass this postal reform? You may say, "We will pass it on to the consumer." However, I say to you that, when the American people see the rising cost of postal service in the wake of this legislation and when we see thousands of businesses going out of business because of increased postal rate, the big question will be "Who is responsible?"

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

Mr. PUCINSKI. Yes. I would like to have an answer as to where the $2 billion is going to come from with which to pay for the deficit we can anticipate next year. There is nothing in the postal reform that will curtail, eliminate, or reduce the estimated postal deficit. Advocates of the bill keep talking about reform but they never talk about the fact that, despite so-called reform, we will still be confronted by a $2 billion deficit.

Mr. DULSKI. My distinguished colleague from Illinois says that we estimate that the $2 billion would be placed on the consumer.

The gentleman knows very well that we have had deficits through most of the recent history of the postal service. However, you will find in this bill provision for the necessary financing—including a new system of rate-setting and authority to borrow up to $10 billion.

Mr. PUCINSKI. Where are you going to get that $10 billion?

Mr. DULSKI. They are going to float bonds and other obligations.

Mr. PUCINSKI. How are they going to pay off these bond obligations when the Post Office Department has historically experienced deficits and has not been able to meet current operating expenses let alone paying off bond obligations. How are you going to pay off that $10 billion loan when you will not have enough funds to meet current operating expenses? We have had a deficit every year for as long as I can remember.

Mr. DULSKI. To get rid of these deficits, I want to tell the gentleman that this is the very reason why we have proposed this postal reform.

And if we have this postal reform we will make possible cost-saving changes that will be developed by this new Postal Service. These savings will help to pay the cost of any borrowings.

Mr. PUCINSKI. Mr. Chairman, may I ask the gentleman from Arizona the same question, because I feel we are playing a shell game here, and the American pople ought to know it before you vote on this bill.

What is the answer of the gentleman from Arizona as to where the money is going to come from to pay the deficit?

Mr. UDALL. If the gentleman will yield, whether you have this postal reform or not the costs of the Post Office Department are going up, and the salaries are going to go up and up. The question is, if you do nothing—is this Congress willing to raise postal rates to get the money or to make the necessary appropriations so that we will not have a deficit? The answer over the past 20 years has been "no".

Now, this sets up a postal service system in operation, and it sets up the mechanism so that rates can be adjusted and the Congress will lay down the guidelines.

We are saying in effect we are going to have third-class mail pay its way, and we will subsidize certain classes of mail for the blind and charity organizations, and so forth. We will have raises in rates which they will adjust through the regular machinery that is set up in the bill from time to time, and these rates that are affected will come back after public hearings, come back to the Congress, and we can veto them.

Mr. PUCINSKI. Mr. Chairman, now let me ask the gentleman from Illinois (Mr. DERWINSKI) if he will answer my question?

Mr. DERWINSKI. Mr. Chairman, if the gentleman will yield, I will say yes, and in the process of answering I would recommend to the gentleman from Illinois that he read the report of the committee, because most of his questions would then be answered.

The point of the matter is——

Mr. PUCINSKI. I have read the report very carefully, and I have listened to the general debate, and I submit these questions have not been answered. Nowhere

in your report do you tell us how you expect to meet the continuing deficits.

Mr. DERWINSKI. The point of the matter is that the reason the Post Office Department has had a deficit is that they have been growing, and growing, and they have not had adequate funding for their operations.

They are working with 19th century equipment to handle the 20th century volume of mail that they have.

And what this bill envisions, if not ripped apart on the floor of the House or on the floor of the Senate, is a situation where we would have effective use of manpower, and effective use of properly funded facilities, and with the business-management skills that are available in this country we would then provide increased services without the deficit that is now planning the existing Department.

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

Mr. PUCINSKI. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I want to say—and I am going to seek my own time—that your estimate of the deficit is too low, because this new corporation will have to borrow $10 billion and then it will have to pay another billion in interest. And along with that, let me say that if this thing goes through the way it was written by the gentleman from Illinois (Mr. DERWINSKI) and others, that a lot of those who are applauding up in the galleries will get fired by the Postmaster General when he has control over them instead of the Congress.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PUCINSKI. Mr. Chairman, I ask unanimous consent that I may proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. CORBETT. Mr. Chairman, reserving the right to object——

The CHAIRMAN. The gentleman from Pennsylvania reserves the right to object.

Mr. CORBETT (continuing). And I will not object at this time, but I do want to serve notice that, with the long time that we are going to be concerned with this bill, that when I am present on the floor I am going to object to any lengthy extensions of time.

Mr. PUCINSKI. I thank the gentleman.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

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

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

Mr. BRASCO. Mr. Chairman, I would like to ask the gentleman in the well a question, because he has asked several Members as to where the money would come from.

I believe the gentleman from Arizona (Mr. UDALL), chairman (Mr. DULSKI), and the gentleman from Illinois (Mr. DERWINSKI) have adequately explained that within the concept of the postal reform there is a mechanism set up for financing.

Let me ask the gentleman in the well this question, because he has always been economy-minded every time he has taken the floor of the House: If we pass the so-called Wright amendment without the machinery of postal reform which sets up some way to recoup the money, how does the gentleman suggest that we pay for the 8-percent raise?

Mr. PUCINSKI. My answer to the gentleman from New York would be that the gentleman from Texas made a very eloquent point when he said that we ought not treat the Post Office as a profitmaking institution. This is an essential national service agency that built this country, and when you go to a trillion dollar economy this year and a two-trillion economy the next 10 years, you had better have a postal service which can meet our needs even if it has to have a deficit that we will pay out of the general revenue.

Let me make one thing clear. I believe America needs an effective, efficient postal service that will keep the channels of commerce flowing. The average American family now receives about 40 letters a month which keep commerce going. Telephone bills, electric bills, gas bills, credit card invoices, medical bills; all of these are an important segment of our economy. This corporation will be able to raise postal rates at will and every time they raise the postal rates, the whole cost of operation goes up because someone has to absorb these increases. I say to you we need an effective postal service subsidized by the Government if you want to see America continue growing.

The closer I look at this bill, the more I am convinced it is a charade to suggest that somehow or other you have come up with a grandiose plan here to solve the problems of the Post Office. The American taxpayer will continue footing the bill anyway you look at it. So this is no reform.

Many years ago we created a transit authority in Chicago that was going to solve all our problems involving mass transit. Today it is on the verge of bankruptcy and they are pleading with the State legislature to give them a State subsidy. We are contemplating an increase in gasoline taxes to pay their bills.

The same thing is going to happen here. You are going to pass this bill as a postal reform increase and you will see huge deficits piling up and it will cost twice as much. When they reach the breaking point, then the pressures will be put in Congress to bail them out. I say to you there is nothing in this bill in its present form that offers the taxpayer any assurance that he will have better postal service at lower rates.

Unless the committee can persuade me otherwise, I think there is merit to the Wright amendment.

Mr. UDALL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have an amendment here but I suspect the Committee wants to vote and we are not going to get to it.

The amendment is more in the nature of an argument than an amendment, to raise the rate on first-class postage to 7 cents. This amendment costs $496 million.

We very readily voted last March for another pay raise of 6 percent. That cost $380 million or something of that kind. So we have granted about $900 million worth of pay in the last 60 days—or we are proposing to in this legislation.

This illustrates what is wrong with the present system. Everyone wants to be for pay raises but no one wants to be for rate raises.

Let me tell you something. The gentleman from Montana is chairman of the subcommittee on postal rates on which I serve. The administration sent up a bill for an 8-cent stamp, and said to the Congress "Let us have an 8-cent stamp. Before you have any pay raise, let us have something of a rate increase to pay for this."

The gentleman from Montana will tell you, they could not find a sponsor—from 435 Members of the House—no one has come forward to throw this bill in.

I will ask the gentleman from Montana if that is not correct.

The amendment I proposed to offer will, I think, keep this House from looking ridiculous.

We are supposed to adopt the Wright amendment for $900 million worth of pay raises this Spring and then vote down a little old 1-cent increase in first-class mail that would bring in a part of that. This amendment I propose to offer, if I get an opportunity to do it, but under the parliamentary situation I cannot offer it because the Olsen amendment is still pending, when it passes. I would offer the 7 cents and get the support from people who want to have an 8 percent pay raise.

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

Mr. UDALL. I yield to the gentleman.

Mr. HAYS. I am a little surprised that the gentleman could not find anybody to sponsor that.

Mr. UDALL. I did not seek one. The President did.

Mr. HAYS. I am surprised that the gentleman did not sponsor it. He has been coming in here with a new bill from Mr. Blount about every other day.

Mr. UDALL. If my colleagues will permit me, I will say to the gentleman, I have not sponsored any Blount bills. I have sponsored a postal reform bill written after negotiation with the President's representatives by the clerks and carriers.

I am sure the gentleman has told the 500,000 clerks and carriers in this country what a great friend of theirs he is.

When I brought in their bill and Larry O'Brien's bill, who I think is a Democrat, some Members, including my friend, did not even want to let us vote on their bill but said instead; I will not even vote on your bill. That is the kind of bill I have been bringing in here.

Mr. HAYS. That is not exactly right. I will get some time and set the record straight as to what is right.

Mr. FULTON of Pennsylvania. Mr. Chairman, I rise in opposition to the

amendment offered by the gentleman from Texas (Mr. WRIGHT).

Mr. Chairman, the Wright amendment is offered as a quick and easy solution for the policy of the American people toward the U.S. Post Office Department, and kills any opportunity for reform or reorganization of the U.S. postal system.

But, of course, we have deeper problems that Congress must discuss thoroughly to reach considered judgments to make real improvements.

The public is entitled to better postal service. Postal employees are entitled to better consideration to meet their just and longstanding complaints on pay, hours, conditions of employment, wage differentials, promotions, appointments, health programs, seniority protection, retirement, and fringe benefits. Our good postal employees and their families are entitled to have Congress establish a real career service, that is an example to private and public employers alike. Congress must stop delay, and must see that our postal employees are not the victims time after time of budget deficits and Government actions so-called against inflation. Our postal employees and their families have been burdened and punished too much.

Our U.S. postal equipment and installations and working conditions are entitled to be modernized. Yes, and the whole system of the U.S. postal organization of the Post Office Department needs to be changed and modernized with advanced business practices in order to give faster and quicker and more sure mail service.

It is not the fault of the postal management at present, nor the hard-working U.S. postal employees. The trouble has been, because of the use of antiquated methods and the long continued divisions of opinion, delays, and dispute in this body. Lack of financing to purchase modern equipment is also a clear, basic cause.

PARLIAMENTARY INQUIRY

Mr. Chairman, I would like to make a parliamentary inquiry, if I may.

The CHAIRMAN. The gentleman will state it.

Mr. FULTON of Pennsylvania. Mr. Chairman, it has been said here on the floor by the chairman of the committee that if the amendment offered by the gentleman from Texas (Mr. WRIGHT) or an amendment thereto should pass, then there will be further amendments introduced by the managers to the other provisions of the bill that have been stricken by the Wright amendment. I disagree.

In my estimation once these other provisions of the bill, after the enacting clauses are stricken, and the Wright amendment is put in the bill, and there has been an amendment to the Wright amendment, this would be a substitute, with an amendment to that substitute to the present bill. I do not see how there can be any amendment to any other provision of the present bill once those provisions are stricken and action is taken by this House inserting the Wright amendment for all the provisions after the enacting clause of the bill.

Is that correct, Mr. Chairman?

The CHAIRMAN. The Chair will state that if the Wright amendment is adopted, then the vote would recur on the committee amendment as amended by the Wright amendment. If that were adopted, under the rule the Committee would rise.

Mr. FULTON of Pennsylvania. But my question is when the vote comes on the committee amendment as amended by the Wright amendment, if it is adopted, whether other amendments could be offered to specific provisions of the present bill which would have been removed and deleted from the bill by the Wright amendment. I say not.

The CHAIRMAN. The Wright amendment would be a substitute for the committee amendment. If adopted, under the rule the Committee would rise.

Mr. FULTON of Pennsylvania. I agree with the Chairman. So as we now hear it clearly. If the Wright amendment were adopted, it would be a bobtail cut of the present bill and the debate would be over. It would be a quick and easy solution, and there could be no other amendments. The House would simply pass the committee bill as amended by the Wright amendment, if the amendment were agreed to.

My position is that procedure is too quick and easy a solution, and prevents further debate, discussion, or amendment of practically the entire present bill now being considered by the House. It is not fair to the various Members who have amendments nor to the Federal postal service, the postal employees, the public, or the U.S. taxpayers.

I strongly urge the House taking the time with full and adequate debate to obtain a career postal service with adequate pay, hours, conditions of employment and promotions, just wage differentials, health programs, appointments, seniority protection, and retirement and fringe benefits under social security.

Congress must provide full reward for a good day's work. I oppose any amendment that continues the poor policy that says to a young person just starting into work, in the postal service, "You are going to have to wait 21 long years before you can get to the top grade instead of the 8 years you would have to wait under the bill we are now debating." This is not fair to present employees with less than 21 years service, and that is 99 percent of our postal employees.

I strongly urge that there is much more to the problem of reform and reorganization of the U.S. Post Office Department and the postal service that should be argued out here for several days rather than disposed of in a quick, easy, bobtail slash. I strongly oppose the Wright amendment which has simply the bait of an 8 percent pay raise, and antistrike provision as a window dressing. Even amendment to the Wright amendment to add the retroactive provision to it, does not cure post office problems, but continues and compounds poor business policies, and injustices to the postal employees, the public, and the U.S. taxpayer.

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

Mr. FULTON of Pennsylvania. I yield to my colleague from Pennsylvania.

Mr. CORBETT. I just wish to associate myself with the gentleman's remarks. This amendment, while it is appealing and an easy way to terminate a long-drawn-out debate, should not be adopted.

I am going to, if I may, ask the Chairman if he will not ask for some limitation of time so that we can dispose of the amendment.

Mr. FULTON of Pennsylvania. I yield to the gentleman for that purpose, and yield back the balance of my time.

Mr. DULSKI. Mr. Chairman, I ask unanimous consent that all debate on the amendment offered by the gentleman from Texas and all amendments thereto end at 4:45 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. GRAY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. DULSKI

Mr. DULSKI. Mr. Chairman, I move that all debate on the amendment offered by the gentleman from Texas and all amendments thereto terminate at 4:45 p.m.

The CHAIRMAN. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Chairman, I am indeed sorry that the distinguished chairman of the committee has seen fit to shut off debate. This bill reminds me of the blind woman that went to the burlesque show. She knew what was going on, but she could not tell what was coming off. This bill is filled with so many pitfalls, I wonder if Members have any idea of what is coming off. Do you know, my colleagues, that if this bill, the committee bill, passes, you will not have any say over a post office building to be built in your district? You will not have the authority to come to our Committee on Public Works and ask your friends and your colleagues in the Congress to help you get adequate facilities. You will be downtown begging some insensitive corporation for a post office building.

At the proper time I will offer an amendment to keep this control in Congress where it belongs.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

The Chair recognizes the gentleman from Ohio (Mr. HARSHA).

(By unanimous consent, Mr. HARSHA yielded his time to Mr. GRAY.)

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Chairman, I thank my distinguished friend, the gentleman from Ohio for yielding.

If the Members of the House will follow me for a moment, the House Committee on Public Works has historically recognized the need for good buildings and for mechanization and for improvements in our Nation's post offices. Better working conditions is one of the arguments advanced by the committee in wanting postal reform. All it takes to provide better facilities is money.

I submit to the Members they can get direct Federal construction twice as cheaply as they can lease. If this reform bill goes through, we will lose all control by the Congress in constructing or modernizing all post office buildings, and we will allow the private sector to put up the money, and they will want 15 or 20 percent return on their investment.

As my friend, the gentleman from Illinois (Mr. PUCINSKI) said, we will be back here with a post office deficit that will curl your hair.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ROBERTS).

(By unanimous consent, Mr. ROBERTS yielded his time to Mr. GRAY.)

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Chairman, I thank my friend, Mr. ROBERTS, for yielding. I would like to say further I favor postal reform, but when this committee usurps the prerogatives of other committees, particularly the Committee on Interstate and Foreign Committee and decides all of a sudden it is going to handle the transportation problems of this country and when the committee usurps the prerogatives of the House Committee on Public Works, and when we, as a compassionate committee, have helped each Member on both sides of the aisle, as we have done each year since I have been a member of the committee, then it is high time, it is past time to put a halt to this pirating of Members' right of determining when and where they want improved postal facilities. I urge all Members to be on the floor tomorrow and protect their interest by supporting our bipartisan amendment. Thank you.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I compliment the chairman of the Committee on Post Office and Civil Service. He has labored hard in a very difficult situation to bring out a bill.

It is extremely difficult, it would seem to me, when there is a majority of the committee about agreed on a bill, but there is a new proposal run in from downtown every day, and always with the label of "reform" on it. That word is about as overworked as the word relevant. I am about convinced that, if someone wanted to repeal the rape laws and if they tagged it as "reform," it would probably pass in a hurry.

I do not think there is any kind of reform to the proposal brought in by my friend, the gentleman from Arizona (Mr. UDALL). He talked about an idea that I would not let them vote. I did not reject the proposal of the gentleman from Arizona. It was rejected by the House by more than 100 votes. I did not tell the postal workers I was their friend. They can tell I am their friend by my vote.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. SCHERLE).

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

Mr. SCHERLE. Mr. Chairman, I rise in support of the Wright amendment.

Mr. Chairman, in a furious drive to make sweeping reform we often overlook a minority group that has made a great contribution. I speak of postal reform and the rural press. Before we charge into the breach and change our entire U.S. postal system, let us pause for a second and look ahead to some of the potential results. Hindsight is more accurate than foresight, yet generally disappointing. Think of the result, if in 10 years, we look back and see that postal reform destroyed the rural press in America. Before we go all out on reform, let us consider the death blow we might deal to a vital source of American agricultural education.

There is a long tradition in this Nation of universal dissemination of information. With this in mind, we established rural free delivery, free-in-county delivery, and other forms of low-cost distribution to the rural areas. Because of this, local newspapers and agricultural magazines have been able to provide a vital channel of information to rural America. This we must maintain.

Mr. Chairman, when the large national publications find it unprofitable to serve rural areas and are abandoning them, the local press has a greater responsibility to our rural population, to keep them well informed, scientifically current, and in the mainstream of our democratic process.

Do we realize the importance of free flow of information from the laboratory to the farm? If the American public wants to keep the best prices on food in the world, we must continue a few minor concessions. We have aided the railroads, the airlines, the public utilities, the schools, yet food is more basic than any of these. The American farmer is the key to the good life, and the free flow of knowledge is the key to the American farmer's ability to produce. It is strange that very often successful programs never get assigned their proper rung on the ladder until it is too late to realize their immense value.

Recently, there has been much frantic concern to close the barn door of wise ecological practice while the horse of environmental pollution is already running unchecked from border to border. Believe me, those of us who live on the farm are well aware of this horse and the barn door. The American farmer has been practicing wise land, water, and soil management before the word ecology was ever heard in the Halls of the Congress. How else could a force which consists of only 7 percent of our population, operating on less than half the productive farmland available, feed a nation of 200 million so successfully that the Government must control our production and purchase the surplus.

The reason for this is simple. The American farmers are the best educated in the world. The U.S. Congress should not swing the broad sword of postal reform without any concern for the most vital artery in the country. The artery I speak of runs from scientific laboratories and our great seats of agricultural learning, such as Ames, Iowa, to every farm in the Nation.

This essential information is carried by the rural press and farm magazines. For over a century the U.S. postal service has carried this information with special consideration. Now this all may end. The postal reform bill may be the first bill in the U.S. history which results in keeping people ignorant.

Mr. Chairman, if one of the most important segments of our population, which feeds us all, is kept ignorant by denying them reasonably priced accesss to scientific information, our future generations will be headed for hunger and inflated food prices. The seeds of rebellion grow fastest in the stomachs of hungry men.

Over a century ago, the Land Grant Act established State agricultural colleges. The U.S. Congress was therefore instrumental in the establishment of this great storehouse of scientific information. Now, dare we be instrumental in checking the flow of information from the laboratory to the land? The rural press deserves and must have special protection from the potentially devastating effects of postal reform.

If you do not think we have a potential disaster here, you are mistaken. The farm magazines and rural press are not blessed with the financial solvency of the remainder of the publishing industry. It would only take a small percentage increase in rates to destroy the entire profit structure of the agricultural publishing industry. Mr. Chairman, no matter how dedicated the industry may be, it cannot publish without profits. Great publications like Country Gentlemen, Capper Farmer, and the Rural New Yorker have long vanished from the scene. Do not allow this to happen to magazines such as Wallaces Farmer, the Nebraska Farmer, and a host of others.

Rural population is declining rapidly and the rural press has lost both circulation and advertising revenue. The margin of profit is so small that it could easily be erased. We, the greatest agricultural nation on earth, cannot afford to destroy a basic element of our greatness. The farm magazines must have and deserve special protection from the potentially devastating effects of blind, sweeping postal reform.

Mr. Chairman, any citizen, whether or not he has ever seen a farm can be justifiably proud of the $50 billion agricultural industry of the United States. We are the envy and the leader of the world. The people of Europe and the rest of the globe turn their eyes to America when they need the science of agriculture. Through such programs as farm papers for peace we gladly share our knowledge.

We have a great opportunity to perform a real service to the farmers of this Nation. This is a service that neither the Postmaster General, nor the administration seems to be concerned about, although the Secretary of Agriculture has long been devoted to the plight of the American farmer.

Any magazine which is devoted to the science of agriculture should be given preferred status and permanent exemption from rate increase, at least, in the first and second postal zones. Local

newspapers should keep their preferred rates unchanged. The only way we can insure the perpetuation of this flow of information is to insure reasonable rates for the delivery of our great and growing storehouse of agricultural knowledge to the farm. This is a very small service to perform for that segment of the population that keeps us well fed. I am a farmer and I have been all my life. I speak to you from firsthand knowledge. We need our farm magazines and we need them desperately. I say simply, Mr. Chairman, do not close the little red schoolhouse that keeps meat and bread on our table. Do not kill the agricultural press. Do not sever the pipeline that keeps my farm running and every other farm running to feed you.

Give the farmer what he needs most—the knowledge to keep farming. We must maintain the farmer's access to the knowledge which keeps America the best fed Nation on the face of the earth.

Mr. Chairman, in short, allow us to keep our rural papers and our agricultural magazines. Our farm magazines represent only one-tenth of 1 percent of the total mail volume, and the information they contain helps us to keep 200,000,000 people well fed. The information they contain will keep 300,000,000 people well fed in the next century. Mr. Chairman, the agricultural press is the bible of the farmer. Do not put this bible out of business. Do not kill the rural press.

Our farm population has been plagued with many economic problems. We should not at this time increase their burden. When the farmer ceases to exist, grass will grow on the streets of every city and town in our Nation.

(By unanimous consent, Mr. SCHERLE yielded the remainder of his time to Mr. GROSS).

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, on yesterday, I said this was bad legislation, and I reiterate that statement today. I rise in support of the amendment offered by the gentleman from Texas (Mr. WRIGHT).

The gentleman from Arizona (Mr. UDALL) speaks of the 8-percent increase as provided by the amendment offered by the gentleman from Texas (Mr. WRIGHT) and says there is nothing to finance the 8-percent increase. Well, there was nothing in the Udall bill either to do that, nor is there in the committee bill pending before the House. There is nothing in either bill to finance an immediate 8-percent increase. If the gentleman was so concerned about financing the pay raise he should have provided for it in the substitute he offered, and it should have been in the committee bill that he voted for and I voted against in the committee. So let us not be misled by the argument of the gentleman from Arizona.

The gentleman speaks of an amendment which apparently he proposes to offer to increase first-class letter rates by 1 cent. Thus he would immediately jump upon the one category of mail that is paying its way.

Mr. Chairman, I repeat that I rise in support of the amendment. Let us provide the pay raise that has been promised postal workers and toss overboard the rest of this bill which is loaded with defects and pitfalls.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Chairman, I rise in support of the Wright amendment.

(By unanimous consent, Mr. KAZEN yielded his remaining time to Mr. WRIGHT.)

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I wish to thank my colleague from Texas (Mr. KAZEN) for yielding me his time.

Let us make one thing clear. The amendment I offer will not cost any more than the committee bill. The committee bill purports to give an 8-percent increase. My amendment will give an 8-percent increase. I believe it is well that the gentleman from Montana (Mr. OLSEN) has offered his amendment to my amendment, making this provision retroactive. That fulfills any obligation we may have to these hard-working postal employees.

It has been suggested that my amendment, if adopted, would not answer the question of where we are going to get the money. Well, the committee bill does not answer the question of where we are going to get the money. All it does is to say that Congress is going to abdicate its responsibility to determine where we get the money or how much the American taxpayers will be paying for postage, and to turn those decisions over to an appointed corporation which is not answerable to the American public.

I am not willing to abdicate that responsibility. I believe the Post Office exists to serve the American people. I am willing to pay the hard-working postal employees. If other Members will support this amendment, they will get their pay.

I am anxious to demonstrate that the Congress will not yield to threats and pressures. If other Members feel that way, they can vote for the Wright amendment and we will make that demonstration unmistakable.

I want us to affirm that the Congress is willing to shoulder its responsibility, as it has so often in the past, to modernize the Post Office and to improve the service and to continue it as the greatest postal system in the world, the one which is responsible for delivering more pieces of mail every day than all the other national postal systems on earth combined.

Do not try to tell me that the system has not worked. Do not try to tell me that this does not have something very basic to do with the fact that this country has grown economically more rapidly than any other country on the surface of the earth.

Therefore, Members should support this amendment, and get rid of this alien idea of a postal corporation, and face up to congressional responsibility.

The CHAIRMAN. The Chair recognizes the gentleman from Rhode Island (Mr. TIERNAN).

Mr. TIERNAN. Mr. Chairman, I agree with the gentleman from Texas (Mr. WRIGHT) that the postal workers certainly are entitled to increased wages. But there is much more in this bill than just a pay raise. There are many other benefits for the employees of the postal service in this bill.

Members of the Post Office and Civil Service Committee were up and down on this bill. We spent 13 or 14 months of hard work on it. We heard many witnesses who appeared before the committee, pro and con. We heard the representatives of all the workers involved in the postal service, who appeared *before* our committee. They told us that they needed modernization of plant, that they needed new facilities, and that they needed different types of work laws and working conditions.

A man who goes to work in a post office as a letter carrier can spend 21 years before he can get to the top level in his grade. This bill would help to correct this and many other inequities.

I urge the defeat of the Wright amendment. Let us do it in the right manner and move along with the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Chairman, I rise in support of the Wright amendment. All I can tell the Members is that they are ducking their responsibility as Congressmen when they try to hide behind some authority that is going to be set up.

If the Members are worth their salt, if they are worthy of being Members of Congress, they should not try to pass the buck to somebody who will spend money and expect us to collect the taxes.

There is nothing in this bill that provides the money. Where is this corporation going to get the money? They will come back to us, to the Congressmen, and tell us, "We need so much money." We will have to provide the money. They will spend it, and we will have nothing to do with that.

Let us give these men the pay raises they are entitled to, and make them retroactive, as the gentleman from Montana (Mr. OLSEN) has suggested. Let us get rid of the problem and assume this responsibility.

That is our job as Congressmen. It is not to step aside and pass it over to somebody else.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho (Mr. MCCLURE).

Mr. McCLURE. Mr. Chairman, it has been said often on the floor of the House, "Let us assume our responsibility as Congressmen."

I have heard it said in other ways that Congress will take care of these problems. I have heard it suggested that we should just turn this down and bring the problems back to Congress, and we will solve them.

Mr. Chairman, that is what has been said for years.

This Congress has failed for years to meet the growing needs of this Post Office Department. That is the reason for postal reform. It is not because the men and women who work for the Post Office Department have not been able to do the job, but it is because we have not provided the tools for them to do the job, and it is not any more likely that

next year we will do it than we have done it last year or the year before.

Let us not kid ourselves or this Nation that this is postal reform if we adopt the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. KEE).

Mr. KEE. Mr. Chairman, I rise to enthusiastically support the Wright amendment.

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

Mr. BIAGGI. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. DULSKI) to close debate on the amendment.

Mr. DULSKI. Mr. Chairman, as I stated in the well, the easiest way to pass over responsibility is to vote for the Wright amendment. I feel that the committee labored for 14 months and, as the able gentleman from Idaho (Mr. MCCLURE) stated, we have to provide the tools, we have to provide the equipment, the trucks and the transportation. It is very easy to vote for this. There is no doubt, though, that then this bill would have to go right back to the committee and we would have more legislation and hearings on something that is already of record.

I ask the Committee to reject the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana (Mr. OLSEN) to the amendment offered by the gentleman from Texas (Mr. WRIGHT).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now occurs on the amendment offered by the gentleman from Texas (Mr. WRIGHT) as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WRIGHT. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. WRIGHT and Mr. DULSKI.

The Committee divided, and the tellers reported that there were—ayes 57, noes 105.

So the amendment, as amended, was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I—POSTAL REORGANIZATION

POSTAL POLICY

SEC. 101. (a) The postal service of the United States shall be operated as a basic and fundamental communications service provided to the people by the Government of the United States. The United States Postal Service established under section 102 of this title shall have as its basic function the obligation to provide a postal system adapted to the needs of all the people and designed to bind the Nation together by facilitating the prompt, reliable, efficient and economical transmittal of personal, educational, literary, and business communications. It shall provide such service to patrons in all areas and shall render public services to all communities. The costs of establishing or maintaining the postal service shall not be apportioned in such a way as to impair the overall value of such service to the people.

(b) As an employer, the Postal Service shall achieve and maintain compensation for its officers and employees comparable to the rates and types of compensation paid in major industries in the private sector of the economy of the United States. It shall place particular emphasis upon opportunities for career advancement for all officers and employees and the achievement of worthwhile and satisfying careers in the service of the United States.

(c) Postal rates shall be established to apportion the costs of all postal operations to all users of the mail on a fair and equitable basis.

(d) In determining all policies for postal service, the Postal Service shall give the highest consideration to the requirement for the most expeditious collection, transportation, and delivery of important letter mail.

(e) In selecting modes of transportation, the Postal Services shall give highest consideration to the expeditious and economical delivery of mail and a fair and equitable distribution of mail business to carriers providing similar modes of transportation services. Modern methods of transporting mail by containerization and programs designed to achieve overnight transportation of important letter mail to all parts of the Nation shall be a primary goal of postal operations.

(f) In planning and building new postal facilities, the Postal Service shall emphasize the need for plants and equipment designed to create desirable working conditions for officers and employees, a maximum degree of convenience for efficient postal service, proper access to existing and future air and surface transportation facilities, and control of costs.

Mr. DULSKI (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the section be dispensed with, that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. GROSS. Mr. Chairman, reserving the right to object, does the gentleman mean section 102?

Mr. DULSKI. Section 101.

Mr. GROSS. Section 101 which runs to page 293?

Mr. DULSKI. No; to page 158.

Mr. GROSS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The Chair will state that section 101 runs through line 12 on page 158.

Is there objection to the request of the gentleman from New York.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

REVISION OF TITLE 39, UNITED STATES CODE

SEC. 102. Title 39, United States Code, is revised and reenacted and the sections thereof may be cited as "39 U.S.C. § ", as follows:

"TITLE 39—THE POSTAL SERVICE

"Chapter	Sec.
"1. General Provisions	101
"2. Personnel	201
"4. Services	401
"6. Mail Matter	601
"8. Transportation of Mails	801
"10. Finance	1001
"12. Rates and Ratemaking	1201
"14. Private Carriage of Letters	1401
"16. Miscellaneous	1601

"Chapter 1.—GENERAL PROVISIONS

"Sec.
"101. Definitions.
"102. United States Postal Service.
"103. Postmaster General and Deputy Postmaster General.
"104. Seal.
"105. Assistant Postmasters General.
"106. Judicial Officer.
"107. Delegation of Authority.
"108. The Commission on Postal Costs and Revenues.
"109. Procedures of the Commission.
"110. Advisory Council.
"111. General Powers of the Postal Service.
"112. Cooperation with other Government agencies.
"113. Suits by and against the Postal Service.
"114. Application of other laws.
"115. Annual reports.
"116. Reservation of powers.
"117. Labor protection under Postal Service leases.

"§ 101. Definitions

"As used in this title—

" 'Postal Service' means the United States Postal Service established by section 102 of this title.

" 'Postmaster General' means the operating head of the Postal Service as specified in section 103 of this title.

" 'Commission' means the Commission on Postal Costs and Revenues established by section 108 of this title.

" 'Commissioners' means the members of the Commission on Postal Costs and Revenues.

" 'Postal Rate Board' and 'Board' mean the Postal Rate Board established by section 1251 of this title.

" 'Board members' means the members of the Postal Rate Board.

"§ 102. United States Postal Service

"The Post Office Department is reorganized as an independent establishment in the executive branch of the Government known as the United States Postal Service.

"§ 103. Postmaster General and Deputy Postmaster General

"The operating head of the Postal Service is a Postmaster General appointed as specified in subsection (c)(1) of section 108 of this title. Except as otherwise provided by law, the Postmaster General is vested with the functions of all subordinate officers and agencies of the Postal Service. The alternate operating head of the Postal Service is a Deputy Postmaster General appointed as specified in subsection (c)(2) of section 108 of this title.

"§ 104. Seal

"The seal of the Postal Service, filed by the Postmaster General in the office of the Secretary of State, which shall be judicially noticed, shall be affixed to all commissions of officers of the Postal Service and used to authenticate records of the Postal Service.

"§ 105. Assistant Postmasters General

The Postmaster General shall appoint such number of assistant postmasters general as he considers appropriate, one of whom, to be designated as the General Counsel, shall be the legal officer of the Postal Service.

"§ 106. Judicial Officer

"A Judicial Officer, appointed by the Commission, shall perform such quasi-judicial duties, not inconsistent with chapter 12 of this title, as the Commission may designate. He shall be the agency for the purposes of the requirements of chapter 5 of title 5, to the extent that functions are delegated to him by the Commission.

"§ 107. Delegation of Authority

"The Postmaster General may delegate to any subordinate officer, employee, or agency of the Postal Service, with or without power of redelegation, such of the functions vested in him and, except as otherwise provided in this title, in any other officer or employee of the Postal Service as he deems appropriate.

"§ 108. The Commission on Postal Costs and Revenues

"(a) A Commission on Postal Costs and Revenues is established, consisting of eleven members as provided for in this section.

"(b)(1) The President, by and with the advice and consent of the Senate, shall appoint nine members of the Commission. Not more than five presidentially appointed Commissioners shall be from the same political party. The President may remove Commissioners appointed under this paragraph only for inefficiency, neglect of duty, or malfeasance in office. The Commissioners shall be chosen to represent the public interest generally and not as representatives of specific interests connected with the Postal Service.

"(2) The terms of the presidentially appointed Commissioners shall be nine years except that—

"(A) the terms of nine Commissioners first taking office shall expire as designated by the President at the time of the appointment, one at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years, one at the end of five years, one at the end of six years, one at the end of seven years, one at the end of eight years, and one at the end of nine years following the appointment of the first of them; and

"(B) any Commissioner appointed to fill a vacancy before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

"(c)(1) The presidentially appointed Commissioners shall appoint and have discretionary power to remove a tenth member of the Commission who shall serve as Postmaster General. The Postmaster General, who shall have such term as may be fixed by the presidentially appointed Commissioners, shall be a voting member of the Commission except as otherwise provided in this title.

"(2) The presidentially appointed Commissioners and the Postmaster General shall appoint and shall have discretionary power to remove an additional member of the Commission who shall serve as Deputy Postmaster General for such term as the presidentially appointed Commissioners and the Postmaster General may fix. The Deputy Postmaster General shall be a voting member of the Commission except as otherwise provided in this title.

"(d) Except as otherwise provided in this section, each presidentially appointed Commissioner shall receive compensation at the rate of $10,000 per annum and $300 for each meeting of the Commission he attends. Their compensation shall be subject to adjustment under the provisions of chapter 11, title 2. In addition, they shall be reimbursed for necessary travel and subsistence expenses incurred in attending the meetings of the Commission.

"(e)(1) The presidentially appointed Commissioners shall fix the rates of compensation of the Postmaster General and Deputy Postmaster General.

"(2) The Commission shall direct and control the expenditures of the Postal Service, review the practices and policies of the Postal Service, and perform other functions and duties imposed on it by this title.

"(f) Vacancies in the Commission, as long as there are sufficient members to form a quorum, shall not impair the powers of the Commission under this title.

"(g) The Commission shall act upon majority vote of those members who are present, and any six members present shall constitute a quorum for the transaction of business by the Commission, except—

"(1) in the appointment or removal of the Postmaster General, and in setting the compensation of the Postmaster General and Deputy Postmaster General, a favorable vote of an absolute majority of the presidentially appointed Commissioners in office shall be required;

"(2) in the appointment or removal of the Deputy Postmaster General, a favorable vote of an absolute majority of the members in office from among the members serving as Postmaster General and the presidentially appointed Commissioners shall be required; and

"(3) as otherwise provided in this title.

"(h) No officer or employee of the United States may concurrently serve as a member of the Commission, but the presidentially appointed Commissioners may hold any other non-Federal office or employment not inconsistent with their duties to the Postal Service.

"§ 109. Procedures of the Commission

"The Commission may delegate any of its powers to officers and employees of the Postal Service in accordance with rules or regulations adopted by it. The Commission may establish such committees of the Commission, and delegate such powers to any committee, as the Commission determines appropriate to carry out its functions and duties. Delegations to officers, employees, or committees shall not be inconsistent with other provisions of this title; such delegations shall not relieve the Commission of full responsibility for the carrying out of its duties and functions; and any such delegations shall be revocable by the Commission in its exclusive judgment.

"§ 110. Advisory Council

"(a) There shall be a Postal Service Advisory Council, of which the Postmaster General shall be the Chairman and the Deputy Postmaster General shall be the Vice Chairman. The Advisory Council shall have eleven additional members appointed by the President. He shall appoint as such members (1) four persons from among persons nominated by those labor organizations recognized as collective-bargaining representatives for employees of the Postal Service in one or more collective-bargaining units, (2) four persons as representatives of major mail users, and (3) three persons as representatives of the public at large. All such members shall be appointed for terms of two years except that, of those first appointed, two of the members representative of labor organizations and two of the members representative of major postal users and one member representing the public at large shall be appointed for one year terms. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

"(b) The Commission and the Postmaster General shall consult with and receive the advice of the Advisory Council regarding postal rates and services and compensation of employees.

"(c) The members of the Council representative of the public at large shall receive for each meeting of the Board compensation at the daily equivalent of the salary provided by law for level V of the Executive Schedule. All members of the Council shall be reimbursed for necessary travel and subsistence expense in attending meetings of the Council.

"§ 111. General powers of the Postal Service

"The Postal Service shall have the following general powers:

"(1) to sue and be sued in its official name;

"(2) to adopt, amend, and repeal such rules and regulations as it deems necessary to accomplish the objectives of this title;

"(3) to enter into and perform contracts, execute instruments, and determine the character of, and necessity for, its expenditures;

"(4) to determine and keep its own system of accounts and the forms and contents of its contracts and other business documents, except as otherwise provided in this title;

"(5) to acquire in any lawful manner such personal or real property, or any interest therein, as it deems necessary or convenient in the transaction of its business, and to hold, maintain, sell, lease or otherwise dispose of such property or any interest therein; and to provide services in connection therewith and charge therefor;

"(6) to construct, operate, lease, and maintain buildings, facilities, equipment, and other improvements on any property owned or controlled by it, including, without limitation, any property or interest therein transferred to it under section 1002 of this title;

"(7) to accept gifts or donations of services for property, real or personal, as it deems necessary or convenient in the transaction of its business;

"(8) to settle and compromise claims by or against it;

"(9) to exercise, in the name of the United States, the right of eminent domain for the furtherance of its official purposes; and to have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates; and

"(10) to have all other powers incidental, necessary, or appropriate to the carrying on of its functions or the exercise of its specific powers.

"§ 112. Cooperation with other Government agencies

"Executive agencies and independent establishments within the meaning of sections 104 and 105 of title 5 and the Government Printing Office are authorized to furnish goods, property, both real and personal, and personal and nonpersonal services to the Postal Service, and the Postal Service is authorized to furnish such goods, property, and services to them. The furnishing of goods, property, and services pursuant to this section shall be under such terms and conditions, including reimbursability, as the Postmaster General and the head of the agency or establishment concerned shall deem appropriate.

"§ 113. Suits by and against the Postal Service

"(a) The United States district courts shall have original but not exclusive jurisdiction over all actions brought by or against the Postal Service. Any action brought in a State court to which the Postal Service is a party may be removed to the United States district court under the provisions of chapter 89 of title 28.

"(b) The provisions of title 28 relating to service of process, venue, and limitations of time for bringing action in suits in which the United States, its officers or employees are parties, and the rules of procedure adopted under title 28 for suits in which the United States, its officers or employees are parties, shall apply in like manner to suits in which the Postal Service, its officers, or employees are parties.

"(c) The provisions of chapter 171 and all other provisions of title 28 relating to tort claims shall apply to tort claims arising out of activities of the Postal Service.

"(d) The Department of Justice shall furnish the Postal Service such legal representation as it may require pursuant to section 112 of this title, but with the prior consent of the Attorney General the Postal Service may employ attorneys by contract or otherwise to conduct litigation brought by or against the Postal Service or its officers or employees in matters affecting the Postal Service.

"§ 114. Application of other laws

"No Federal law dealing with public, United States or Federal contracts, property, works, officers, employees, or funds, including the provisions of chapters 5 and 7 of title 5, shall apply to the exercise of the powers of the Postal Service except as otherwise provided in this title and except insofar as

such laws remain in force as rules or regulations of the Postal Service, but the following provisions of law shall apply to the Postal Service:

"(1) sections 3333 and 5532, and chapters 71 (Employee Policies) and 73 (Suitability, Security, and Conduct of Employees) of title 5 except that no regulation issued pursuant to such chapters shall apply to the Postal Service unless expressly made so applicable;

"(2) all provisions of title 18 dealing with the Postal Service, the mails and Government officers or employees;

"(3) the following provisions of title 40:

"sections 258a–258e (condemnation proceedings);

"sections 270a–270e (known as the Miller Act);

"sections 276a–276a–7 (known as the Davis-Bacon Act);

"section 276c (wage payments of certain contractors);

"chapter 5 (the Contract Work Hours Standards Act); and

"chapter 15 (the Government Losses in Shipment Act);

"(4) the following provisions of title 41, sections 35–45 (the Walsh-Healey Act), chapter 6 (the Service Contract Act of 1965); and

"(5) sections 2000d, 2000d–1—2000d–4 of title 42 (title VI, the Civil Rights Act of 1964).

"§ 115. Annual reports

"The Postmaster General shall render an annual report to the Commission concerning the operations of the Postal Service under this title. Upon approval thereof, or after making such changes as it considers appropriate, the Commission shall transmit such report to the President and the Congress.

"§ 116. Reservation of powers

"Congress reserves the power to alter, amend or repeal any or all of the sections of this title, but no such alteration, amendment or repeal shall operate to impair the obligation of any contract made by the Postal Service under any power conferred by this title.

"§ 117. Labor protection under Postal Service leases

"(a) A lease agreement by the Postal Service for rent of net interior space in excess of five thousand square feet in any building or facility, or part of a building or facility, to be occupied for purposes of the Postal Service shall include a provision that all laborers and mechanics employed in the construction, modification, alteration, repair, painting, decoration, or other improvement of the building or space covered by the agreement, or improvement at the site of such building or facility, shall be paid wages at not less than those prevailing for similar work in the locality as determined by the Secretary of Labor under section 276a of title 40, relating to section 1 of the Davis-Bacon Act.

"(b) The Postal Service and functions of the Secretary of Labor with respect to labor standards enforcement under Reorganization Plan Numbered 14 of 1950, title 5, appendix, and regulations for contractors and subcontractors under section 276c of title 40, shall apply to the work under subsection (a) of this section.

"(c) Subsection (b) of this section shall not be construed to give the Secretary of Labor authority to direct the cancellation of the lease agreement referred to in subsection (e) of this section.

"Chapter 2.—PERSONNEL

"SUBCHAPTER I—GENERAL PROVISIONS

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"SUBCHAPTER I—GENERAL PROVISIONS

"§ 201. Appointments and promotions

"(a) The Postal Service may appoint and promote such officers, attorneys, agents, and employees and vest them with such powers and duties as it deems necessary. Officers and employees of the Postal Service shall be in the postal career service, which shall be a part of the civil service. Such appointments and promotions shall be in accordance with procedures established by the Postal Service. The Postal Service shall establish procedures, subject to subchapter II of this chapter, to assure its employees of meaningful opportunities for promotion and career development and to assure its employees full protection of their employment rights by guaranteeing them an opportunity for a fair hearing on adverse actions, with representatives of their own choosing. Subject to subsection (b) of this section, the provisions of chapter 75 of title 5 shall apply to employees of the Postal Service except to the extent of any inconsistency with—

"(1) the provisions of any collective bargaining agreement negotiated on behalf of and applicable to them, or

"(2) procedures established by the Postal Service and approved by the Civil Service Commission.

"(b) The Postal Service may hire executives on long-term employment contracts when necessary. Notwithstanding any such contract, the Postal Service may at its discretion and at any time remove any executive employee. Removal, however, shall be without prejudice to the contract rights of the person removed.

"(c)(1) Those provisions of title 5 which were formerly known as the Veterans' Preference Act shall apply to the Postal Service. The provisions of section 459 of title 50, appendix (concerning reemployment rights of former military personnel), shall apply to the Postal Service in the same manner and to the same extent as to private employers. Without compromising its basic mission, the Postal Service shall pursue an employment policy designed to extend opportunity to the disadvantaged and the handicapped.

"(2) Employees of the Postal Service shall be covered by subchapter I of chapter 81 of title 5, relating to compensation for work injuries, as that subchapter may from time to time be amended.

"(d) Notwithstanding sections 5533, 5535, and 5536 of title 5, and any other provision of law, an officer, agent, or employee of the United States Government, is eligible to serve and receive the compensation both as such officer, agent, or employee and as officer, agent, or employee of the Postal Service other than as a member of the Commission.

"§ 202. Oath of office

"Before entering upon their duties and before receiving any salary, the members of the Commission and all persons employed by the Postal Service shall take and subscribe the following oath or affirmation:

"'I ———, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.'

A person authorized to administer oaths by the laws of the United States, including section 2903 of title 5, or of a State or territory, or an officer, civil or military, holding a commission under the United States or any officer or employee of the Postal Service designated by the Postmaster General may administer and certify the oath or affirmation.

"§ 203. Employees of the Post Office Department

"(a) Employees of the Post Office Department on the effective date of this section shall remain employees of the Postal Service under the terms of this title. The provisions of this section shall be inapplicable to the Postmaster General, the Deputy Postmaster General, the Assistant Postmasters General and General Counsel of the Post Office Department, but nothing in this section shall make such persons ineligible for employment by the Postal Service.

"(b) Sick and annual leave, and compensatory time of such employees whether accrued prior to or after commencement of operations of the Postal Service shall be obligations of the Postal Service pursuant to the provisions of this chapter.

"(c) Compensation, benefits, and other terms and conditions of employment in effect immediately prior to the effective date of this section, whether provided by statute or by rules and regulations of the Post Office Department or the executive branch of the Government, will continue to apply to employees of the Postal Service, until changed by the Postal Service, in accordance with subchapter II of this chapter. Subject to the provisions of section 206 of this title, the provisions of subchapter I of chapter 85, and chapters 87 and 89 of title 5, shall apply to employees of the Postal Service, unless varied, added to, or substituted for pursuant to this subsection. No variation, addition, or substitution with respect to fringe benefits shall result in a program of fringe benefits which on the whole is less favorable to the employees than fringe benefits in effect on the effective date of this section, and as to employees for whom there is a collective-bargaining representative no such variation, addition or substitution shall be made except by agreement between the collective-bargaining representative and the Postal Service.

"(d) Any employee of the United States Post Office Department on the effective date of this section shall be eligible to transfer, at the same or a higher grade, to any position within the United States Government which is open and for which such employee shall be qualified. The Postal Service shall cooperate with the Civil Service Commission in placing such employees.

"§ 204. Retirement rights

"Employees of the Postal Service shall be covered by chapter 83 of title 5 relating to the civil service retirement program, as that chapter may from time to time be amended. The Postal Service shall withhold from pay and shall pay into the Civil Service Retirement and Disability Fund the amount specified in chapter 83 of title 5. The Postal Service upon request by the Civil Service Commission, but not less frequently than annually, shall pay to the Civil Service Commission the costs reasonably related to administration or fund activities for employees of the Postal Service.

"§ 205. Policy on compensation and benefits

"It shall be the policy of the Postal Service

to maintain for each wage area compensation and benefits for all employees on a standard of comparability to the compensation and benefits paid for comparable levels of work in the private sector of the economy in the corresponding wage area. The Postal Service, consistent with subchapter II of this chapter and collective bargaining agreements, shall define the boundaries of each wage area. It shall be the policy of the Postal Service to provide adequate and reasonable differentials in rates of pay between employees in the clerk and carrier grades in the line work force and supervisory and managerial employees. The Postal Service shall, in carrying out this policy, fix salary levels for the type of first line supervisors now in PFS 7 at a level which is not less than a level approximately as much higher as their rates of pay now exceed those in present grade PFS 5. There shall be appropriate and reasonable differentials between PFS 7 and 8 and between all higher grades similar to those in effect on the day immediately before the date of enactment of this section.

"§ 206. Terms of employment

"(a) Compensation, benefits, and other terms and conditions of employment shall be determined by the Postal Service, consistent with subchapter II of this chapter, but no officer or employee shall be paid compensation at a rate in excess of the rate for level I of the Executive Schedule.

"(b) The Postal Service shall have the right consistent with subchapter II of this chapter and applicable laws, regulations, and collective-bargaining agreements—

"(1) to direct employees of the Postal Service in the performance of official duties;

"(2) to hire, promote, transfer, assign and retain employees in positions within the Postal Service, and to suspend, demote, discharge, or take other disciplinary action against employees;

"(3) to relieve employees from duties because of lack of work or for other legitimate reasons;

"(4) to maintain the efficiency of the operations entrusted to it;

"(5) to determine the methods, means, and personnel by which such operations are to be conducted; and

"(6) to take whatever actions may be necessary to carry out its mission in situations of emergency.

"(c) No individual who is a member of a religious sect, or division thereof, the established and traditional tenets or teaching of which oppose a requirement that a member of such sect or division join or financially support any labor organization, may be required to join or financially support any labor organization as a condition of employment if such individual pays to the Treasurer of the United States a sum equal to the initiation fees and periodic dues uniformly required as a condition of acquiring and retaining membership in a labor organization which is representative of the employee unless said individual and said labor organization mutually agree upon some other condition of employment.

"§ 207. Political influence; prohibition

"(a) Notwithstanding any other provision of law, but subject to subsection (e) of this section, each appointment, promotion, assignment, transfer, or designation, interim or otherwise, of an officer or employee in the Postal Service (except members of the Commission) shall be made without regard to any recommendation or statement, oral or written, with respect to any person who requests, or is under consideration for such appointment, promotion, assignment, transfer, or designation made by—

"(1) any Member of the Senate or House of Representatives (including the Resident Commissioner from Puerto Rico);

"(2) any elected official of the government of any State (including the Commonwealth of Puerto Rico) or of any county, city, or other political subdivision of such State or Commonwealth;

"(3) any official of a national political party or of a political party of any State (including the Commonwealth of Puerto Rico), county, city, or other subdivision of such State or Commonwealth; or

"(4) any other individual or organization.

"(b) Notwithstanding any other provision of law but subject to subsection (e) of this section, a person or organization referred to in subparagraph (1), (2), (3), or (4) of subsection (a) of this section is hereby prohibited from making or transmitting to the Postmaster General, or to any other officer or employee of the Federal Government, any recommendation or statement, oral or written, with respect to any person who requests, or is under consideration for any such appointment, promotion, assignment, transfer, or designation. The Postal Service and any officer or employee of the Federal Government, subject to subsection (e) of this section—

"(1) shall not solicit, request, consider, or accept any such recommendation or statement; and

"(2) shall return any such recommendation or statement, if written, received by him, appropriately marked as in violation of this section, to the person or organization making or transmitting the same.

"(c) A person who requests, or is under consideration for any such appointment, promotion, assignment, transfer, or designation is hereby prohibited from requesting or soliciting any such recommendation or statement from any person or organization within the purview of subparagraph (1), (2), (3), or (4) of subsection (a) of this section. Any such person making such solicitation or request, knowing the same to be in violation of this subsection, is disqualified for the appointment, promotion, assignment, transfer, or designation concerned.

"(d) Each employment form of the Postal Service used in connection with any such appointment, promotion, assignment, transfer, or designation shall contain appropriate language in boldface type informing all persons concerned of the provisions of this section. During the time any such appointment, promotion, assignment, transfer, or designation is under consideration, appropriate notice of the provisions of this section printed in boldface type shall be posted in the post office concerned.

"(e) This section shall not be held or considered to prohibit—

"(1) the solicitation, acceptance, and consideration by the Postal Service or any authorized officer or employee of the Federal Government, or

"(2) the furnishing and transmission to the Postal Service or such authorized officer or employee by any other individual or organization

of any statement with respect to a person who requests, or is under consideration for, appointment, promotion, assignment, transfer, or designation, if—

"(A) the statement is furnished pursuant to a request or requirement of the Postal Service and consists solely of evaluation of the work performance, ability, aptitude, and general qualifications of an employee in the postal service who is under consideration for appointment, promotion, assignment, transfer, or designation;

"(B) the statement is furnished by an individual or organization referred to in subparagraph (4) of subsection (a) of this section pursuant to a request made by an authorized representative of the Federal Government solely in order to determine whether the person who requests, or is under consideration for, appointment, promotion, assignment, transfer, or designation meets the loyalty, suitability, and character requirements for employment with the Federal Government; or

"(C) the statement is furnished by a former employer of the person who requests, or is under consideration for, appointment, promotion, assignment, transfer, or designation, pursuant to a request of the Postal Service, and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of such person during his employment with such former employer.

"(f) The provisions of this section shall not have any effect on the right of an employee to petition Congress as authorized by section 7102 of title 5.

"§ 208. Organizations of supervisory personnel

"(a) The Postal Service shall provide a program for consultation with recognized organizations of officers and employees of the Postal Service other than those subject to collective-bargaining agreements under subchapter II of chapter 2 of this title. Such organizations, upon presentation of evidence satisfactory to the Postmaster General that their membership constitutes a substantial percentage of all officers and employees in their occupations or positions, shall be entitled to consult directly with respect to pay policies and schedules, fringe benefit programs, and other programs relating to employees in such occupations.

"(b) The Postal Service shall accord recognition to an organization of supervisors which represents a majority of supervisory employees. The organization of supervisors may include administrative, professional, and technical employees below the level, or below the comparable level, of the position of General Superintendent of the largest Postal Transportation Division and Assistant Postmaster of the largest first-class post office.

"(c) Representatives of an organization of supervisors recognized under subsection (b) shall be entitled to act for and make agreements covering all supervisory, administrative, professional, and technical employees of the national and local installation levels and shall be responsible for representing the interests of all such employees. Such organization shall have the right to participate directly with the Postal Service in the formulation, implementation, and modification of personnel policies and practices, fringe benefits, and all other matters, except rates of pay, affecting the conditions of employment of such employees. The Postal Service and such organization, through appropriate officials and representatives, shall meet at reasonable times for the purpose of consultation.

"(d) In the event the parties fail to reach an agreement under subsection (c) of this section, the dispute will be resolved by a panel consisting of three members, one appointed by the Chairman of the Civil Service Commission, one appointed by the Secretary of Labor, and one appointed by the Director of the Federal Mediation and Conciliation Service.

"(e) The panel established by subsection (d) of this section shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims and an opportunity to present their case in person, by counsel or by other representative, as they may elect. The panel shall submit its recommendation to the Postmaster General. The Postmaster General shall place the recommendation into effect unless he determines it would be contrary to the efficiency and the good operation of the Postal Service. In the event the Postmaster General does not place the recommendation into effect, he shall file a report on such action with the Post Office and Civil Service Committees of the House of Representatives and the Senate, together with his reasons for not implementing the recommendation.

"§ 209. Seniority of rural carriers

"(a) Unless varied by the terms of a collective-bargaining agreement between the Postal Service and the bargaining representative of affected rural carriers, the Postal Service shall recognize the seniority status

of rural carriers in accordance with the provisions of subsections (b)–(d) of this section.

"(b) The seniority status of a rural carrier commences on the day of appointment as a regular rural carrier. Upon voluntary transfer from one office to another, or another branch of the service into the rural delivery service, the relative seniority of the transferee commences on the day he enters the rural delivery service of the office to which transfer is made.

"(c) A rural carrier shall be assigned by the Postal Service to the least desirable route upon entering the service and shall rise to the more desirable routes by seniority.

"(d) The Postal Service shall base promotions and preferential assignments in the rural delivery service upon seniority and ability. If ability be sufficient, seniority shall govern.

SUBCHAPTER II—LABOR-MANAGEMENT RELATIONS

"§ 221. Definition

"As used in this subchapter, 'guards' means—

"(1) maintenance guards, being employees employed by the Postal Service on the effective date of this chapter in Key Position KP–5, under the provisions of former section 3514 of this title, and

"(2) security guards, being employees in a classification which may be established in the Postal Service and whose primary duties shall include the exercise of authority to enforce rules to protect the safety of property, mail, or persons on the premises of the Postal Service.

"§ 222. Applicability of National Labor Relations Act

"Labor-management relations shall, to the extent not inconsistent with provisions of this title, be subject to the provisions of subchapter II of chapter 7 (the National Labor Relations Act, as amended) of title 29.

"§ 223. Bargaining units

"The National Labor Relations Board shall decide in each case the unit appropriate for collective bargaining in the Postal Service: *Provided*, That the National Labor Relations Board shall not include in any bargaining unit—

"(i) any management official or supervisor;

"(ii) any employee engaged in personnel work in other than a purely nonconfidential clerical capacity;

"(iii) both professional employees and employees who are not professional employees unless a majority of such professional employee vote for inclusion in such unit; or

"(iv) together with other employees, any individual employed as a security guard to enforce against employees and other persons, rules to protect property of the Postal Service or to protect the safety of property, mail, or persons on the premises of the Postal Service; but no labor organization shall be certified as the representative of employees in a bargaining unit of security guards if such organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, or is affiliated directly or indirectly with an organization which admits to membership employees other than guards.

"§ 224. Recognition of labor organizations

"(a) The Postal Service shall accord exclusive recognition to a labor organization when the organization has been selected by a majority of the employees in an appropriate unit as their representative.

"(b) Agreements and supplements in effect on the date of enactment of this section covering employees in the Post Office Department, shall continue to be recognized by the Postal Service until altered or amended pursuant to law.

"(c) When a petition has been filed, in accordance with such regulations as may be prescribed by the National Labor Relations Board—

"(1) by an employee, a group of employees, or any labor organization acting in their behalf, alleging that (A) a substantial number of employees wish to be represented for collective bargaining by a labor organization and that the Postal Service declines to recognize such labor organization as the representative; or (B) the labor organization which has been certified or is being currently recognized by the Postal Service as the bargaining representative is no longer a representative; or

"(2) by the Postal Service, alleging that one or more labor organizations has presented to it a claim to be recognized as the representative;

the National Labor Relations Board shall investigate such petition and, if it has reasonable cause to believe that a question of representation exists, shall provide for an appropriate hearing upon due notice. Such hearing may be conducted by an officer or employee of the National Labor Relations Board, who shall not make any recommendations with respect thereto. If the National Labor Relations Board finds upon the record of such hearing that such a question of representation exists, it shall direct an election by secret ballot and shall certify the results thereof.

"(d) A petition filed under subsection (c) (1) of this section shall be accompanied by a statement signed by at least 30 per centum of the employees in the appropriate unit stating they desire that an election be conducted for the purpose set forth in such subsection.

"(e) Nothing in this section shall be construed to prohibit the waiving of hearings by stipulation for the purpose of a consent election in conformity with regulations and rules of decision of the National Labor Relations Board.

"§ 225. Elections

"(a) All elections authorized under section 224 of this title shall be conducted under the supervision of the National Labor Relations Board, or persons designated by it, and shall be by secret ballot. Each employee eligible to vote shall be provided the opportunity to choose the labor organization he wishes to represent him, from among those on the ballot, or 'no union'.

"(b) In any election where none of the choices on the ballot receives a majority, a runoff shall be conducted, the ballot providing for a selection between the two choices receiving the largest and second largest number of valid votes cast in the election. In the event of a tie vote, additional runoff elections shall be conducted until one of the choices has received a majority of the votes.

"(c) No election shall be held in any bargaining unit within which, in the preceding twelve-month period, a valid election has been held.

"§ 226. Deductions of dues

"(a) When a labor organization holds exclusive recognition, or when an organization of personnel not subject to collective bargaining agreements has consultant rights under section 208 of this title, the Postal Service shall deduct the regular and periodic initiation fees, dues, and assessments of the organization from the pay of all members of the organization in the unit of recognition if the Post Office Department or the Postal Service has received from each employee, on whose account such deductions are made, a written assignment which shall be irrevocable for a period of not more than one year.

"(b) Any agreement in effect immediately prior to the enactment of this section between the Post Office Department and any organization of postal employees which provides for deduction by the Department of the regular and periodic initiation fees, dues, and assessments of the organization from the pay of its members, shall continue in full force and effect and the obligation for such deductions shall be assumed by the Postal Service. No such deduction shall be made from the pay of any employee except on his written assignment, which shall be irrevocable for a period of not more than one year.

"§ 227. Collective-bargaining agreements

"(a) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 224 of this title shall be effective for not less than 2 years.

"(b) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 224 may include any procedures for resolution by the parties of grievances and adverse actions arising under the agreement, including procedures culminating in binding third-party arbitration, or the parties may adopt any such procedures by mutual agreement in the event of a dispute.

"(c) The Postal Service and bargaining representatives recognized under section 224 may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

"§ 228. Labor disputes

"(a) If there is a collective-bargaining agreement in effect, no party to such agreement shall terminate or modify such agreement unless the party desiring such termination or modification serves written notice upon the other party to the agreement of the proposed termination or modification not less than 90 days prior to the expiration date thereof, nor not less than 90 days prior to the time it is proposed to make such termination or modification. The party serving such notice shall notify the Federal Mediation and Conciliation Service of the existence of a dispute within 45 days of such notice, provided no agreement has been reached by that time.

"(b) In the event the parties fail to reach agreement or to adopt a procedure providing for a binding resolution of a dispute by the expiration date of the agreement in effect, or the date of the proposed termination or modification, the Director of the Federal Mediation and Conciliation Service shall direct the establishment of a factfinding panel which shall consist of 3 persons. For this purpose, he shall submit to the parties a list of not less than 15 names, from which list each party, within 10 days, shall select one person. The 2 so selected shall then choose from the list a third person who shall serve as chairman of the factfinding panel. If either of the parties fails to select a person or if the 2 members are unable to agree on the third person within 3 days, the selection shall be made by the Director. The factfinding panel shall after due investigation issue a report of its findings, with or without recommendations, to the parties no later than 45 days from the date the list of names was submitted.

"(c) (1) In the event no agreement is reached within 90 days after the expiration or termination of the agreement or date on which the agreement became subject to modification pursuant to subsection (b) of this section, or if the parties decide upon arbitration but do not agree upon the procedures therefor, an arbitration board shall be established consisting of 3 members, not members of the factfinding panel, one of whom shall be selected by the Postal Service, one by the bargaining representative of the employees, and the third by the two thus selected. If either of the parties fails to select a member, or if the members chosen by the parties fail to agree on the third person within 5 days after their first meeting, the selection shall be made by the Director. In the event the parties

do not agree on the framing of the issues to be submitted, the factfinding panel shall frame the issues and submit them to the arbitration board.

"(2) The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 45 days after its appointment.

"(3) Costs of the arbitration board and factfinding panel shall be shared equally by the Postal Service and the bargaining representative.

"(d) In the case of a bargaining unit whose recognized collective-bargaining representative does not have an agreement with the Postal Service, if the parties fail to reach agreement within 90 days of the commencement of collective bargaining, a factfinding panel will be established in accordance with the terms of section 228(b), unless the parties have previously agreed to another procedure for a binding resolution of their difference. If the parties fail to reach agreement within 180 days of the commencement of collective bargaining, and if they have not agreed to another procedure for binding resolution, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the terms of section 228(c).

"§ 229. Suits

"(a) The courts of the United States shall have jurisdiction in respect to actions by the National Labor Relations Board under this title to the same extent that they have jurisdiction in respect to actions under title 29.

"(b) Suits for violation of contracts between the Postal Service and a labor organization representing Postal Service employees, or between any such labor organizations, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy.

"(c) A labor organization and the Postal Service shall be bound by the authorized acts of their agents. Any labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. Any money judgment against a labor organization in a district court of the United States shall be enforcible only against the organization as an entity and against its assets, and shall not be enforcible against any individual member or his assets.

"(d) For the purposes of actions and proceedings by or against labor organizations in the district courts of the United States, district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal offices, or (2) in any district in which its duly authorized officers or agents are engaged in representing or acting for employee members.

"(e) The service of summons, subpena, or other legal process of any court of the United States upon an officer or agent of a labor organization, in his capacity as such, shall constitute service upon the labor organization.

"§ 230. Labor-management reporting and disclosure

"The provisions of chapter 11 of title 29 shall be applicable to labor organizations that have or are seeking to attain recognition under section 224 of this title, and to such organizations' officers, agents, shop stewards, other representatives, and members to the extent to which such provisions would be applicable if the Postal Service were an employer under section 402 of title 29: *Provided, however,* That in addition to the authority conferred on him under section 438 of title 29, the Secretary of Labor shall have authority, by regulation issued with the written concurrence of the Postmaster General, to prescribe simplified reports for any such labor organization. The Secretary of Labor may revoke such provision for simplified forms of any such labor organization if he determines, after such investigation as he deems proper and after due notice and opportunity for a hearing, that the purposes of this chapter and of chapter 11 of title 29 would be served thereby.

"Chapter 4.—SERVICES

"Sec.
"401. General duties.
"402. Specific powers.
"403. Service classifications and mailable matter.
"404. Postal services at Armed Forces installations.
"405. International postal arrangements.
"406. Small post office closings.

"§ 401. General duties

"(a) The Postal Service shall plan, develop, promote, and provide adequate and efficient postal service at fair and reasonable rates and fees. Except as provided in the Canal Zone Code, the Postal Service shall receive, transmit, and deliver throughout the United States, its territories and possessions, and, pursuant to arrangements entered into under sections 112 and 404 of this title, throughout the world, written and printed matter, parcels, and like materials and provide such other services incidental thereto as it finds appropriate to its functions and in the public interest. It shall serve as nearly as practicable the entire population of the United States.

"(b) It shall be the responsibility of the Postal Service—

"(1) to maintain an efficient system of collection, sorting, and delivery of the mail nationwide;

"(2) to provide types of mail service to meet the needs of different categories of mail and mail users; and

"(3) to establish and maintain postal facilities of such character and in such locations that postal patrons throughout the Nation will, consistent with reasonable economies of postal operations, have ready access to essential postal services.

"(c) In providing services and in establishing classifications, rates, and fees pursuant to this title, the Postal Service shall not, except as specifically authorized in this title, make any undue or unreasonable discrimination among users of the mails, nor shall it grant any undue or unreasonable preferences to any such user.

"§ 402. Specific powers

"Without limitation of the generality of its powers, the Postal Service shall have the following specific powers, among others:

"(1) to provide for the collection, handling, transportation, delivery, forwarding, returning, and holding of mail, and for the disposition of undeliverable mail;

"(2) to prescribe, in accordance with this title, the amount of postage and the manner in which it is to be paid;

"(3) to determine the need for post offices, postal and training facilities and equipment, and to provide such offices, facilities, and equipment as it determines are needed;

"(4) to provide and sell postage stamps and other stamped paper, cards and envelopes and to provide such other evidences of payment of postage and fees as may be necessary or desirable;

"(5) to provide philatelic services;

"(6) to provide, establish, change, or abolish special, nonpostal, or similar services; and

"(7) to investigate postal offenses and civil and administrative matters related to the Postal Service and postal services, and to pay rewards in connection therewith.

"§ 403. Service classifications and mailable matter

"(a) Subject to chapter 12 of this title, the Postal Service may establish classifications of service and promulgate reasonable rules and regulations concerning the preparation of matter for mailing and the mailing thereof. The Postal Service shall not, except during emergencies, refuse to accept for mailing any matter weighing less than forty pounds, having a size not in excess of eighty-four inches in girth and length combined, unless it is nonmailable under the provisions of chapter 6 of this title or other law; but it may levy a charge therefor, established under the provisions of chapter 12 of this title, which reflects the failure of the mailer to conform to the regulations established under this title

"(b)(1) Except as provided in paragraph (2) of this subsection, the maximum weight of any parcel shall not exceed forty pounds, and the maximum size of any parcel shall not exceed—

"(i) seventy-eight inches in girth and length combined on parcels mailed before July 1, 1971; and

"(ii) eighty-four inches in girth and length combined on parcels mailed on or after July 1, 1971.

"(2) The maximum size on parcels is one hundred inches in girth and length combined, and the maximum weight is seventy pounds for parcels—

"(i) mailed at, or addressed for delivery at, an office that would have been a second-, third-, or fourth-class post office under former section 702 of this title or on a rural or star route;

"(ii) containing baby fowl, live plants, trees, shrubs, or agricultural commodities but not the manufactured products of those commodities;

"(iii) not mailed at zone rates of postage other than the zone rates which are applicable to correspondence and similar matter;

"(iv) addressed to or mailed at any Armed Forces post office outside the fifty States; and

"(v) addressed to or mailed in the Commonwealth of Puerto Rico, the States of Alaska and Hawaii, or a possession of the United States, including the Canal Zone and the Trust Territory of the Pacific Islands.

"§ 404. Postal services at Armed Forces installations

"(a) The Postal Service may establish branch post offices at camps, posts, bases, or stations of the Armed Forces and at defense or other strategic installations.

"(b) The Secretaries of Defense and Transportation shall make arrangements with the Postmaster General to perform postal services through personnel designated by them at or through branch post offices established under subsection (a) of this section.

"§ 405. International postal arrangements

"(a) For the purpose of making better postal arrangements with other countries, the Postal Service, by and with the advice and consent of the President, may negotiate and conclude postal treaties or conventions, and may reduce or increase the rates of postage or other charges on mail matter conveyed between the United States and other countries. The decisions of the Commission construing or interpreting the provisions of any treaty or convention which has been or may be negotiated and concluded shall, if approved by the President, be final and conclusive upon all officers of the United States.

"(b) The Postal Service may make arrangements with other governments for the exchange of sums of money by means of postal orders. The Commission shall fix limitations on the amount which may be so exchanged and the rates of exchange.

"§ 406. Small post office closings

"No small post office shall be closed solely for operating at a deficit, it being the intent of the Congress that effective postal service be insured to residents of both urban and rural communities.

"Chapter 6.—MAIL MATTER

"NONMAILABLE MATTER

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"NONMAILABLE MATTER

"§ 601. Nonmailable matter

"(a) Matter the deposit of which in the mails is punishable under section 1302, 1341, 1342, 1461, 1463, 1714, 1715, 1716, 1717, or 1718 of title 18 is nonmailable.

"(b) Nonmailable matter which reaches the office of delivery, or which may be seized or detained for violation of law, shall be disposed of as the Postal Service directs.

"(c) Matter otherwise legally acceptable in the mails which—

"(1) is in the form of, and reasonably could be interpreted or construed as, a 'bill, invoice, or statement of account due; but

"(2) constitutes, in fact, a solicitation for the order by the addressee of goods or services, or both;

is nonmailable matter, shall not be carried, or delivered by mail, and shall be disposed of as the Postal Service directs, unless such matter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postal Service shall prescribe—

"(A) the following notice: 'This is a solicitation for the order of goods and/or services and not a bill, invoice, or statement of account due. You are under no obligation to make any payments on account of this offer unless you accept this offer'; or

"(B) in lieu thereof, a notice to the same effect in words which the Postal Service may prescribe.

"(d) Any matter is nonmailable which exceeds the prescribed size and weight limits or is of a character perishable within the period required for transportation and delivery.

"(e) Except as otherwise provided by law, proceedings concerning the mailability of matter under this chapter and chapters 71 and 83 of title 18 shall be conducted in accordance with chapters 5 and 7 of title 5.

"§ 602. Nonmailable motor vehicle master keys

"(a) Except as provided in subsection (b) of this section, any motor vehicle master key, any pattern, impression, or mold from which a motor vehicle master key may be made, and any advertisement for the sale of any such key, pattern, impression, or mold, is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs.

"(b) The Postal Service is authorized to make such exemptions from the provisions of subsection (a) of this section as it deems necessary.

"(c) For the purposes of this section, 'motor vehicle master keys' means any key (other than the key furnished by the manufacturer with the motor vehicle, or the key furnished with a replacement lock, or an exact duplicate of such keys) designed to operate two or more motor vehicle ignition, door, or trunk locks of different combinations.

"§ 603. Mail bearing a fictitious name or address

"(a) Upon evidence satisfactory to the Postal Service that any person is using a fictitious, false, or assumed name, title, or address in conducting, promoting, or carrying on or assisting therein, by means of the postal service of the United States, an activity in violation of section 1302, 1341, or 1342 of title 18, the Postal Service may—

"(1) withhold mail so addressed from delivery; and

"(2) require the party claiming the mail to furnish proof to it of the claimant's identity and right to receive the mail.

"(b) The Postal Service may issue an order directing that mail, covered by subsection (a), be forwarded to a dead letter office as fictitious matter, or be returned to the sender when the—

"(1) party claiming the mail fails to furnish proof of his identity and right to receive the mail; or

"(2) the Postal Service is satisfied that the mail is addressed to a fictitious, false, or assumed name, title, or address.

"§ 604. Delivery of mail to persons not residents of the place of address

"Whenever the Postal Service is satisfied that letters or parcels sent in the mail are addressed to places not the residence or regular business address of the person for whom they are intended, to enable the person to escape identification, it may deliver the mail only upon identification of the person so addressed.

"§ 605. False representations; lotteries

"(a) Upon evidence satisfactory to the Postal Service that any person is engaged in conducting a scheme or device for obtaining money or property through the mail by means of false representations, or is engaged in conducting a lottery, gift enterprise, or scheme for the distribution of money or of real or personal property, by lottery, chance, or drawing of any kind, the Postal Service may issue an order which—

"(1) directs any postmaster at an office at which registered or certified letters or other letters or mail arrive, addressed to such a person or to his representative, to return such letters or mail to the sender appropriately marked as in violation of this section, if such person, or his representative, is first notified and given reasonable opportunity to be present at the receiving post office to survey such letters or mail before the postmaster returns such letters or mail to the sender; and

"(2) forbids the payment by a postmaster to such a person or his representative of any money order drawn to the order of either and provide for the return to the remitters of the sum named in the money order.

"(b) The public advertisement by a person engaged in activities covered by subsection (a) of this section that remittances may be made by mail to a person named in the advertisement is prima facie evidence that the letter is the agent or representative of the advertiser for the receipt of remittances on behalf of the advertiser. The Postal Service is not precluded from ascertaining the existence of the agency in any other legal way satisfactory to it.

"(c) As used in this section and section 606 of this title, the term 'representative' includes an agent or representative acting as an individual or as a firm, bank, corporation, or association of any kind.

"§ 606. 'Unlawful' matter

"Upon evidence satisfactory to the Postal Service that a person is obtaining or attempt to obtain remittances of money or property of any kind through the mail for an obscene, lewd, lascivious, indecent, filthy, or vile article, matter, thing, device, or substance, or is depositing or causing to be deposited in the United States mail information as to where, how, or from whom the same may be obtained, the Postal Service may—

"(1) direct postmasters at the office at which registered letters or other letters or mail arrive, addressed to such a person or to his representative, to return the registered letters or other letters or mail to the sender marked 'Unlawful'; and

"(2) forbid the payment by a postmaster to such a person or his representative of any money order drawn to the order of either and provide for the return to the remitters of the sums named in the money orders.

"§ 607. Detention of mail for temporary periods

"(a) In preparation for or during the pendency of proceedings under sections 605 and 606 of this title, the United States district court in the district in which the defendant receives his mail, shall upon application therefor by the Postal Service and upon a showing of probable cause to believe the statute is being violated, enter a temporary restraining order and preliminary injunction pursuant to rule 65 of the Federal Rules of Civil Procedure directing the detention of the defendant's incoming mail by the postmaster pending the conclusion of the statutory proceedings and any appeal therefrom. The district court may provide that the detained mail be open to examination by the defendant and such mail delivered as is clearly not connected with the alleged unlawful activity. An action taken by a court under this section does not affect or determine any fact at issue in the statutory proceedings.

"(b) This section does not apply to mail addressed to publishers of publications entitled to the periodical publication rate, or to mail addressed to the agents of these publishers.

"§ 608. Prohibition of pandering advertisements in the mails

"(a) Whoever for himself, or by his agents or assigns, mails or causes to be mailed any pandering advertisement which offers for sale matter which the addressee in his sole discretion believes to be erotically arousing or sexually provocative shall be subject to

an order of the Postal Service to refrain from further mailings of such materials to be designated addressees thereof.

"(b) Upon receipt of notice from an addressee that he has received such mail matter, determined by the addressee in his sole discretion to be of the character described in subsection (a) of this section, the Postal Service shall issue an order, if requested by the addressee, to the sender thereof, directing the sender and his agents or assigns to refrain from further mailings to the named addressees.

"(c) The order of the Postal Service shall expressly prohibit the sender and his agents or assigns from making any further mailings to the designated addressees, effective on the thirtieth calendar day after receipt of the order. The order of the Postal Service shall also direct the sender and his agents or assigns to delete immediately the names of the designated addressees from all mailing lists owned or controlled by the sender or his agents or assigns and, further, shall prohibit the sender and his agents or assigns from the sale, rental, exchange, or other transaction involving mailing lists bearing the names of the designated addressees.

"(d) Whenever the Postal Service believes that the sender or anyone acting on his behalf has violated or is violating the order given under this section, it shall serve upon the sender, by registered or certified mail, a complaint stating the reasons for its belief and request that any response thereto be filed in writing with the Postal Service within fifteen days after the date of such service. If the Postal Service after appropriate hearing if requested by the sender, and without a hearing if such a hearing is not requested, thereafter determines that the order given has been or is being violated, it is authorized to request the Attorney General to make application, and the Attorney General is authorized to make application, to a district court of the United States for an order directing compliance with such notice.

"(e) Any district court of the United States within the jurisdiction of which any mail matter shall have been sent or received in violation by the order provided for by this section shall have jurisdiction, upon application by the Attorney General, to issue an order commanding compliance with such notice. Failure to observe such order may be punished by the court as contempt thereof.

"(f) Receipt of mail matter thirty days or more after the effective date of the order provided for by this section shall create a rebuttable presumption that such mail was sent after such effective date.

"(g) Upon request of any addressee, the order of the Postal Service shall include the names of any of his minor children who have not attained their nineteenth birthday, and who reside with the addressee.

"(h) The provisions of subchapter II of chapter 5 (relating to administrative procedure) and chapter 7 (relating to judicial review) of title 5, United States Code, shall not apply to any provisions of this section.

"(i) For the purposes of this section—

"(1) mail matter, directed to a specific address covered in the order of the Postal Service, without designation of a specific addressee thereon, shall be considered as addressed to the person named in the order of the Postal Service, and

"(2) the term 'children' includes natural children, stepchildren, adopted children, and children who are wards of or in custody of the addressee or who are living with such addressee in a regular parent-child relationship.

"PENALTY AND FRANKED MAIL

"§ 651. Definitions

"As used in this chapter—

"'Penalty mail' means official mail, other than franked mail, which is authorized by law to be transmitted in the mail without prepayment of postage.

"'Penalty cover' means envelopes, wrappers, labels, or cards used to transmit penalty mail.

"'Frank' means the autographic or facsimile signature of persons authorized by sections 660–666 and 670 of this title to transmit matter through the mail without prepayment of postage or other indicia contemplated by sections 733 and 907 of title 44.

"Franked mail" means mail which is transmitted in the mail under a frank.

"'Members of Congress' includes Senators, Representatives, Delegates, and Resident Commissioners.

"§ 652. Penalty mail

"(a) Subject to the limitations imposed by sections 654–657 of this title, there may be transmitted as penalty mail—

"(1) official mail of—

"(A) officers of the United States Government other than Members of Congress;

"(B) the Smithsonian Institution;

"(C) the Pan American Union;

"(D) the Pan American Sanitary Bureau;

"(E) the United States Employment Service and the system of employment offices operated by it in conformity with the provisions of sections 49–49c, 49d, 49g–49k of title 29, and all State employment systems which receive funds appropriated under authority of those sections; and

"(F) any college officers or other person connected with the extension department of the college as the Secretary of Agriculture may designate to the Postal Service to the extent that the official mail consists of correspondence, bulletins, and reports for the furtherance of the purposes of sections 341–343, 344–348 of title 7;

"(2) mail relating to naturalization to be sent to the Immigration and Naturalization Service by clerks of courts addressed to the Department of Justice or the Immigration and Naturalization Service, or any official thereof;

"(3) mail relating to a collection of statistics, survey, or census authorized by title 13 and addressed to the Department of Commerce or a bureau or agency thereof;

"(4) mail of State agriculture experiment stations pursuant to sections 325 and 361f of title 7; and

"(5) articles for copyright deposited with postmasters and addressed to the Register of Copyrights pursuant to section 15 of title 17.

"(b) A department or officer authorized to use penalty covers may enclose them with return address to any person from or through whom official information is desired. The penalty cover may be used only to transmit the official information and endorsements relating thereto.

"(c) This section does not apply to officers who receive a fixed allowance as compensation for their services, including expenses of postage.

"§ 653. Endorsements on penalty covers

"(a) Except as otherwise provided in this section, penalty covers shall bear, over the words 'Official Business' an endorsement showing the name of the department, bureau, or office from which, or officer from whom, it is transmitted. The penalty for the unlawful use of all penalty covers shall be printed thereon.

"(b) The Postal Service shall prescribe the endorsement to be placed on covers mailed under paragraphs (1)(E), (2), and (3, of section 652(a) of this title.

"§ 654. Restrictions on use of penalty mail

"(a) Except as otherwise provided in this section, an officer, executive department, or independent establishment of the Government of the United States may not mail, as penalty mail, any article or document unless—

"(1) a request therefor has been previously received by the department or establishment; or

"(2) its mailing is required by law.

"(b) Subsection (a) does not prohibit the mailing, as penalty mail, by an officer, executive department, or independent agency of—

"(1) enclosures reasonably related to the subject matter of official correspondence;

"(2) informational releases relating to the census of the United States and authorized by title 13;

"(3) matter concerning the sale of Government securities;

"(4) forms, blanks, and copies of statutes, rules, regulations, instructions, administrative orders, and interpretations necessary in the administration of the department or establishment;

"(5) agricultural bulletins;

"(6) lists of public documents offered for sale by the Superintendent of Documents;

"(7) announcements of the publication of maps, atlases, and statistical and other reports offered for sale by the Federal Power Commission as authorized by section 825k of title 16; or

"(8) articles or documents to educational institutions or public libraries, or to Federal, State, or other public authorities.

"§ 655. Accounting for penalty covers

"Executive departments and agencies, independent establishments of the Government, and organizations and persons authorized by law to use penalty mail, shall account for all penalty covers through the Postal Service as it prescribes.

"§ 656. Reimbursement for penalty mail service

"(a) Except as provided in subsections (b) and (c) of this section, executive departments and agencies, independent establishments of the Government and Government corporations concerned shall transfer to the Postal Service as postal revenue out of any appropriations or funds available to them as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Postal Service for matter sent in the mails by or to them as penalty mail under authority of section 652 of this title.

"(b) The Department of Agriculture shall transfer to the Postal Service as postal revenues out of any appropriation made to it for that purpose the equivalent amount of postage, as determined by the Postal Service for penalty mailings under paragraphs (1)(F) and (4) of subsection (a) of section 652 of this title.

"(c) The Library of Congress shall transfer to the Postal Service as postal revenues out of any appropriation made to it for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under paragraph (5) of subsection (a) of section 652 of this title.

"§ 657. Limit of weight of penalty mail; postage on overweight matter

"(a) Penalty mail is restricted to articles not in excess of the weight and size prescribed for letter mail except—

"(1) stamped paper and supplies sold or used by the Postal Service; and

"(2) books and documents published or circulated by order of Congress when mailed by the Superintendent of Documents.

"(b) A penalty mail article which is—

"(1) over four pounds in weight,

"(2) not in excess of the weight and size prescribed for parcels, and

"(3) otherwise mailable,

is mailable at parcel rates even though it may include written matter and may be sealed. The postage on such an article is payable in the manner prescribed by the Postal Service.

"§ 658. Shipment by most economical means

"Shipments of official matter other than franked mail shall be sent by the most economical means of transportation practicable. The Postal Service may refuse to accept official matter for shipment by mail when in its judgment it may be shipped by other means at less expense, or the Postal Service may

provide for its transportation by freight or express, whenever a saving to the Government will result therefrom without detriment to the public.

"§ 659. Executive departments to supply information

"Persons and governmental organizations authorized to use penalty mail shall supply all information requested by the Postal Service necessary to carry out the provisions of sections 651–658 of this title as soon as practicable after request therefor.

"§ 660. Official correspondence of Vice President and Members of Congress

"The Vice President, Members and Members-elect of Congress, the Secretary of the Senate, and the Sergeant at Arms of the Senate until the 30th day of June following the expiration of their respective terms of office, may send as franked mail—

"(1) matter, not exceeding four pounds in weight, upon official or departmental business, to a Government official; and

"(2) correspondence, not exceeding four ounces in weight, upon official business to any person.

In the event of a vacancy in the office of the Secretary of the Senate or Sergeant at Arms of the Senate, any authorized person may exercise this privilege in the officer's name during the period of the vacancy.

"§ 661. Public documents

"The Vice President, Members of Congress, the Secretary of the Senate, Sergeant at Arms of the Senate, and the Clerk of the House of Representatives, until the 30th day of June following the expiration of their respective terms of office, may send and receive as franked mail all public documents printed by order of Congress.

"§ 662. Congressional Record under frank of Members of Congress

"Members of Congress may send as franked mail the Congressional Record, or any part thereof, or speeches or reports therein contained.

"§ 663. Seeds and reports from Department of Agriculture

"Seeds and agricultural reports emanating from the Department of Agriculture may be mailed—

"(1) as penalty mail by the Secretary of Agriculture; and

"(2) until the 30th day of June following the expiration of their terms of office as franked mail by Members of Congress.

"§ 664. Mailing privileges of former Presidents

"A former President may send all his mail within the United States and its territories and possessions as franked mail.

"§ 665. Lending or permitting use of frank unlawful

"A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This section does not apply to any committee composed of Members of Congress.

"§ 666. Reimbursement for franked mailings

"(a) The postage on mail matter sent and received through the mails under the franking privilege by the Vice President, Members, and Members-elect of Congress, the Secretary of the Senate, Sergeant at Arms of the Senate, and the Clerk of the House of Representatives, including registry fees if registration is required and postage on correspondence sent by the surviving spouse of a Member under section 670 of this title, shall be paid by a lump-sum appropriation to the legislative branch for that purpose, and credited to the Postal Service as postal revenue.

"(b) The postage on mail matter sent through the mails under the franking privilege by former Presidents shall be paid by reimbursement of the postal revenues each fiscal year out of the general funds of the Treasury in an amount equivalent to the postage which would otherwise be payable on the mail matter.

"§ 667. Correspondence of members of diplomatic corps and consuls of countries of Postal Union of the Americas and Spain

"Correspondence of the members of the diplomatic corps of the countries of the Postal Union of the Americas and Spain stationed in the United States may be reciprocally transmitted in the domestic mails free of postage, and be entitled to free registration without right to indemnity in case of loss. The same privilege is accorded consuls and vice consuls when they are discharging the function of consuls of these countries stationed in the United States, or official correspondence among themselves, and with the Government of the United States.

"§ 668. Mailing privilege of members of the United States Armed Forces and of friendly foreign nations

"(a) Letter mail, including postal cards and post cards, and sound-recorded communications having the character of personal correspondence, shall be carried, at no cost to the sender, in the manner provided by section 671 of this title, when mailed by—

"(1) a member of the Armed Forces of the United States on active duty as defined in sections 101(4) and 101(22) of title 10, and addressed to a place within the delivery limits of a United States post office, if—

"(A) the letter or sound-recorded communication is mailed by the member of an Armed Forces post office established under section 404(a) of this title in an oversea, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, or serving with a friendly foreign force in an armed conflict in which the United States is not a belligerent; or

"(B) the member is hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of service in an overseas area designated by the President under clause (A); or

"(2) a member of an armed force of a friendly foreign nation at an Armed Forces post office and addressed to a place within the delivery limits of a United States post office, or a post office of the nation in whose armed forces the sender is a member, if—

"(A) the member is accorded free mailing privileges by his own government;

"(B) the foreign nation extends similar free mailing privileges to a member of the Armed Forces of the United States serving with, or in, a unit under the control of a command of that foreign nation;

"(C) the member is serving with, or in, a unit under the operational control of a command of the Armed Forces of the United States;

"(D) the letter or sound-recorded communication is mailed by the member—

"(i) at an Armed Forces post office established under section 404(a) of this title in an overseas area, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, or serving with a friendly foreign force in an armed conflict in which the United States is not a belligerent; or

"(ii) while hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of services in an overseas area designated by the President under clause (D)(i); and

"(E) the nation in whose armed forces the sender is a member has agreed to assume all international postal transportation charges incurred.

"(b) The Department of Defense shall transfer to the Postal Service as postal revenue, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Commission for matter sent in the mails under authority of subsection (a) of this section.

"(c) Subsections (a) and (b) of this section shall be administered under such conditions, and under such regulations, as the Postal Service and the Secretary of Defense jointly may prescribe.

"§ 669. Mailing privileges of members of United States Armed Forces and of friendly foreign nations in the Canal Zone

"(a) For the purposes of sections 668, 671, and 1201 (c) of this title, each post office in the Canal Zone postal service, to the extent that it provides mail service for members of the United States Armed Forces and of friendly foreign nations, shall be considered to be an Armed Forces post office established under section 404(a) of this title.

"(b) The Department of Defense shall reimburse the postal service of the Canal Zone, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, and sums equal to the expenses incurred by, the postal service of the Canal Zone, as determined by the Governor of the Canal Zone, for matter sent in the mails, and in providing air transportation of mail, under such sections.

"§ 670. Franked mail for surviving spouses of Members of Congress

"Upon the death of a Member of Congress during his term of office, the surviving spouse of such Member may send, for a period not to exceed one hundred and eighty days after his death, as franked mail, correspondence relating to the death of the Member.

"§ 671. Armed Forces mailing privileges

"(a) There shall be transported by air, between Armed Forces post offices established under section 404(a) of this title which are located outside the forty-eight contiguous States of the United States, or between any such Armed Forces post office and the point of embarkation or debarkation within the fifty States of the United States, the territories and possessions of the United States in the Pacific area, the Commonwealth of Puerto Rico, the Virgin Islands, or the Canal Zone, on a space-available basis, on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 1376 of title 49 and as otherwise provided in this title, the following categories of mail matter:

"(1)(A) letter mail (including postal cards and post cards),

"(B) sound-recorded communications having the character of personal correspondence, and

"(C) parcels not exceeding five pounds in weight and sixty inches in length and girth combined,

which are mailed at or addressed to any such Armed Forces post office;

"(2) publications entitled to the periodical publication rate that are published once each week or more frequently and featuring principally current news of interest to members of the Armed Forces and the general public which are mailed at or addressed to any such Armed Forces post office (A) in an overseas area designated by the President under section 668 of this title, or (B) in an isolated, hardship, or combat support area

overseas, or where adequate surface transportation is not available; and

"(3) parcels exceeding five pounds but not exceeding seventy pounds in weight and not exceeding one hundred inches in length and girth combined, including surface-type official mail, which are mailed at or addressed to any such Armed Forces post office where adequate surface transportation is not available.

Whenever adequate service by scheduled United States air carriers is not available to provide transportation of mail matter by air in accordance with the foregoing provisions of this subsection, the transportation of such mail matter may be authorized by aircraft other than scheduled United States air carriers. This subsection shall not affect the operation of section 668(a) of this title.

"(b) Subsection (a) of this section shall be administered under such conditions and regulations as the Postal Service and the Secretary of Defense severally may prescribe to carry out their respective functions thereunder.

"(c) The Department of Defense shall reimburse the Postal Service out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, sums equal to the expenses incurred by the Postal Service as determined by the Postal Service, in providing air transportation for mail mailed at or addressed to Armed Forces post offices established under section 404 of this title, but reimbursement under this subsection shall not include the expense of air transportation (1) for which the Postal Service collects a special charge to the extent the special charge covers the additional expense of air transportation; or (2) that is provided by the Postal Service at the same postage rate or charge for mail which is neither mailed at nor addressed to an Armed Forces post office.

"Chapter 8.—TRANSPORTATION OF MAIL

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"SUBCHAPTER I—GENERAL

"§ 801. Provisions for carrying mail

"The Postal Service shall provide for the transportation of mail by land, air, or water as often as it deems proper under the circumstances subject to the provisions of this chapter.

"§ 802. Transportation of mail of adjoining countries through United States

"The Postal Service, by and with the advice and consent of the President, may make arrangements to allow the mail of countries adjoining the United States to be transported over the territory of the United States from one point in that country to any other point therein, at the expense of the country to which the mail belongs, upon obtaining a like privilege for the transportation of United States mail through the country to which the privilege is granted. The President or the Congress may annul the privilege at any time. The privilege shall terminate one month succeeding the day on which notice of the act of the President or of the Congress is given to the chief executive or head of the post office of the country whose privilege is to be annulled.

"§ 803. Establishment of post roads

"The following are post roads—

"(1) the waters of the United States, during the time the mail is carried thereon;

"(2) railroads or parts of railroads and air routes in operation;

"(3) canals, during the time the mail is carried thereon;

"(4) public roads, highways, and toll roads during the time the mail is carried thereon; and

"(5) letter carrier routes established for the collection and delivery of mail.

"§ 804. Discontinuance of service on post roads

"The Postal Service may discontinue service on a post road or part thereof when, in its opinion—

"(1) the postal service cannot safely be continued;

"(2) the revenues cannot be collected;

"(3) the laws cannot be maintained; or

"(4) the public interest so requires.

"§ 805. Postal Service to provide for mail transportation

"(a) The Postal Service is authorized to obtain mail transportation service—

"(1) from common carriers by rail and motor vehicle as provided in subchapter II of this chapter;

"(2) from air carriers as provided in subchapter III of this chapter;

"(3) from water carriers as provided in subchapter IV of this chapter; and

"(4) by contract under such terms and conditions as it deems appropriate, subject to the provisions of this section.

"(b) Except as otherwise specifically provided by this chapter, contracts for transportation of mail authorized by subsection (a)(4) of this section may be for periods not in excess of four years and may be entered into only after advertising a sufficient time previously for proposals except when the Postal Service determines that the waiver of such advertising requirements is in the public interest.

"(c) Contracts under subsection (a)(4) of this section may be renewed by mutual agreement with the holder and the Postal Service, without advertising and for successive terms of not more than four years each.

"(d) The Postal Service, in determining whether to obtain transportation of mail by carrier under subsection (a)(1) of this section, by contract under subsection (a)(4) of this section, or by Government motor vehicle, shall use the mode of transportation which best serves the public interest, due consideration being given to the cost of the transportation service under each mode.

"§ 806. Lien on compensation of contractor

"(a) A person who—

"(1) performs service for a contractor or subcontractor in the transportation of mail;

"(2) files his contract for service with the Postal Service; and

"(3) files satisfactory evidence of performance with the Postal Service, shall have a lien on money due the contractor or subcontractor for the service.

"(b) The Postal Service may pay the person establishing a lien under subsection (a) of this section the sum due him, when the contractor or subcontractor fails to pay the person the amount of his lien within two months after the expiration of the month in which the service was performed. It shall charge the amount so paid to the contract. The payments may not exceed the annual rate of pay of the contractor or subcontractor.

"§ 807. Free transportation of postal employees

"Each person engaged in the transportation of mail shall carry on any vessel, train, motor vehicle, or aircraft he operates, upon exhibiting their credentials and without extra charge therefor, persons in charge of the mails when on duty and traveling to and from duty.

"SUBCHAPTER II—TRANSPORTATION OF MAIL BY REGULATED SURFACE CARRIER

"§ 825. Definitions

"As used in this subchapter—

"(1) 'carrier' and 'regulated surface carrier' means a railroad, a freight forwarder, a motor carrier, or an express company;

"(2) 'railroad' means a railway common carrier, including an electric urban and interurban railway common carrier;

"(3) 'freight forwarder' means any regulated freight forwarder which holds itself out to the general public as a common carrier to transport or provide transportation of property as authorized by a permit issued by the Interstate Commerce Commission;

"(4) 'motor carrier' means any common carrier by motor vehicle, except a passenger-carrying motor vehicle, within the meaning of section 303(a)(14) of title 49, which holds a certificate of public convenience and necessity issued by the Interstate Commerce Commission; and

"(5) 'express company' means any express company engaged in transportation as a common carrier for hire under section 1(3) of title 49.

"§ 826. Applicability

"This subchapter applies to mail transportation performed by any carrier or combination thereof regardless of the mode of transportation actually used to provide the service.

"§ 827. Authorization of service by carrier

"(a) The Postal Service may establish carrier mail routes and authorize mail transportation service thereon. The term 'mail' as used in this subchapter includes equipment and supplies of the Postal Service.

"(b) A carrier shall transport mail offered for transportation by the Postal Service in the manner, under the conditions, and with the service prescribed by the Postal Service. A carrier is entitled to receive fair and reasonable compensation for the transportation and service connected therewith.

"(c) The Postal Service shall determine the trains or motor vehicles upon which mail shall be transported, except that no carrier shall be compelled to transport mail on any train or vehicle which is operated exclusively for the transportation of passengers and their baggage.

"(d) A carrier shall transport with due speed, on any train or motor vehicle it operates, such mail as the Postal Service directs under this section.

"(e) No carrier shall be required to serve territory it is not otherwise authorized to serve, or to provide service for the Postal Service at less than full cost, or to provide service at a detriment to the carrier or its other customers.

"(f) An order or determination of the Postal Service under this section shall be consistent with the orders of the Interstate Commerce Commission under sections 832 and 833 of this title.

"§ 828. Placement of equipment

"A railroad shall place cars used for full or apartment post office service in position at such times before departure as the Postal Service directs.

"§ 829. Changes in service

"The Postal Service may authorize, according to the need therefor, new or additional mail transportation service by carriers at the rate or compensation fixed pursuant to this subchapter. It may reduce or discontinue service with pro rata reductions in compensation. The Postal Service may not pay for additional service which it has not specifically authorized.

"§ 830. Evidence of service

"A carrier shall submit evidence of its performance of mail transportation service, signed by an authorized official, in such form and at such times as the Postal Service requires. Mail transportation service is considered that of the carrier performing it regardless of the ownership of the property used by the carrier.

"§ 831. Fines and deductions

"(a) The Postal Service may fine any carrier in an amount not to exceed $500 for each day the carrier refuses to perform mail transportation services required by it at rates or compensation established under this subchapter.

"(b) The Postal Service shall fine a carrier an amount it deems reasonable for failure or refusal by that carrier to transport mail as required by the Postal Service under section 827 of this title.

"(c) The Postal Service may make deductions from the compensation of a carrier for failure to perform mail transportation service as required under section 827 of this title. If the failure to perform is due to the fault of the carrier, it may deduct a sum not exceeding three times the compensation applying to such service. Such deductions shall not be made prior to the expiration of sixty days following service upon the carrier by the Postal Service of notice of intention of assessing a fine or making a deduction and of the basis therefor.

"§ 832. Interstate Commerce Commission to fix rates

"(a) The Interstate Commerce Commission shall determine and fix, from time to time, the fair and reasonable rates or compensation for the transportation of mail by carrier and the service connected therewith, and shall prescribe the method of computing such rates or compensation. The Interstate Commerce Commission shall publish its orders stating its determination under this section which shall remain in force until changed by it after notice and hearing.

"(b) For the purpose of determining and fixing rates or compensation under this section, the Interstate Commerce Commission may make just and reasonable classifications of carriers and where just and equitable, fix general rates applicable to carriers in the same classification.

"(c) In determining and fixing fair and reasonable rates or compensation under this section, the Interstate Commerce Commission shall consider the relation between the Government and carriers as public service corporations, and the nature of public service as distinguished, if there is a distinction, from the ordinary transportation business of the carriers.

"(d) Initial rates or compensation for mail transportation service by any carrier or carriers shall be those agreed to by the Postal Service and the carrier or carriers, and such rates or compensation shall continue in effect until such time as the Interstate Commerce Commission fixes the rates or compensation under subsection (a) of this section.

"§ 833. Procedures

"(a) At any time after six months from the entry of an order stating the Interstate Commerce Commission's determination under section 832 of this title, the Postal Service or an interested carrier may apply for a reexamination and substantially similar proceedings as have theretofore been had shall be followed with respect to the rates or compensation for services covered by the application. At the conclusion of the hearing the Interstate Commerce Commission shall enter an order stating its determination.

"(b) Except as authorized by sections 832(d), 834, 835, and 837 of this title, the Postal Service shall pay a carrier the rates or compensation so determined and fixed for application at such stated times as named in the order.

"(c) The Postal Service may file with the Interstate Commerce Commission a comprehensive plan, stating—

"(1) its requirements for the transportation of mail by carrier;

"(2) the character and speed of the trains or motor vehicles which are to carry the various kinds of mail;

"(3) the service, both terminal and en route which carriers are to render;

"(4) what it believes to be the fair and reasonable rates or compensation for the services required; and

"(5) all other information which may be material to the inquiry, but such other information may be filed at any time in the discretion of the Interstate Commerce Commission.

"(d) When a comprehensive plan is filed, the Interstate Commerce Commission shall give notice of not less than thirty days to each carrier required by the Postal Service to transport mail pursuant to such plan. A carrier may file its answer at the time fixed by the Interstate Commerce Commisison, but not later than thirty days after the expiration date fixed by the Interstate Commerce Commission in the notice, and the Interstate Commerce Commission shall proceed with the hearing.

"§ 834. Special rates

"Upon petition by the Postal Service, the Interstate Commerce Commission shall determine and fix carload or truckload, or less than carload or truckload, rates for the transportation of mail not entitled to high priority in transportation. A carrier shall perform the service at the rates so determined when requested to do so and under the conditions prescribed by the Postal Service.

"§ 835. Intermodal transportation

"The Postal Service may permit a carrier to perform mail transportation by any form of transportation it deems appropriate at rates or compensation not exceeding those allowable for similar service by the designated form of transportation.

"§ 836. Statistical studies

"The Postal Service may arrange for weighing and measuring mail transported on carrier mail routes and make other computations for statistical and administrative purposes to carry out the purposes of this chapter.

"§ 837. Special contracts

"The Postal Service may enter into special contracts with carriers, without advertising for bids and for periods not in excess of four years. It may contract to pay lower rates or compensation or, where in its judgment conditions warrant, higher rates or compensation than those determined or fixed by the Interstate Commerce Commission. The fact that the Interstate Commerce Commission has not prescribed rates or compensation for the carrier involved, pursuant to section 832 of this title, shall not preclude execution of a contract under this section. A copy of each such contract shall be on file and open to inspection in the administrative offices of the Postal Service and the Interstate Commerce Commission.

"§ 838. Carrier operations, receipts, and expenditures

"The Postal Service shall request any carrier transporting the mails to furnish, under seal, such data relating to the operations, receipts, and expenditures of such carrier as may, in its judgment, be deemed necessary to enable it to ascertain the cost of mail transportation and the proper compensation to be paid for such service.

"§ 839. Agreements with passenger common carriers by motor vehicle

"The Postal Service may enter into contracts under such terms and conditions as it shall prescribe and without advertising for bids for the transportation of mail, in passenger-carrying motor vehicles, by passenger common carriers by motor vehicles over the regular routes on which the carrier is permitted by law to transport passengers.

"§ 840. Star route certification

"(a) Any person, business, firm, company, corporation, or successor in interest of any such person, business, firm, company, or corporation, who was a contractor under a star route, mail messenger, or contract motor vehicle service contract on the effective date of this title, shall, upon application to the Interstate Commerce Commission for the territory within which such contractor operated on or before the effective date of this Act be issued a certificate of public convenience and necessity as a motor carrier for the transportation of mail by the Interstate Commerce Commission without the Interstate Commerce Commission's requiring further proof that the public convenience and necessity will be served by such operation and without further proceedings.

"(b) Applications of persons who were not contractors on the effective date of this Act shall be decided in accordance with applicable Interstate Commerce Commission procedure.

"SUBCHAPTER III—TRANSPORTATION OF MAIL BY AIR

"§ 851. Rules and regulations

"The Postal Service may make such rules, regulations, and orders not inconsistent with sections 1301–1542 of title 49, or any order, rule, or regulation made by the Civil Aeronautics Board thereunder, as may be necessary for the safe and expeditious carriage of all classes of mail by aircraft.

"§ 852. Fines on air carriers transporting mails

"The Postal Service may impose fines on carriers transporting mail by air on routes extending beyond the borders of the United State for—

"(1) unreasonable or unnecessary delay to mail; and

"(2) other delinquencies in the transportation of mail.

"§ 853. Contracts for transportation of mail by air

"(a) The Postal Service may contract with any certificated air carrier, without advertising for bids, in such manner and under such terms and conditions as it deems appropriate, for the transportation of mail by aircraft between any of the points between which, or within or between the geographical area or areas for which, such air carrier is authorized by the Civil Aeronautics Board to engage in air transportation and such carrier is hereby authorized to transport such mail. The Postal Service may provide in any such contract for the payment of rates or compensation which are not higher than those prescribed pursuant to section 1376 of title 49 for the transportation of mail between the points to be served under the contract and, in the event the transportation under such contract is to be on a space available basis, it may provide for the payment of rates or compensation which are not higher than those contained in tariffs currently in effect and on file with the Civil Aeronautics Board for air transportation of property, other than transportation of mail, on a space available basis. Each such contract shall be filed with the Civil Aeronautics Board for approval and shall become effective unless the Board, within ninety days after filing, disapproves the contract upon a finding that it is not consistent with the public interest as provided by section 1302 of title 49.

"(b) When the Postal Service deems that the transportation of mail by aircraft is required between points between which the Civil Aeronautics Board has not authorized an air carrier to engage in the transportation of mail the Postal Service may contract for such transportation, without advertising for bids, in such manner and under such terms and conditions as it may deem appropriate. The transportation of mail under contracts entered into under this subsection is not, except for purposes of sections 1371 (k) and 1386(b) of title 49, 'air transportation' as that term is used in sections 1301–1542 of title 49. The Postal Service shall cancel such a contract, in whole or in respect to certain points as the authorization shall require, upon the issuance by the Civil Aeronautics Board of an authorization under sections 1371–1386 of title 49 to any air carrier to engage in the transportation of mail by aircraft between any of the points named in the contract, and the inauguration of scheduled service by such carrier.

"(c) If the Postal Service determines that service by the certificated carrier or combination of carriers between any pair or pairs of points is not adequate for its purposes, it may contract, without advertising for bids, in such manner and under such terms and conditions as it may deem appropriate, with any air carrier or combination of carriers for such air transportation service as cannot adequately be provided by the certificated carrier or combination of carriers. Such contracts shall be filed with the Civil Aeronautics Board no less than ninety days prior to their effective date, except when the Civil Aeronautics Board allows a lesser period upon finding for good cause that ninety days' advance notice is impractical, unnecessary, or contrary to the public interest. After such notice and hearing as it may deem appropriate, the Civil Aeronautics Board may disapprove any such contract prior to its effective date if it finds that such contract conflicts with the development of air transportation under sections 1301–1542 of title 49, incorporating this finding in an order containing a brief statement of its reasons therefor. Sections 1371–1376, 1380, 1381, and 1385 of title 49 do not apply to the transportation of mail under any contract entered into under this subsection. The Postal Service shall cancel such a contract if the Civil Aeronautics Board authorizes an additional carrier or combination of carriers to provide service between any pair or pairs of points covered by the contract, and such carrier or carriers inaugurate schedules.

"(d) A copy of each contract entered into under this section shall be on file and open to inspection in the administrative offices of the Postal Service and the Civil Aeronautics Board.

"SUBCHAPTER IV—TRANSPORTATION OF MAIL BY VESSEL

"§ 876. Sea post service

"The Postal Service may maintain sea post service on ocean vessels conveying mail to and from the United States.

"§ 877. Termination of contracts for foreign transportation

"Contracts for the transportation of mail by vessel between the United States and a foreign port shall be made subject to cancellation by the Postal Service or the Congress.

"§ 878. Transportation of mail by vessel as freight or express

"The Postal Service may require that mail be transported by freight or express when—

"(1) there is no competition on a water route and the rate or compensation asked is excessive; or

"(2) no proposal is received.

A common carrier by water that refuses to transport the mail when required to do so under this section shall be fined not more than $500 for each day of refusal.

"§ 879. Fines on ocean carriers

"The Postal Service may impose or limit fines on carriers transporting mail by vessel on routes extending beyond the borders of the United States for—

"(1) unreasonable or unnecessary delay to the mail; and

"(2) other delinquencies in the transportation of mail.

"§ 880. Contracts for transportation of mail by vessel

"The Postal Service may contract for the transportation of mail by vessel without advertising for bids for periods not in excess of four years.

"Chapter 10.—FINANCE

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"1002. Capital of Postal Service.
"1003. The Postal Service Fund.
"1004. Transitional appropriations.
"1005. Obligations.
"1006. Relationship between the Treasury and the Postal Service.
"1007. Public debt character of the obligations of the Postal Service.
"1008. Audit and expenditures.
"1009. Annual budget.

"§ 1001. Definitions

"As used in this chapter—

"'Fund' means the Postal Service fund established by section 1003 of this chapter.

"'Obligations', when referring to debt instruments issued by the Postal Service, means notes, bonds, debentures, mortgages, and any other evidence of indebtedness.

"§ 1002. Capital of Postal Service

"(a) The initial capital of the Postal Service shall consist of equity of the United States in the former Post Office Department as reflected in the President's budget. The value of assets and the amount of liabilities transferred to the Postal Service upon the commencement of operations of the Postal Service shall be determined by the Commission subject to the approval of the Comptroller General, in accordance with the following guidelines:

"(1) Assets shall be valued on the basis of original cost, less depreciation, to the extent that this can be determined. The value recorded on the former Post Office Department's books of account shall be prima facie evidence of asset value.

"(2) All liabilities attributable to operations of the former Post Office Department shall remain liabilities of the United States, except that upon commencement of operations of the Postal Service, the unexpended balances of appropriations made to, held or used by, or available to the former Post Office Department and all liabilities chargeable thereto shall become assets and liabilities, respectively, of the Postal Service.

"(b) The capital of the Postal Service at any time shall consist of its assets, including the balance in the Fund, less its liabilities.

"(c) The Postal Service, and the Administrator of General Services where properties under the jurisdiction of the Administration are involved, with the approval of the Director of the Bureau of the Budget, shall determine which Federal properties shall be transferred to the Postal Service and which shall remain in the United States upon the commencement of operations of the Postal Service. The transfer shall be accomplished at the time of or as near as possible to the commencement of operations of the Postal Service and the valuation of the assets and capital of the Postal Service shall be adjusted accordingly. The following properties shall be included in the transfer:

"(1) the mail equipment shops located in Washington, District of Columbia;

"(2) all machinery, equipment, and appurtenances of the Post Office Department;

"(3) all real property whose ownership was acquired by the Postmaster General pursuant to former section 2103 of this title, as in effect immediately prior to the effective date of this section, or which immediately prior to such effective date is under the administration of the former Post Office Department for the purpose of constructing a postal building from funds appropriated or transferred to the former Post Office Department, together with all funds appropriated or allocated therefor;

"(4) all real property of which 55 per centum or more is occupied by and under control of the former Post Office Department immediately prior to the effective date of this section;

"(5) all contracts, records, and documents relating to the operation of the departmental service and the postal field service of the former Post Office Department; and

"(6) all other property and assets of the Post Office Department.

"(d) After the commencement of operations of the Postal Service the President is authorized to transfer to the Postal Service, and the Postal Service is authorized to transfer to other departments or agencies of the United States, with or without reimbursement, any property owned by the United States and the Postal Service, respectively, when the public interest would be served by such transfer.

"§ 1003. The Postal Service Fund

"(a) There is established in the Treasury of the United States a revolving fund to be called the Postal Service Fund which shall be available to the Postal Service without fiscal year limitation to carry out the purposes, functions, and powers authorized by this title.

"(b) There shall be deposited in the fund, subject to withdrawal by check by the Postal Service—

"(1) revenues from postal and nonpostal services;

"(2) amounts received from obligations issued by the Postal Service;

"(3) amounts appropriated for the use of the Postal Service;

"(4) interest which may be earned on investments of the fund;

"(5) any other receipts of the Postal Service; and

"(6) the balance in the Post Office Department Fund established under former section 2202 of title 39 as of the commencement of operations of the Postal Service.

"(c) If the Postal Service determines that the moneys of the fund are in excess of current needs, it may request the investment of such amounts as it deems advisable by the Secretary of the Treasury in obligations of, or obligations guaranteed by, the United States, and, with the approval of the Secretary, in such other obligations or securities as it deems appropriate.

"(d) With the approval of the Secretary of the Treasury, the Postal Service may deposit moneys of the fund in any Federal Reserve bank, any depository for public funds, or in such other places and in such manner as the Postal Service and the Secretary may mutually agree.

"(e) The fund shall be available for the payment of all expenses incurred by the Postal Service in carrying out its functions under this title. Neither the fund nor any of the funds credited to it shall be subject to apportionment under the provisions of section 665 of title 31.

"§ 1004. Transitional appropriations

"Such sums as are necessary to insure a sound financial transition for the Postal Service and a rate policy consistent with section 1201 of this title are hereby authorized to be appropriated to the fund without regard to fiscal year limitation.

"§ 1005. Obligations

"(a) The Postal Service is authorized to borrow money and to issue and sell such obligations as it determines necessary to carry out the purposes of this title. The aggregate amount of any such obligations outstanding at any one time shall not exceed $10,000,000,000. In any one fiscal year the net increase in the amount of obligations outstanding issued for the purpose of capital improvements shall not exceed $1,500,000,000, and the net increase in the amount of obligations outstanding issued for the purpose of defraying operating expenses of the Postal Service shall not exceed $500,000,000.

"(b) The Postal Service may pledge its assets and pledge and use its revenues and receipts for the payment of the principal of or interest on said obligations, for the purchase or redemption thereof, and for other purposes incidental thereto, including creation of reserve, sinking, and other funds which may be similarly pledged and used, to such extent and in such manner as it may deem necessary or desirable. The Postal Service is authorized to enter into binding covenants with the holders of said obligations, and with the trustee, if any, under any agreement entered into in connection with the issuance thereof with respect to the establishment of reserve, sinking, and other funds, application and use of revenues and receipts of the Postal Service, stipulations concerning the subsequent issuance of obligations or the execution of leases or lease purchases relating to properties of the Postal Service and such other matters as the Postal Service may deem necessary or desirable to enhance the marketability of said obligations.

"(c) Obligations issued by the Postal Service under this section:

"(1) shall be in such forms and denominations;

"(2) shall be sold at such times and in such amounts;

"(3) shall mature at such time or times;

"(4) shall be sold at such prices;

"(5) shall bear such rates of interest;

"(6) may be redeemable before maturity at the option of the Postal Service in such manner and at such times and redemption premiums;

"(7) may be entitled to such relative priorities of claim on the assets of the Postal Service with respect to principal and interest payments; and

"(8) shall be subject to such other terms and conditions;

as the Postal Service determines.

"(d) Obligations issued by the Postal Service under this section shall:

"(1) be negotiable or nonnegotiable and bearer or registered instruments, as specified therein and in any indenture or covenant relating thereto;

"(2) contain a recital that they are issued pursuant to this section, and such recital shall be conclusive evidence of the regularity of the issuance and sale of such obligations and of their validity;

"(3) be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States, and the Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the obligations of the Postal Service acquired by them under this section;

"(4) be exempt both as to principal and interest from all taxation now or hereafter imposed by any State or local taxing authority except estate, inheritance, and gift taxes; and

"(5) not be obligations of, nor shall payment of the principal thereof or interest thereon be guaranteed by, the United States, except as provided in subsection (c) of section 1006 of this chapter.

"§ 1006. Relationship between the Treasury and the Postal Service

"(a) At least fifteen days before selling any issue of obligations under section 1005 of this chapter the Postal Service shall advise the Secretary of the Treasury as to the amount, proposed date of sale, maturities, terms and conditions and expected maximum rates of interest of the proposed issue in appropriate detail and shall consult with him or his designee thereon. The Secretary may elect to purchase such obligations under such terms, including rates of interest, as he and the Postal Service may agree, but at a rate of yield no less than the prevailing yield on outstanding marketable Treasury securities of comparable maturity, as determined by the Secretary. If the Secretary does not purchase such obligations, the Postal Service may proceed to issue and sell them to a party or parties other than the Secretary upon notice to the Secretary and upon consultation as to the date of issuance, maximum rates of interest, and other terms and conditions.

"(b) Subject to the conditions of subsection (a) of this section the Postal Service may require the Secretary of the Treasury to purchase obligations of the Postal Service in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed $2,000,000,000 at any one time. This subsection shall not be construed as limiting the authority of the Secretary to purchase obligations of the Postal Service in excess of such amount.

"(c) Notwithstanding subsection (d) (5) of section 1005 of this chapter, obligations issued by the Postal Service shall be obligations of the United States, and payment of principal and interest thereon shall be fully guaranteed by the United States, such guaranty being expressed on the face thereof, if and to the extent that—

"(1) the Postal Service requests the Secretary of the Treasury to pledge the full faith and credit of the United States for the payment of principal and interest thereon; and

"(2) the Secretary, in his discretion, determines that it would be in the public interest to do so.

"§ 1007. Public debt character of obligations of the Postal Service

"For the purpose of any purchase of the obligations of the Postal Service, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the obligations of the Postal Service under this chapter. The Secretary of the Treasury may, at any time, sell any of the obligations of the Postal Service acquired by him under this chapter. All redemptions, purchases, and sales by the Secretary of the obligations of the Postal Service shall be treated as public debt transactions of the United States.

"§ 1008. Audit and expenditures

"(a) The accounts of the Postal Service shall be audited by the Comptroller General and reports thereon made to the Congress to the extent and at such times as he may determine.

"(b) The Postal Service shall maintain an adequate internal audit of its financial transactions.

"(c) Subject only to the provisions of this chapter, the Postal Service is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements, upon such terms and conditions and in such manner as it deems necessary, including the final settlement of all claims and litigation by or against the Postal Service.

"(d) Nothing in this section shall be construed as denying to the Postal Service the power to obtain audits of its accounts and reports concerning its financial condition and operations by certified public accounting firms. Such audits and report shall be in addition to those required by this section.

"§ 1009. Annual budget

"The Postal Service shall cause to be prepared annually a business-type budget which shall be submitted to the Bureau of the Budget, under such rules and regulations as the President may establish as to the date of submission, the form and content, the classifications of data, and the manner in which such budget program shall be prepared and presented. The budget program shall be a business-type budget, or plan of operations, with due allowance given to the need for flexibility, including provisions for emergencies and contingencies, in order that the Postal Service may properly carry out its activities as authorized by law. The budget program shall contain estimates of the financial condition and operations of the Postal Service for the current and ensuing fiscal years and the actual condition and results of operation for the last completed fiscal year. Such budget program shall include a statement of financial condition, a statement of income and expense, an analysis of surplus or deficit, a statement of sources and application of funds, and such other supplementary statements and information as are necessary or desirable to make known the financial condition and operations of the Postal Service. Such statements shall include estimates of operations by major types of activities, together with estimates of administrative expenses and estimates of borrowings.

"Chapter 12.—RATES AND RATEMAKING

"SUBCHAPTER I—GENERAL PROVISIONS

"Sec.
"1201. Rate policy.
"1202. Free and reduced rate mail.

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"SUBCHAPTER I—GENERAL PROVISIONS

"§ 1201. Rate policy

"(a) The Postal Service shall develop and promote adequate and efficient postal services at reasonable and equitable rates and fees. Such rates and fees shall be sufficient to enable the Postal Service under honest, efficient, and economical management to maintain and continue the development of postal service of the kind and quality adapted to the needs of the United States.

"(b) It is the intent of Congress that by January 1, 1978, rates and fees charged by the Postal Service provide, as a whole, revenue adequate, when added to the appropriations pursuant to section 1202 of this chapter, to meet its current and projected costs. For this purpose costs shall include (without limitation) operating expenses, depreciation on capital facilities and equipment, debt service (including interest, amortization of debt discount and expense, and provision for sinking funds or other retirements of obligations to the extent that such provision exceeds applicable depreciation charges), and a reasonable provision for contingencies.

"(c) Except as provided in section 1202 and as otherwise provided in this section, the Postal Service shall establish appropriate classes of postal service and establish rates and fees for each such class of postal service so that at least those costs demonstrably related to the class of service in question will be borne by each such class and not by other classes of users of postal services or by the mails generally.

"(d) Notwithstanding the other provisions of this section, in making changes in the structure of its rates, the Postal Service shall take into account the financial impact upon affected users of the various classes of the mail and, at its discretion, may achieve the policy goals of this section over a duration of time appropriate in view of such financial impact. The Commission shall have the sole discretion to make such determinations. The President may request appropriations authorized by section 1004 of this title as a result of such determinations. Nothing in this subsection, however, shall relieve the Postal Service of its general policy obligation under subsection (b) of this section to make its revenue, as a whole, including appropriations contemplated by section 1202 of this title, equal its costs.

"(e) (1) Amounts computed as shown in paragraph (2) of this subsection (e) shall be considered public service costs of the Postal Service that should be borne by the public generally during the period prior to January 1, 1978. In addition to amounts otherwise authorized to be appropriated to the Postal Service, the amounts of such public service costs, as estimated by the Postal Service, are authorized to be appropriated for the use of the Postal Service.

"(2) The amounts authorized to be appropriated by paragraph (1) shall be computed as follows:

"(A) for the period commencing on the effective date of this section through December 31, 1972, at an annual rate of 10 per centum of the total costs of the Postal Service for fiscal year 1972;

"(B) for calendar year 1973, 9 per centum of such total costs for fiscal year 1973;

"(C) for calendar year 1974, 8 per centum of such total costs for fiscal year 1974;

"(D) for calendar year 1975, 6 per centum of such total costs for fiscal year 1975;

"(E) for calendar year 1976, 4 per centum of such total costs for fiscal year 1976; and

"(F) for calendar year 1977, 2 per centum of such total costs for fiscal year 1977.

"(f) Notwithstanding any other provision of this title, fourth-class parcel post service shall bear, in addition to those costs demonstrably related to such service under subsection (c) of this section, such portion of all other costs incurred by the Postal Service (including, without limitation, costs described in the second sentence of subsection (b) of this section) as will assure that the revenue of such service will not be less than the cost thereof, determined under this subsection, by more than 4 per centum and will not be greater than the costs thereof by more than 4 per centum.

"§ 1202. Free and reduced rate mail

"(a) The Congress by legislation shall determine which classes of postal users, if any, shall be entitled to send mail free of postage or at rates some specified percentage lower than those established by the Postal Service in accordance with the principles of section 1201(c) of this title. The rates of all users so entitled shall be established by the Postal Service so that the amount of postal revenues received from the appropriations provided for in subsection (b) of this section shall approximately equal the difference between the actual postal revenues from users allowed to mail free of charge or at reduced rates and the postal revenues that would have been received from such users if they had not been entitled to so mail.

"(b) The President may annually request the Congress to appropriate to the Postal Service Fund an amount necessary to recover the difference between the actual postal revenue from users allowed to mail free of charge or at reduced rates and the postal revenues that would have been received from such users if they had not been entitled to so mail.

"(c) If the Congress shall fail to appropriate the amount so requested or any part thereof, the Postal Service shall proportionately adjust the rates of the classes of users entitled to mail free or at reduced rates so that the anticipated difference between the actual postal revenues from users allowed to mail free of charge or at reduced rates the postal revenues that would have been received from such users if they had not been entitled to so mail and be reduced to an amount equal to that appropriated by the Congress.

"(d) (1) Within two years after the effective date of this section and at least every two years thereafter, the Postal Service shall render to the Congress a report showing the volumes, rates, revenues, and costs, the last calculated in such ways as the Postal Service may deem appropriate, of each category of free or reduced rate mail, and the percentage relationship which the rate for such category bears to the rates for users if the same category not entitled to so mail. The Postal Service may report on other matters related to each such category of mail including recommendations as to whether the Congress should continue to afford it preferred treatment or to what extent it should be modified. In preparing the report the Postal Service may cause the Postal Rate Board to conduct proceedings in the nature of rulemaking on matters relevant to the report and to render opinions to the Postal Service as it deems appropriate.

"(2) The report to the Congress shall include a profit and loss statement of the Postal Service certified by a firm of independent public accountants, to be chosen by the presidentially appointed Commissioners on a competitive basis. The certification should stipulate that the report does or does not present fairly the results of the operations and that the revenues and costs shown in connection with each class, subclass, and category of mail and for each service, as appropriate, have been reported in accordance with generally accepted accounting principles, supplemented by suitable cost allocation procedures.

"(e) Until changed by law, but subject to subsections (a) and (c) of this section, the following services shall be free or at the reduced rates in effect as of the effective date of this section:

"(1) penalty mailings of the Pan American Union and the Pan American Sanitary Bureau as provided by section 652(a) (1) of this title and free mailing privileges for consular officials and members of the diplomatic corps of the countries of the Postal Union of the Americas and Spain as provided by section 667 of this title;

"(2) reduced rates on books, films, and similar materials as described in former section 4554 of this title;

"(3) mailings at reduced rates for publication matter as described in former section 4358 of this title;

"(4) free postage on reading matter and other articles for the blind and other handicapped persons as described in former sections 4653–4655 of this title;

"(5) free mailing privileges granted to individuals by law, except where the Postal Service is entitled to reimbursement under chapter 6 of this title;

"(6) reduced third-class postage rates to certain organizations as described in former section 4452 of this title; and

"(7) free postage as provided by section 1472 of title 50, section 302 of the Federal Voting Assistance Act of 1955.

"SUBCHAPTER II—RATEMAKING

"§ 1251. Postal Rate Board and staff

"(a) There is hereby established within the Postal Service a Postal Rate Board consisting of three members appointed by the President from a roster of eight persons nominated as follows: two by the American Economic Association, two by the American Institute of Certified Public Accountants, two by the American Bar Association, and two by the Chairman of the Civil Service Commission. One of the Board members shall be designated by the President as Chairman. The Board members shall be paid salaries at the rate provided for level IV of the Executive Schedule, except that the compensation of the Chairman shall be $500 higher than the compensation established for level IV. Appointments of succeeding Board members shall be made by the President as hereinbefore provided, except that each Board member shall be appointed from a roster of four persons, one of whom shall be nominated by each of the entitles described above.

"(b) The Board members shall serve for terms of six years except that—

"(1) the terms of the Board members first taking office shall expire as designated by the President at the time of appointment of the first Board member, one at the end of two years, one at the end of four years, and one at the end of six years following their appointment; and

"(2) any Board member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

For purposes of suspension and removal of Board members shall be deemed to be in the competitive service, and they may be suspended or removed only in accord with the procedures established in section 7521 of title 5.

"(c) Upon request of the Chairman, the Postmaster General shall provide the Board with such professional and clerical staff selected by the Chairman and such facilities as may be appropriated and reasonable to carry out its functions under this chapter. The staff shall be responsible solely to the Board.

"(d) (1) The Rate Board shall promulgate rules and regulations and establish procedures to carry out its responsibilities under this chapter. Such rules, regulations, and procedures shall be subject to chapters 5 and 7 of title 5.

"(2) It is the intent of Congress that the Board conduct its proceedings with the utmost expedition consistent with procedural

fairness to the parties. To this end the Board is specifically authorized (but without limitation) to adopt rules which provide for—

"(i) the advance submission of written direct testimony;

"(ii) the conduct of prehearing conferences to define issues, and for other purposes to insure orderly and expeditious proceedings;

"(iii) discovery both from the Postal Service and the parties to the proceedings;

"(iv) limitation of testimony; and

"(v) the conduct of entire proceedings off the record with the consent of the parties.

"(e) The Chairman shall have the administrative responsibility for assigning the business of the Board to the various Board members and to members of the staff. The Board members may conduct proceedings or otherwise exercise their functions singly or en banc as the Chairman, after consultation with the other commissioners, shall determine. All final acts of the Rate Board shall be by a majority vote thereof.

"(f) The provisions of title 5 concerning hearing examiners shall apply to Board members and to the duties of the Commission and the Civil Service Commission with respect to Board members except as inconsistent with this chapter.

"§ 1252. Proposed changes in rates and classifications

"(a) Except as provided in subsection (c) of this section, the Postal Service shall give general notice of proposed change in rates, charges, fees, the classification of mail matter or mail users, and the postal rate structure or design by publishing its proposals therefor in the Federal Register not less than thirty days prior to the date on which it is proposed to adopt such changes. It shall also file the proposed changes with the Rate Board in such form and manner as the Board may prescribe. The notice published in the Federal Register shall state briefly—

"(1) the proposed change;

"(2) the reasons therefor;

"(3) the earliest date on which the Postal Service proposes to adopt the change;

"(4) that interested parties may file objections thereto or a request for a hearing thereon with the commissioners within thirty days after the date of publication of the notice in the Federal Register or such longer period as the notice may prescribe; and

"(5) the place and manner which the Board has fixed for filings with it.

"(b) If no party at interest files a timely objection to a proposed change or a request for a hearing thereon, the Board shall forward the proposed change to the Commission on Postal Rates and Revenues without opinion unless the presidentially appointed Commissioners request to the contrary.

"(c) The provisions of this chapter do not apply to changes in the fees or rates of exchange for international money orders and similar instruments or to changes in international postal rates adopted pursuant to section 405 of this title.

"§ 1253. Proceedings and recommended decisions by Postal Rate Board

"(a) Pursuant to sections 556 and 557 of tile 5, the Rate Board shall conduct public hearings in all cases instituted under section 1252(a) of this title in which a party at interest files timely notice with the Rate Board that he desires to be heard.

"(b) The Board shall compile a record consisting of:

"(1) the proposed change and supporting material submitted by the Postal Service;

"(2) the oral testimony, if any, on behalf of the Postal Service, and by or on behalf of any party at interest;

"(3) the written submission, if any, on behalf of the Postal Service and by or on behalf of any party at interest; and

"(4) such other material as the Board Members deem appropriate.

"(c) After consideration of the record, the Board shall render an initial decision to the presidentially appointed Commissioners stating whether in the opinion of the Rate Board the proposed change conforms to the rate policies and other provisions of this title and giving its reasons therefor.

"(d) In the event the Board does not complete its proceedings within ninety days after the notice of proposed changes is filed with it, or in the event that judicial proceedings are instituted under section 1257 of this title, the Postal Service upon thirty days' notice in the Federal Register may put a proposed change into effect temporarily. The interim changes will be effective for a period of not longer than thirty days after the Rate Board has rendered its initial decision to the presidentially appointed Commissioners and the period the change may be before Congress pursuant to section 1254 of this title.

"§ 1254. Final decisions

"(a) The presidentially appointed Commissioners, acting on behalf of the Postal Service, shall make and publish in the Federal Register a final decision on the proposed change in light of the recommended decision of the Rate Board and the record of the proceedings. They may reject the proposed change or they may adopt it—

"(1) as published in the Federal Register pursuant to section 1252 of this title; or

"(2) as proposed in the recommended decision of the Rate Board; or

"(3) with such modifications as they find are supported by the record of the proceedings.

"(b) The Commission, except as to changes enumerated in subsection (m) of this section, shall transmit to the Congress the final decision adopting a change in any proceeding instituted pursuant to section 1252(a) of this title. The Commission shall transmit the decision to both Houses of the Congress on the same day and to each House while it is in session and shall transmit with the final decision the recommended decision of the Rate Board together with the record of the proceedings.

"(c) The change contained in a final decision transmitted to the Congress pursuant to subsection (b) of this section shall become final at the end of the first period of ninety calendar days of continuous session of the Congress after the date on which the decision is transmitted unless, between the date of transmittal and the end of the ninety-day period, either House adopts a resolution disapproving the change. The continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the ninety-day period.

"(d) Subsections (e)–(k) of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(e) If the committee to which a resolution with respect to a recommendation has been referred has not reported it at the end of thirty calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the same recommendation which has been referred to the committee.

"(f) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same recommendation), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(g) If the motion to discharge is agreed to, or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same recommendation.

"(h) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a recommendation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(i) Debate on the resolution shall be limited to not more than four hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"(j) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a recommendation, and motions to proceed to the consideration of other business, shall be decided without debate.

"(k) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a recommendation shall be decided without debate.

"(l) The final decision may include a provision that the change shall become effective at a time later than the date on which the decision becomes final pursuant to the foregoing provisions of this section.

"(m) Rate changes required by section 1202(c) of this title and rate changes for such special services as the Postal Service may provide, including special delivery, collect on delivery, insurance, registered and certified mail, return receipts, stamped envelopes, and box rents, and similar special or nonpostal services shall become final as provided in the final decision of the Postal Service in accordance with subsections (a) and (1) of this section.

§ 1255. Service changes

"(a) Except as provided in subsection (d) of this section the Commission shall give public notice of a proposed change in the type, quality, terms, or condtions of any services provided by the Postal Service which substantially affects a postal service provided to users on a nationwide or nearly nationwide basis and which does not involve a proposed change subject to sections 1252–

1254 of this title. Public notice shall be given by publishing a notice of the proposed change in the Federal Register. The notice shall state briefly—

"(1) the proposed change;

"(2) the reasons therefor;

"(3) the earliest date on which the Postal Service proposes to adopt the change;

"(4) that interested parties may participate in the proceedings through submission for written material to the Rate Board with opportunity for oral presentation as the Rate Board may determine; and

"(5) the time, place, and manner which the Rate Board has fixed for submissions to it.

"(b) Except as otherwise provided in this section, proposals for service changes shall be considered as proposed rules and the Rate Board shall be considered 'the agency' for purposes of sections 551–559 of title 5. The Board shall compile a record consisting of—

"(1) the proposed change and supporting material submitted by the Postal Service;

"(2) the oral testimony, if any, on behalf of the Postal Service, and by or on behalf of any party at interest;

"(3) the written submissions, if any, on behalf of the Postal Service, and by or on behalf of any party at interest; and

"(4) such other material as the Postal Service deems appropriate.

"(c) After consideration of the record, the Rate Board shall render an initial decision as to whether the proposed change, either in its original form or in a modified form, is consistent with the policies of this title. The initial decision shall become the final decision of the Postal Service unless within such time as the Commission establishes by general rule, the presidentially appointed Commissioners modify the tentative decision in the light of record or revoke the proposal.

"(d) Whenever the Postal Service proposes a change in the type, quality, terms, or conditions of service which substantially and adversely affects the users of such service but on less than a nationwide or nearly nationwide basis, the Postal Service shall—

"(i) comply with the provisions of subsections (a) through (c) of this section; or

"(ii) comply with rules, regulations, or procedures established pursuant to subsections (a) through (c) of this section which shall include the publication of a notice designed to inform the affected users of the proposed changes and the opportunity for such users to present their objections.

"(e) Whenever the Postal Service finds that an emergency exists which does not permit sufficient time for the procedures prescribed in subsections (a) through (d) of this section, the Postal Service contemporaneously with, or subsequent to, publication in the Federal Register of the notice of a proposed change, may adopt and publish in the Federal Register a temporary change which shall become effective upon publication in the Federal Register or such later date as may be prescribed therein. A change adopted in accordance with this subsection shall remain in effect until proceedings pursuant to subsection (a) through (d) of this section have been completed, or for such shorter period as the Postal Service may fix.

"§ 1256. Rate and service complaints

"Interested parties who believe the Postal Service is charging rates which do not conform to the policies set out in this title or who believe that they are not receiving postal service in accordance with the policies of this title may lodge a complaint with the Rate Board in such form and in such manner as the Board may prescribe. The Board may in its discretion hold hearings on such complaint. If, after such hearings, the Board determines the complaint to be justified, it shall, if a matter covered by section 1252 of this chapter is involved, recommend to the Commission that the Postal Service propose an appropriate change. The Postal Service shall propose such a change and such change shall proceed as if proposed initially by the Commission. If a matter not covered by section 1252 of this chapter is involved, and the Rate Board members after hearing find the complaint to be justified, they shall render a public report thereon to the presidentially appointed Commissioners, who shall take such action as they deem appropriate.

"§ 1257. Judicial review

"(a) Any final decision of the Postal Service pursuant to section 1254 or 1255 of this title and any final decision of the Rate Board pursuant to section 1256 of this title shall be subject to judicial review. Review shall be in the manner prescribed in chapter 7 of title 5 and chapter 158 and section 2112 of title 28 except as otherwise provided in this section. Such review shall be confined to holding unlawful and setting aside a final decision which the petitioner has shown to be—

"(i) contrary to constitutional right, power, privilege, or immunity;

"(ii) in excess of statutory jurisdiction, authority, or limitations; or

"(iii) without observance of procedure required by law or by the rules promulgated by the commissioners pursuant to this chapter.

The court shall not consider any objection which was not urged in the proceedings of the Postal Service unless there were reasonable grounds for failure to do so.

"(b) Review may be had only by a party to the proceedings who has—

"(i) participated in the proceedings in accordance with section 1253 of this title;

"(ii) participated in the proceedings in accordance with section 1255(a)(4) of this title; or

"(iii) filed a complaint pursuant to section 1256 of this title.

"(c) Petitions for review shall be filed within fifteen days after the publication of notice of the final decision. After the expiration of said fifteen days, a petition may be filed only by leave of court upon a showing of reasonable cause for failure to file such petition. The action shall be against the Postal Service and not against the United States.

"(d) Upon the filing of a petition for review of a final decision under section 1254(a) of this title, the Commission shall not transmit to the Congress its final decision pursuant to section 1254(b) until judicial proceedings under this section are completed. All judicial proceedings shall be made preferred causes and shall be expedited in every way.

"(e) Temporary changes under section 1253(d) and emergency changes under section 1255(e) of this title may not be affected in any way by a court. The thirty-day period after the Board's initial decision referred to in section 1253 shall be extended to include the entire period of judicial proceedings under this section. Final decisions under section 1255 of this title may not be stayed by any court pending review.

"(f) Except as provided under section 1251(d)(1) of this title, no court shall have jurisdiction to review a final decision made by the Postal Service pursuant to this chapter in any manner other than as provided in this section.

"Chapter 14.—PRIVATE CARRIAGE OF LETTERS

"Sec.

"1401. Letters carried out of the mail.

"1402. Foreign letters out of the mail.

"1403. Searches authorized.

"1404. Seizing and detaining letters.

"1405. Searching vessels for letters.

"1406. Disposition of seized mail.

"§ 1401. Letters carried out of the mail

"(a) A letter may be carried out of the mails when—

"(1) it is enclosed in an envelope;

"(2) the amount of postage which would have been charged on the letter if it had been sent by mail is paid by stamps, or postage meter stamps, on the envelope;

"(3) the envelope is properly addressed;

"(4) the envelope is so sealed that the letter cannot be taken from it without defacing the envelope;

"(5) any stamps on the envelope are canceled in ink by the sender; and

"(6) the date of the letter, or its transmission or receipt by the carrier is endorsed on the envelope in ink.

"(b) The Postal Service may suspend the operation of any part of this section upon any mail route where the public interest requires the suspension.

"§ 1402. Foreign letters out of the mail

"(a) Except as provided in section 1401 of this title the master of a vessel departing from the United States for foreign ports may not receive on board or transport any letter which originated in the United States that—

"(1) has not been regularly received from a United States post office; or

"(2) does not relate to the cargo of the vessel.

"(b) The officer of the port empowered to grant clearances shall require from the master of such a vessel, as a condition of clearance, an oath that he does not have under his care or control, and will not receive or transport, any letter contrary to the provisions of this section.

"(c) Except as provided in section 1699 of title 18, the master of a vessel arriving at a port of the United States carrying letters not regularly in the mails shall deposit them in the post office at the port of arrival.

"§ 1403. Searches authorized

"The Postmaster General, by letter of authority over his signature, may authorize any postal inspector or other officer of the Postal Service to make searches for mailable matter transported in violation of law. When the authorized officer has reason to believe the mailable matter transported contrary to law may be found therein, he may open and search any—

"(1) vehicle passing, or having lately passed, from a place at which there is a post office of the United States;

"(2) article being, or having lately been, in the vehicle;

"(3) store or office, other than a dwelling house, used or occupied by a common carrier or transportation company, in which an article may be contained.

"§ 1404. Seizing and detaining letters

"A postal inspector, customs officer, or United States marshal or his deputy, may seize at any time letters and bags, packets or parcels containing letters which are being carried contrary to law on board any vessel or on any post road. The officer who makes the seizure shall convey the articles seized to the nearest post office; or by direction of the Postal Service or the Secretary of the Treasury, he may detain them until two months after the final determination of all suits and proceedings which may be brought within six months after the seizure against any person for sending or carrying the letters.

"§ 1405. Searching vessels for letters

"A postal inspector when instructed by the Postal Service to make examinations and seizures and any customs officer without special instructions shall search vessels for letters which may be on board, or which may have been conveyed contrary to law.

"§ 1406. Disposition of seized mail

"Every package or parcel seized by a postal inspector, customs officer, or United States marshal or his deputies, in which a letter is unlawfully concealed, shall be forfeited to the United States. The same proceedings may be used to enforce forfeitures as are authorized in respect to goods, wares, and merchandise forfeited for violation of the revenue laws. Laws for the benefit and protection of customs officers making seizures for

violating revenue laws apply to officers making seizures for violating the postal laws.

"Chapter 16.—MISCELLANEOUS

"Sec.
"1601. No postal material or supplies manufactured by convict labor
"1602. Uniforms and badges
"1603. Special delivery messengers as employees or carriers
"1604. Collection of debts
"1605. Transportation of international mail by air carriers of the United States
"1606. Penalties and forfeitures imposed for violations
"1607. Delivery of stolen money to owner
"1608. Substitute checks
"1609. Filing of information relating to periodical publications
"1610. Printing of illustrations of United States postage stamps

"§ 1601. No postal material or supplies manufactured by convict labor

"Except as provided in chapter 307 of title 18, the Postal Service may not make a contract for the purchase of equipment or supplies to be manufactured by convict labor.

"§ 1602. Uniforms and badges

"The Postal Service may prescribe a uniform dress to be worn by letter carriers and other designated employees.

"§ 1603. Special delivery messengers as employees or carriers

"(a) A person temporarily employed to deliver special delivery mail is deemed an employee of the Postal Service, and is subject to the provisions of chapter 83 of title 18 to the same extent as other employees of the Postal Service.

"(b) Any person, when engaged in carrying special delivery mail under contract with the Postal Service, or employed by the Postal Service, is deemed a carrier or person entrusted with the mail and having custody thereof, within the meaning of sections 1701, 1708, and 2114 of title 18.

"§ 1604. Collection of debts

"(a) The Postal Service shall—

"(1) collect debts due the Postal Service, and

"(2) collect and remit fines, penalties, and forfeitures arising out of matters affecting the Postal Service.

The Postal Service may refer any debt that is uncollectible through administrative action to the General Accounting Office for collection. This subsection does not affect the authority of the Attorney General in cases in which judicial proceedings are instituted.

"(b) In all cases of disability or alleged liability to the Postal Service, by way of damages or otherwise, for any sum of money due the United States through accountability for public moneys, or otherwise, under any provision of law the Postal Service shall determine whether its interests require the exercise of its powers over the same. Upon such determination the Postal Service, on such terms as it deems just and expedient, may—

"(1) remove the disability; or

"(2) compromise, release, or discharge the claim for such sum of money and damages.

"§ 1605. Transportation of international mail by air carriers of the United States

"(a) The Postal Service may offset against any balances due another country resulting from the transaction of international money order business, or otherwise, amounts due from that country to the United States, or to the United States for account of air carriers of the United States transporting mail of that country, when—

"(1) the Postal Service puts into effect rates of compensation to be charged another country for transpotration; and

"(2) the United States is required to collect from another country the amounts owed for transportation for the account of the air carriers.

"(b) When the Postal Service has proceeded under the authority of subsection (a), it shall—

"(1) give appropriate credit to the country involved;

"(2) pay to the air carrier the portion of the amount so credited which is owed to the air carrier for its services in transporting the mail of the other country; and

"(3) deposit in the Postal Service Fund that portion of the amount so credited which is due the United States on its own account.

"(c) The Postal Service, from time to time, may advance to an air carrier, out of funds available for payment of balances due other countries, the amounts determined by it to be due from another country to air carrier for the transportation of its mail when—

"(1) collections are to be made by the United States including the Postal Service, for the account of air carriers; and

"(2) the Postal Service determines that the balance of funds available is such that the advances may be made therefrom.

Collection from another country of the amount so advanced shall be made by offset, or otherwise, and the fund from which the advance is made shall be reimbursed by the collections.

"(d) If the United States is unable to collect from the debtor country an amount paid or advanced to an air carrier within twelve months after payment or advance has been made, the United States, including the Postal Service, may deduct the uncollected amount from any sums owed by it to the air carrier.

"(e) The Postal Service shall adopt such accounting procedures as may be necessary to conform to and effect the purposes of this section.

"§ 1606. Penalties and forfeitures imposed for violations

"Unless a different disposal is expressly prescribed one-half of all penalties and forfeitures imposed for violations of law affecting the Postal Service, its revenues or property, shall be paid to the person informing and prosecuting for the same. The other one-half shall be paid into the Postal Service Fund.

"§ 1607. Delivery of stolen money to owner

"When the Postal Service is satisfied that money or property in the possession of Postal Service represents money or property stolen from the mails, or the proceeds thereof, it may deliver it to the person it finds to be the rightful owner.

"§ 1608. Substitute checks

"(a) The Postal Service may authorize the issuance of a substitute check for a lost, stolen, or destroyed check of the Postal Service. Substitute checks shall—

"(1) be marked 'duplicate'; and

"(2) show the number, date, and payee of the original.

"(b) The Postal Service may authorize the issuance of the substitute check (1) upon the execution of a bond agreeable to the Postal Service by the owner, or (2) without bond, upon affidavit of the payee or owner of the original check when the Postal Service is satisfied that the loss, theft, or destruction occurred without the fault of the owner or holder or while the check was in the custody or control of the Postal Service or in the mails.

"(c) Subsections (a), (b), (c), and (d) of section 528 of title 31 do not apply to checks of the Postal Service.

"§ 1609. Filing of information relating to periodical publications

"(a) Each owner of a publication having periodical publication mail privileges shall furnish to the Postal Service at least once a year, and shall publish in such publication once a year information in such form and detail and at such time as the Postal Service may require respecting—

"(1) the identity of the editor, managing editor, publishers, and owners;

"(2) the identity of the corporation and stockholders thereof, if the publication is owned by a corporation;

"(3) the identity of known bondholders, mortgagees, and other security holders;

"(4) the extent and nature of the circulation of the publication, including, but not limited to, the number of copies distributed, the methods of distribution, and the extent to which such circulation is paid in whole or in part; and

"(5) such other information as the Postal Service may deem necessary to determine whether the publication meets the standards for periodical publication mail privileges.

The Postal Service shall not require the names of persons owning less than 1 per centum of the total amount of stocks, bonds, mortgages, or other securities.

"(b) Each publication having such mail privileges shall furnish to the Postal Service information in such form and detail, and at such times, as the Postal Service requires to determine whether the publication continues to qualify for such privileges.

"(c) The Postal Service shall make appropriate rules and regulations to carry out the purposes of this section, including provision for suspension or revocation of periodical publication mail privileges for failure to furnish the required information.

"§ 1610. Printing of illustrations of United States postage stamps

"(a) When requested by the Postal Service, the Public Printer shall print as a public document for sale by the Superintendent of Documents, illustrations of postage stamps of the United States, together with such descriptive, historical, and philatelic information with regard to the stamps as the Postal Service deems suitable.

"(b) Notwithstanding the provisions of section 505 of title 44 stereotype or electrotype plates, or duplicates thereof, used in the publications authorized to be printed by this section may not be sold or otherwise disposed of."

Mr. DULSKI (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the section be dispensed with, that it be printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. GROSS. Mr. Chairman, may I ask, does this section run down to page 293? Is that correct?

Mr. DULSKI. The gentleman is correct.

Mr. GROSS. And it is to be open to amendment at any point?

Mr. DULSKI. That is correct; it is to be open to amendment at any point.

Mr. GROSS. I thank the gentleman.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. HENDERSON

Mr. HENDERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HENDERSON: On page 187, amend section 222 in line 16, by inserting "(a)" immediately before the word "Labor-management"; and following line 19, by adding a new subsection (b) at the end thereof to read as follows:

"(b) Each employee of the Postal Service 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."

Mr. HENDERSON. Mr. Chairman, I offer an amendment. It is short, clear, and easy to understand. It reads as follows:

Each employee of the Postal Service 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.

This language was taken from Executive Order 10988 issued by President Kennedy and continued by President Johnson. It is almost identical to the language contained in President Nixon's Executive Order 11491, now in force and effect.

We are not today debating repeal of section 14(b) of the Taft-Hartley Act and this amendment does not seek to alter, modify, or vary section 14(b). Section 14(b) has always dealt with employment in the private sector and here we are concerned with Federal employees whose salaries are paid by the taxpayers and who are working for you and me as citizens.

If a private employer, using his own funds or those of a corporation, and union leadership want to negotiate a union shop between themselves, feeling that it would be in the best interest of both labor and management, that is one thing. But it is quite another to create a situation where you can say to a faithful, conscientious, longtime Federal employee that he must join a union or lose his job.

I cannot believe that this bill serves the best interests of the American taxpayers and with all of the sincerity I have, I want to urge every Member of this body to support the right of Federal employees to choose voluntarily whether they wish to join and pay dues to a union and to guarantee that right by voting for my amendment.

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

Mr. HENDERSON. I am happy to yield to my colleague and friend, the gentleman from North Carolina (Mr. JONAS).

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

Mr. Chairman, the gentleman from North Carolina is making a fine statement. I concur in the views the gentleman has expressed, and congratulate the gentleman on offering the amendment.

The amendment has my strong support.

Mr. HENDERSON. Mr. Chairman, I thank the gentleman from North Carolina for his contribution and support.

Mr. Chairman, the amendment is simple, and should be adopted.

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this raises an emotional issue which has been much debated and discussed and probably will be the most important and controversial amendment involved in this debate.

I rather suspect that most of the Members have made up their minds on this issue and that little can be said that might sway Members one way or the other.

I would like to set forth just a few things that I am not sure are fully understood by all Members with regard to this issue.

If you go back to the Taft-Hartley Act and the Landrum-Griffin Act, when we first had this great and troublesome issue raised before the Congress, these were really two extreme positions that were posed and the Congress took a middle ground.

At one extreme it was urged: "Let us have a national union shop policy. Let us say to all of the States, in those States, if contracts are negotiated, we will have a union shop or an agency shop." This approach was rejected by the Congress.

On the other hand, it was urged by some then, as it is being urged now that we ought to have a national policy of the right to work—freedom of choice, so-called—and we ought to say to the employers and employees in all of the States, "regardless of whether you want to bargain for a union shop or not, we, the Congress, are going to reach out with our long arm and say you cannot do it."

The philosophy of Taft-Hartley and Landrum-Griffin was the middle ground. It said that we are adopting a national policy which will permit you to have the union or agency shop, but we will give to each State the power to exempt themselves from that provision and to have a right-to-work law.

So in 19 States, including Arizona, they adopted a State policy provision that there shall be no union or agency shop in contracts entered into within that State.

What is provided for in this bill? What has the committee done? What has the President done? What has Mr. Blount, the Postmaster General, done? What did they negotiate in this area?

In the negotiations the union said in effect, we have always been protected by the Congress. We are really not labor unions who depend on their own muscle and their own economic strength for protection.

In the final analysis, they said—our protection is the Congress.

We were going to turn the Post Office Department into essentially a commercial operation itself and to make postal employees essentially, insofar as we could, have all the rights that private enterprise employees have. Private enterprise employees look to the strength of their own union to protect themselves.

These employees will, in the new establishment, look not to the Congress, but to the union for their protection. So the Postmaster General agreed and the President agreed that there was not a right-to-work issue involved here and they can have all the protection and advantage of negotiation that private employers have with regard to a union shop or a nonunion shop.

So what I think the bill says is this. It says in a right-to-work State such as Arizona and Tennessee or North Carolina, the Post Office Department cannot negotiate a union shop or agency shop contract. But we say to Pennsylvania, New York and California, and States where this has been debated and States which have adopted as the State policy that they could have a union shop or agency shop—we say to those States that the Postmaster General may negotiate a union shop but he does not have to.

Now it is said by my friend, the gentleman from North Carolina, *that* we are changing the status quo by this bill and that we go for the first time and let Federal employees in a union shop situation. This is true. We have changed that status but we changed it because we are taking them out of the category of HEW employees or Defense Department or Agriculture Department employees but we are putting them in a category as nearly as possible like private enterprise employees.

So we are saying in this situation—you ought to have the same right in those States as private enterprise employees have.

But I would say to my friend, the gentleman from North Carolina, that it is the right-to-work forces in this debate who seek to upset the status quo.

They seek to upset the basic compromise that was the heart of the Taft-Hartley and Landrum-Griffin Acts. That compromise was—let the States decide.

Now for the first time, if this amendment passes—for the first time the long arm of the Federal Government will reach out into New York and California and States which have debated and deliberated on this subject and have said—"We want an open or union shop policy—we want to be able to negotiate for that"—the Congress will reach out for the first time and say to those States—We do not care what you want as a State policy. In this instance, we are going to impose a national policy—something the Congress has refrained from doing in this heated, very complex and difficult situation. So I would urge that we preserve the status quo. This is a States' rights position the committee has taken. The amendment seeks to upset the States' rights and interferes with Federal rights in this field. I urge the committee to reject the amendment.

Mr. SCOTT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am not sure that the bill places Federal employees in the same position as private industry. I am not sure that a State right-to-work law is effective insofar as Federal employees are concerned. I think there might be a constitutional question involved in whether a State law is applicable to Federal employees. I am informed that there are suits pending on this question.

I would call the attention of the committee to the fact that we do have an Executive order that preserves the right to work for all Federal employees, that that would be abrogated by the act without the amendment offered by the gentleman from North Carolina.

I would like to share with my colleagues the statements of the Postmaster General in response to questions asked of

him before the committee. Let me spend the remainder of my time just reading the responses of the Postmaster General to my questions during our committee hearings:

Mr. SCOTT. Now, tell me this, Do you think it is right for a Government employee to have to join a union in any State of the Nation in order to have a Government job? Is this the American way of doing things?

Mr. BLOUNT. Mr. Scott, there is no provision in this bill that would force an employee to join a union.

Mr. SCOTT. Isn't it true that in the States that do not have right-to-work laws, that there are union shops, or union shop agreements can be negotiated, and a person has to join a union if he is going to retain his job, isn't this true in private industry in the non-right-to-work States?

Mr. BLOUNT. That is a matter that is a bargainable issue between the parties. There is nothing in this legislation that provides that a person has to join a union in order to have his job.

Mr. SCOTT. Aren't the same laws applicable under this legislation that are applicable in private industry?

Mr. BLOUNT. Generally that is correct.

Mr. SCOTT. Then wouldn't it be true that it would be a bargainable issue, and the Government could bargain with the employee and with the unions—incidentally, they are not bargaining with the employees but they are bargaining with the union—that the employees would all have to join a union—couldn't you establish a union shop under this legislation?

Mr. BLOUNT. It is true that that is a bargainable issue.

Mr. SCOTT. Now, going back to my original question, do you think that it is a proper thing for any Government employee to have to join a union in order to hold a Government job, when this is his government? We believe that this is a people's government. Do you think this is a proper thing, or would you be agreeable to legislation to provide that no Government employee—to an amendment to the bill to provide that no Government employee would have to join a union to hold his job?

Mr. BLOUNT. Mr. Scott, in designing this legislation which is precisely the same on this point as the bill we introduced a year ago, and the same as the bill that was reported out by this committee on March 12, we have attempted to subject the U.S. postal service as much as possible to the labor laws of the land. We have not viewed the matter of labor law reform as a subject to be carried on the back of postal reform.

Now, whatever the Congress chooses to enact in that regard we, of course, intend to abide by.

Mr. SCOTT. As a matter of principle, General, should any Government employee have to join a union to hold a Government job? What is your opinion on that?

Mr. BLOUNT. I do not think, Mr. Scott, that my personal opinion makes any difference——

Mr. SCOTT. As Postmaster General, as head of one of the major agencies that employs perhaps one-fourth of all Government employees—you are proposing to take them out from civil service anyway—do you think they ought to have to join a union to hold their jobs?

Mr. BLOUNT. Mr. Scott, I think that to the extent that I as Postmaster General would be involved in the bargaining of the parties over this issue, if in fact it becomes a bargainable issue, I think that any comment on my part would be inappropriate. Again, I do not believe my opinion in that regard is pertinent.

Mr. SCOTT. General, you are here as the representative and as the head of the Post Office Department, and we are considering legislation. And I am going to offer an amendment, if somebody else does not do it, to provide that no Government employee shall be compelled to join a union. I have such an amendment. I was going to offer it to H.R. 4 as amended. You know we did not have any time to offer amendments here when this measure was being considered.

Now, would you support such an amendment? What would be the position of your Department on this?

Mr. BLOUNT. Mr. Scott, we have agreed to support the provisions of this bill as it has been submitted to the Congress. And we would not plan to support any amendment.

Mr. SCOTT. You know, of course, that the National Right To Work Committee is opposed to your legislation on this ground, among others. And I assume that you have read the various statements that they have circulated. Do you find yourself in disagreement with these statements?

Mr. BLOUNT. I am quite certain, Mr. Scott, I have not read all of the statements that anybody has gotten out on this subject, much less the group you refer to. I have read some of the statements, and I think that some of the things I have read are misleading and are distortions of fact.

Mr. SCOTT. It is a distortion of fact if I ask you the question, should any Government employee have to join a union in order to hold his Government job? Do you refuse, General, to give me an answer to that? It is not an unreasonable question, in my opinion.

Mr. BLOUNT. Well, Mr. Scott, I explained that I believe that it would be inappropriate for me to answer such a question if I, as Postmaster General, am going to be one of the parties to the bargaining.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

(On request of Mr. HALEY, and by unanimous consent, Mr. SCOTT was allowed to proceed for 3 additional minutes.)

Mr. SCOTT. Mr. Chairman, I thank the gentleman from Florida.

Now, Mr. Chairman, it seems to me that the Postmaster General had an opportunity to express his opinion. He refused to tell us whether he believed a Government employee should have to join a union to retain his job. We know that under the union shop if an employee does not join a union he still has to pay dues. There is provision in this bill so that the union dues will be deducted from an employees pay as well as assessments of the union.

I feel that in a democracy, such as we have, no Government employee should be compelled to join any organization against his will in order to retain his Government employment. In my opinion, this is a very worthwhile amendment, and I urge it be adopted by the committee.

Mr. OLSEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the Postmaster General proposes that we have an agency that is no longer in the Government. That is what he proposes. He proposes that the Post Office Department be operated as any other part of the private sector, that is, in the public utility business. That is comparable, let us say, to any electric power company or the telephone company or the rural electric co-ops. This is what he is talking about, and this is what the committee is bringing before the Members.

When we do that, we are taking something away from the postal employees. What is it? We still say they have rights under the civil service, and those that presently have rights will continue to have them. But as the agency progresses in the future, the question of the rights of the employees will be negotiated. They will be negotiated as they are in the private sector, and particularly let us think of the case of the public utilities.

Now, with respect to the right-to-work law, certainly Postmaster General Blount, a former president of the Chamber of Commerce of the United States, is not going to come up to the Congress and make this written representation to us that this union shop will apply only in those States that have not passed a right-to-work law.

He would not make that representation if he did not really mean it and believe it and have it well researched. He says that in those States where there are right-to-work laws, then a union shop can be negotiated.

In every instance the legal answer to the Postmaster General, for the questions he has asked, is that he has been told this new agency would be subject to the labor laws of this country, as would any utility.

So this argument about right to work can certainly be politically potent, but I believe mostly because the treasury of the Right-to-Work Committee of the United States was nearly defunct, and they needed an issue. Now they have an issue and they are gathering money for their treasury again. But it is not a substantial issue.

I say once again that Mr. Blount is not going to lie to us, and his counsel will not lie to us. There is no responsible authority which can support an opinion different from what I have said, and what Mr. Blount has said to us.

I do not want to read this long document. I am going to have it placed in the RECORD, when we go back into the House. It is a document sent to our committee by Postmaster General Blount. It follows:

APPLICABILITY OF STATE RIGHT TO WORK LAWS UNDER THE POSTAL SERVICE ACT

In view of section 807 of the proposed Postal Service Act and section 14(b) of the National Labor Relations Act as amended (29 U.S.C. 164(b)), the question has arisen whether collective bargaining agreements between the Postal Service and postal unions would be subject to state "right to work" laws forbidding "union shop" provisions. We believe that under section 14(b) such state laws would apply to the Postal Service.

Section 14(b) provides that nothing in the National Labor Relations Act—

"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 in which such execution or application is prohibited by State or Territorial law."

Consequently, we must turn to other parts of the National Labor Relations Act to find language authorizing "union shop" provisions if we are to understand the impact of section 14(b); specifically, we must turn to section 8(a)(3).

Section 8(a)(3) starts out by making it an unfair labor practice for an "employer" (the Postal Service would be an "employer" by virtue of Section 9(h) of the Postal Service Act)—

"by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization. . . ."

If it stopped there, "union shop" provisions would be barred. But it goes on in a proviso to state that nothing in this or any other Federal statute shall preclude "union shop" provisions, with certain qualifications that are immaterial to the present discussion. It is this proviso that section 14(b) substantially nullifies in states with so-called "right to work" laws. As the Supreme Court said in *Retail Clerks* v. *Schermerhorn:*

"There is thus conflict between state and federal law; but it is a conflict sanctioned by Congress with directions to give the right of way to state laws barring the execution and enforcement of union-security agreements." 375 U.S. 96, at 103 (1963).

Since section 807 of the Postal Service Act incorporates the National Labor Relations Act (as amended by the Labor-Management Relations Act) "to the extent not inconsistent with provisions of this title," and since the clear intent of the Postal Service Act is to put labor-management relations in the postal system on the same footing as those of interstate enterprises in the private sector, except with respect to the methods available for resolving negotiating impasses, it would seem that this same "yielding of the Federal right of way to state laws" would apply under the Postal Service Act. Thus the Postal Service could not enter into union shop contracts where prohibited by state law because the Labor Management Relations Act, to which the Postal Service would be subject, defers to the state law on this question. Neither the Postal Service Act nor the Labor Management Relations Act indicates that the reference to state law shall not apply in the case of the Postal Service, and we are aware of no constitutional prohibition against action by Congress which has the effect of making a Federal instrumentality subject to state law on a matter such as this.

I ask Members to listen to this once again: Quite simply, the labor laws of this country apply, and in the right-to work States the union shop cannot be negotiated. In the other States it can be.

What does that mean? That does not mean the man has to join the union. It means he would have to pay for union dues. He would have to pay for the work that was done by that union agency. He would have to pay the dues for the service provided by that agency in negotiating for him his conditions of employment and his pay. That is just what a union shop is. It is not a closed shop, any more than it is with any utility in this country.

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

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

Mr. UDALL. I thank the gentleman for the statement he is making, and I concur with him. I should like to raise one other point.

I hear it said by many of my colleagues that there is something special about public employees and something of a precedent or what might be described as sacrilegious to have a union shop or an agency shop in public employment, whereas they would support it in private employment.

Is it not a fact that other States, the New York Port Authority, the TVA, Los Angeles County, and many other Government agencies do have union shops?

The CHAIRMAN. The time of the gentleman from Montana has expired.

(By unanimous consent, Mr. OLSEN was allowed to proceed for 3 additional minutes.)

Mr. OLSEN. Mr. Chairman, I yield further to the gentleman from Arizona.

Mr. UDALL. I have a whole long list of State governments, local governments, government authorities of one kind and another, in which there is precedent for the union shop or agency shop. Would the gentleman agree that this is not the first instance where such a situation has been provided?

Mr. OLSEN. I agree with the gentleman.

I want to say that in the case of wage board contracts, the craft unions in the country, with agencies of the Federal Government, there are union contracts, and there are dues deduction contracts. That does not mean the man has to join the union. It simply means he does pay dues for the work that union as an agency does in negotiating wages and conditions of employment for him.

Mr. UDALL. Would the gentleman comment on one other argument which has been made here, that if we apply this to the new postal establishment, which is not a corporation but which is like the Veterans' Administration or NASA or an independent establishment of business, simply a commercial operation, as the gentleman says, this would be a precedent for a union shop in the Defense Department or HEW or the Interior Department or the Agriculture Department. Does the gentleman think it would be a precedent, as we heard said around here by some of our colleagues?

No, it is not a precedent for that. But let me say again that these civil service employees are giving up something. They are giving up the competitive civil service. For them there is going to be negotiated a new system of precedents in their jobs. If they are going to give that up, then they are certainly entitled to collective bargaining under the national labor laws of this country, just like people who work for other utilities of the country are entitled to negotiate.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

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

Mr. LONG of Maryland. I am curious about this. If this provision for a union shop prevails, how does this affect the status of some of these independent unions such as the National Alliance of Postal Workers and Supervisors? Is it true, as it has been alleged, that this would freeze them out?

Mr. OLSEN. No. This has nothing to do with that subject. As a matter of fact, the national labor laws would apply. So far as the bill in its present form is concerned, there would be unit elections. Presently in this bill, unless it is changed at another point, there would be units that would be negotiating and units would vote as to who would represent them.

Mr. LONG of Maryland. But would not the small independent unions be frozen out in this?

Mr. OLSEN. No. Presently the way the bill is written—and maybe you are thinking of the National Postal Union, who have a predominance of members in New York, Philadelphia, and Los Angeles—they would become the agency in those cases.

Mr. LONG of Maryland. What about the case of an employee who belongs to two different unions, let us say the letter carriers union being one?

The CHAIRMAN. The time of the gentleman from Montana has expired.

(By unanimous consent, at the request of Mr. LONG of Maryland, Mr. OLSEN was allowed to proceed for 1 additional minute.)

Mr. LONG of Maryland. Does this provide for a checkoff?

Mr. OLSEN. It provides for a checkoff negotiated by a unit.

Mr. LONG of Maryland. The man who belongs to two unions who, let us say, would prefer to belong to a different one, would have to pay money to one union. Would that not force him to belong to the major union of the group?

Mr. OLSEN. In the Washington, D.C., unit he would have to belong to the major unit in that class. Yes.

Mr. LONG of Maryland. Oh, well, I think that is unfair.

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

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

Mr. SISK. Mr. Chairman, the gentleman is trying to clarify some of the misunderstanding that developed over the status of employees within the postal service within this new organization. The gentleman just made a statement that these postal workers should be entitled to certain considerations in connection with the right-to-work amendment which has been offered in connection with their bargaining because—and I do not wish to put words in the gentleman's mouth, but as I understood his statement—because they are giving up something.

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

Mr. SISK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the gentleman from Montana remaining in the well, because I would like to yield to him for further comments.

This whole idea of just what the employees of the postal service are giving up in connection with their present civil service status is of importance certainly to me and I am sure to them and I think to many other Members of Congress.

In what way is their status being changed? Just what are they giving up from the standpoint of their protections, privileges, and so forth, that they enjoy under civil service as civil service employees? Would the gentleman briefly outline what he understands they would be giving up, because I recognize to the extent that they do give up certain job protections that a civil service employee has in connection with the fact that he cannot be removed except for cause, and so forth, this becomes very important to get something in return.

As the gentleman remembers, I raised some questions on this very subject up in the Committee on Rules.

In fact, as a result of the questions I raised, for some reason I suddenly got read into the Right to Work Committee, let us say, without my knowledge. But at any rate I am interested in getting this clarified and I would be glad to have the gentleman from Montana comment upon it.

Mr. OLSEN. I want to comment on that and I want the gentleman from Arizona to listen while I comment.

They no longer will have the rights of what we call the competitive civil service—competitive civil service, and the word "competitive" in the language of the law means that if they pass certain ability tests and if they are senior in time they will get the next high job.

Mr. SISK. That is right.

Mr. OLSEN. They lost that.

Mr. SISK. Uh-huh. Well, I had not understood from the comments before that they necessarily lost something. This is why I wanted to get clear exactly what they are losing.

Mr. OLSEN. They lose that. And, I think, the question of how there will be job advancements will be negotiable and, indeed, what those job advancements represent will be subject to negotiation.

Now, in this bill we are reducing the number of years in which it takes to graduate to the highest grade. We are compressing that down from 21 years to 8 years.

Mr. SISK. From 21 years to 8 years I understand.

Mr. OLSEN. However, in the future that will be negotiable. That will not be a subject of the Postmaster General's determination or of the Congress. It will be negotiated between the bargaining agent and the Postal Service.

Mr. SISK. In other words, the gentleman is saying that compression which many of us have supported—that is, this business of changing the requirement today of working for 21 years in order to reach the top of that grade—by law we wish to reduce that to 8 years and that that will be out under the new procedure?

Mr. OLSEN. That will not be out. It will be subject to negotiation henceforth if this bill passes.

Mr. SISK. What I seek is information as to exactly what the status of these people is going to be as to civil service and civil service rights.

Mr. OLSEN. I want to say this, too: They will be able to invent new kinds of classes and grades of positions in negotiation.

Mr. SISK. Well, now, is the gentleman saying that so far as let us say level 5, steps 1, 2, 3, and 4, this as a method of determining pay and position will be eliminated or could be eliminated by negotiation and a whole new policy with regard to that would come into being?

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

Mr. SISK. Yes, I am glad to yield to the gentleman from Arizona.

Mr. UDALL. I have a rather lengthy statement here which I shall place in tomorrow's RECORD on this subject. We are not discussing the right-to-work amendment.

Mr. SISK. That is right.

Mr. UDALL. In civil service we are confused on occasion by saying, you are here, you are now on civil service or you are not. There are many kinds of civil service employment and the gentleman himself is one.

Mr. SISK. That is exactly right.

Mr. UDALL. For instance, we have the military man who works for the Government, we have the foreign service, we have the postal service and these men will be in a new facet of the civil service. I have a table which I will extend in the RECORD showing the 9 or 10 different aspects of the job and what the changes are and what does not change.

Mr. SISK. In other words, there will be a new type of civil service, different from anything presently in existence; is that correct?

Mr. UDALL. That is correct.

Mr. SISK. Will the gentleman explain as best he can what the tenure of that title civil service will be? What will be the criteria that will determine what that status will be?

Mr. UDALL. The historical thing we are proposing to do here and which we hope is going to get this question of collective bargaining working instead of congressional begging is that they will have collective bargaining conducted under guidelines which we have established.

Mr. Chairman, many Members of this body are disturbed because they have been given to understand that postal employees would be stripped of their protection as civil service employees and left to be fired at will by the management of the new Postal Service.

Nothing could be further from the truth. I think it is very important that we review this entire matter so that each Member knows exactly what we are talking about concerning the future of the employees of the Postal Service.

As we are all aware, there are a multitude of types of civil servants. Here in the Federal Government, we have staff employees in the House and Senate, who have certain privileges denied other Federal employees. We have employees under the wage board system who are blue-collar workers for the Federal Government. In addition, we have the classified employees who, in turn, have different benefits and privileges than others.

A soldier in the Army is another type of civil servant and he has an entirely different set of privileges, benefits, and responsibilities.

And then we have the postal worker—he too is a civil servant and he too has his particular character. In our postal reform package we have taken that old postal worker and said, "You will henceforth become a new kind of Federal civil servant. You will have many of the same benefits and programs you previously had, while at the same time, we are going to provide you with new and different programs for career advancement." In effect, we have created a new kind of Federal employee. Let me emphasize at this point that this changeover is welcomed enthusiastically by the employees—it will for the first time, allow them to become a viable force in creating real changes in their working conditions. For the first time they will be able to sit down and really talk with management about bettering their benefits, wages, working conditions, and the entire range of personnel problems.

At the same time, we are still going to preserve those essential parts of the "old" postal employee's civil service status so that he cannot be arbitrarily fired or have his conditions of employment summarily changed.

Let us look at some specifics so you can see what we did in this area.

First. We said that the postal employee will always have the following rights exactly as he has them right now:

a. Veterans' preference as to hiring, adverse appeals, and so forth;

b. Compensation for on-the-job injuries;

c. His entire retirement program shall remain in Civil Service.

We also said that every time these programs are made better for the regular civil service, so should they be applied to the postal worker.

Second. We then said that every law, rule and regulation that covered the rights of the postal employee subject to collective bargaining would continue in force until they were changed through negotiations between the employees and management. Thus, this postal worker will continue to be guaranteed his job, his merit appointment and promotion procedures, his health benefits—everything like this—until such matters are changed through collective bargaining.

To make sure that even this provision was not misconstrued, we added the following language:

No variation, addition, or substitution with respect to fringe benefits shall result in a program of fringe benefits which on the whole is less favorable to the employees than fringe benefits in effect on the effective date of this section. (Pages 21–22 of H.R. 17966.)

This means that management cannot ever negotiate a package that is less than the status quo. There is no conceivable way that the benefits the postal employee now has will ever be less.

We have also added a specific provision that protects the existing credits for sick or annual leave and compensatory time off to be continued by the new Postal Service.

Let me sum up at this point those characteristics that make our postman very much like the regular civil servant:

First. Veteran's preference;

Second. Compensation for on-the-job injuries; and

Third. Retirement program.

Now let us turn to those things that really make our new postman different. He will be able, for the first time, to collectively bargain for his wages, benefits,

and working conditions with management. No other Government employee will have such opportunities.

With the singular exception of the right to strike, our new postal employee will be identical to his counterpart in the private sector in this respect.

It is vital that this aspect of the postal reform bill be understood. We are truly creating a new kind of Federal employee, embodying him with the protection of many regular civil service provisos, while giving him collective bargaining—with binding arbitration as his last resort—identical to the private enterprise employee.

Following is a chart that will outline the major personnel policies affecting the postal worker and showing how they will be affected by our new postal reform proposal.

*Policy**	*Old Postal Worker*	*New Postal Worker*
Hiring and Promotion.	Set by Congress and Post Office Department.	Will be identical to existing law until changed by collective bargaining.
Health and Life Insurance.	Set by Congress.	Will be identical to existing law until changed by collective bargaining.
Retirement.	Set by Congress.	Set by Congress.
Pay.	Set by Congress.	Will be identical to existing law until changed by collective bargaining.
Adverse Appeals, Disciplinary Action.	Statute plus CSC, POD contracts with Union.	Will be identical to existing law until changed by collective bargaining.
Veteran's Preference.	Set by Congress.	Set by Congress.
On-the-Job Injuries.	Set by Congress.	Set by Congress.
Specific right of employee to petition Congress, individually or through organization.	In existing law.	Continues as law.

*Managerial employees will continue to have existing policies and programs, but these will be changed by Management, only under no circumstances can the policies affecting adverse actions or firings be changed unless the Civil Service Commission approves.

In summary, what we are doing is protecting with civil service status those aspects of the postal employee that need protecting. At the same time, we will free him to negotiate the best deal he can, always improving himself in the bargain.

He is a new breed of cat, a new strain of Government employee, and one that will ultimately provide even better postal service to all Americans.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. DERWINSKI. Mr. Chairman, I rise in support of the amendment.

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

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

Mr. DULSKI. Mr. Chairman, I would like to inquire as to whether there are any other speakers on this amendment?

Mr. GROSS. Mr. Chairman, wait a minute, now, what is the hurry?

Mr. DULSKI. I thank the gentleman.

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

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

Mr. SCOTT. Mr. Chairman, I thank the gentleman from Illinois for yielding.

I just wanted to make one very brief comment. The gentleman from Arizona (Mr. UDALL) referred to the Members of this House as being under civil service. We will learn in November whether we are under the protection of the civil service merit system.

Mr. DERWINSKI. Mr. Chairman, I rise in support of the amendment.

I will try to get the discussion back to the subject matter of the amendment.

In the previous colloquy we were off on the subject of civil service. That is not the issue of this amendment. This amendment would merely provide that in order to be employed in this newly established postal service one would not have to join a union in order to hold a job. That is all it does. In other words, it is an anticompulsory unionism amendment, and I do not believe it does any disservice at all to the concept of postal reform.

I remind the Members that we have before us postal reform legislation, and that there may be many amendments offered that will "gut" this basic vehicle by which we attempt to reform the Post Office Department. But this amendment offered by the gentleman from North Carolina (Mr. HENDERSON), certainly does not harm postal reform.

I recognize that it was not the intention of our committee or the administration to have this issue dominate the proceedings when we started a discussion of postal reform in April of 1969, but the facts of life are that the Members are extremely concerned with this subject, the people across the country are evidently very concerned, and I suggest we pass the Henderson amendment which is not in any way a disservice to the cause of postal reform.

I am convinced that at this point the House seems to be less than enthusiastic about the total package. I have no idea what the end results of our deliberations will be. I have no idea if the Postmaster General will recognize postal reform in the final version that the House adopts. I would suggest that either friend or foe of postal reform could on this issue support the amendment offered by the gentleman from North Carolina (Mr. HENDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield.

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

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the amendment offered by the gentleman from North Carolina (Mr. HENDERSON) and the gentleman from Iowa (Mr. GROSS). I want to first reaffirm my full and enthusiastic support for the reform of our archaic and overburdened postal system. Rather than detract from or obstruct the aim of postal reform, I think this amendment will contribute significantly to the successful completion of that effort.

Also, I want to emphasize that, in my opinion, this amendment does not involve a "right-to-work" issue. The real question raised by the postal reform bill in its present form is whether or not we wish to set a precedent for the possible development of union shop agreements in departments and agencies throughout the entire Federal Establishment. I cannot believe we do.

We are all aware that the orderly procedures and due processes of our representative democracy daily come under increasing assault from those on both sides of the political spectrum. These extremist groups are so impatient to attain their ends that they would bypass our established lawful procedures and demand the instant and total adoption of their particular programs and panaceas. What they are demanding, in essence, is minority veto and control in a system founded upon and dedicated to the principle of majority rule. Now, by allowing a small handful of union leaders to obtain a grasp on the vital operations of the Federal Government, would we not be abetting this very trend toward unlawful, coercive minority rule?

I would make it clear that I am not arguing a union shop in the new postal system would necessarily lead to a similar development in other departments and agencies, nor that union leaders would necessarily abuse their power if this did, in fact, occur. But what I am suggesting is that the spread of union shop agreements, once a precedent is adopted, is a real possibility, and that union leaders, being subject to the same human foibles as the rest of us, would be sorely tempted to make improper use of their power.

What is needed in the present hour is a reaffirmation of orderly, lawful representative government; we can make an effort in that direction here today by refusing to hastily and ill-advisely foster the development of still another force with a potential for undermining our constitutional processes.

I would hope that the concern I have raised will not be interpreted as an indication of antiunion sentiment or a lack of sympathy for the just demands of postal workers for more adequate pay and conditions of work. I am a firm believer in collective bargaining and the right of workingmen to organize, and hope that the new postal system will allow us to more adequately compensate our postal workers. But I would point out that the postal unions have attained

a national membership of well over 80 percent of postal employees on a voluntary membership basis, and I am confident that they can continue to thrive on this basis in the future.

In conclusion, let me say that the amendment before us will provide positive benefits on all fronts: it will help to strengthen our representative form of government; it will not hinder postal workers in their quest for more adequate standards of living; and it will win support for and facilitate the creation of the modern, efficient postal system that this great industrial nation of ours so desperately needs.

Mr. Chairman, I wonder if the gentleman from Illinois would undertake a discussion in reference to the question raised earlier, and I was not satisfied with the answers that were given in the colloquy as to what the impact of this bill without the Henderson amendment would be on the National Postal Union, the National Postal Alliance, and the many other independent, small independent unions.

Let me put it this way: Is it not true that without this amendment that the likelihood would be that one of the several national unions would hold a representation election under the supervision of the National Labor Relations Board Act, they would have a majority, and then everyone would within 30 days, or within a specified period of time, have to join that union and then give up their membership in that other union?

Mr. DERWINSKI. If the chain of events occur as the gentleman from Illinois describes them, this could be the end result. But there is one other point I think we should clarify, and that is this issue of what the postal employees are giving up when they transfer to this proposed new postal service.

Postal employees will be just as much employees of the Federal Government after the reorganization act becomes effective as they are today.

As nonmilitary Federal employees, Postal Service employees will continue to be in the civil service; the bill specifically provides, indeed, that "Officers and employees of the Postal Service shall be in the postal career service, which shall be a part of the civil service."

When the personnel provisions of the act become effective, employees of the present Post Office Department will automatically take on the status of employees in the new postal career service, and the sick and annual leave and compensatory time they have accrued will automatically become obligations of the Postal Service. Such employees will be permanently eligible to transfer, at the same or a higher grade, to any other position in the Federal Government which may be open and for which they are qualified.

Under the reorganization bill, Postal Service employees will be permanently covered by the laws relating to the civil service retirement program and the Federal employees workmen's compensation laws. The provisions of the Veterans Preference Act will also apply to the Postal Service on a permanent basis.

All other terms and conditions of employment in effect when the Postal Service commences operations—including rates of pay, fringe benefits, seniority, rights on adverse actions, and so forth—will continue to apply unless changed by the Postal Service, and as far as employees who are represented by collective bargaining agents are concerned, any such change will be subject to collective bargaining as a matter of law.

With respect to fringe benefits, no change will be permitted if it results in a program of fringe benefits less favorable, on the whole, than that now in effect; and with respect to employees who have collective bargaining representatives, any such change must be by agreement between the collective bargaining representative and the Postal Service.

Appointments and other personnel actions in the Postal Service must be on a strictly nonpolitical basis, and veterans must be given preference in appointments.

The pay and job classifications of Postal Service employees will not be fixed by statute, and Postal Service employees—while still part of the civil service—will thus not be in the "classified" or "competitive" civil service. By law, their compensation and benefits will have to be maintained on a standard of comparability to the compensation and benefits paid for comparable levels of work in the private sector. For employees in collective bargaining units, compliance with this statutory mandate will be guaranteed by the fact that the Postal Service will be under a statutory duty to engage in collective bargaining over wages, hours, and working conditions, with the employee organizations having a statutory right to binding third party arbitration in the event of a negotiating deadlock. Because Postal Service employees will be outside the "classified" or "competitive" service, their pay increases will no longer be dependent upon the enactment of new legislation, and the Congress, the Bureau of the Budget, and the President will be completely removed from this process.

The Postal Service will be required, by law, to establish procedures, subject to the collective bargaining provisions of the statute, that will assure postal employees of meaningful opportunities for promotion and career development, and assure them full protection of their employment rights by guaranteeing them an opportunity for a fair hearing on adverse actions, with representatives of their own choosing. Postal employees will have statutory protection against removal or suspension without pay for any cause other than such cause as will promote the efficiency of the Service—the statutory standard under the civil service laws—and the statutory provisions relating to adverse actions in the competitive civil service will be applicable, except to the extent of any inconsistency with applicable collective bargaining agreements or with alternate procedures established by the Postal Service with the approval of the Civil Service Commission, subject always to the provisions of the Veterans Preference Act.

In brief summary, the protection that postal employees enjoy under the present system will in no way be diminished, while their opportunities for better pay, better working conditions, and better career advancement will be improved immeasurably.

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

Mr. DERWINSKI. I yield to the gentleman.

Mr. OLSEN. In response to the question asked by the gentleman from Illinois——

Mr. DERWINSKI. I suggest that the gentleman from Montana direct his remarks to me.

Mr. OLSEN. Yes; but I mean because of his question, I want to ask you if it is not true though that representation elections would not, if this bill is written as it is presently, would not be national elections. They would be under your substitute, but they would not be under this bill national representation elections.

They would be under the National Labor Relations Act.

Mr. DERWINSKI. That question should be directed to the gentleman from Arizona.

Mr. Chairman, I urge the adoption of the amendment.

Mr. KLEPPE. Mr. Chairman, I strongly support the urgent need for postal reform but, as a matter of principle, I cannot accept the view that compulsory unionization is a part of the price the Nation must pay to achieve the broad objective of improved and more efficient service.

I endorse the contention of the gentleman from North Carolina (Mr. HENDERSON) that under section 222 of the bill before us, the postal authority and the employee unions could negotiate an enforceable agreement providing for a union shop or that such a provision could be achieved by compulsory arbitration. I believe this would, in effect, compel a postal employee to join the union or lose his job. I support the Henderson amendment.

It is my understanding that the union shop provision would not apply in the 19 States with right-to-work laws. North Dakota is one. Nevertheless, I have most serious reservations about opening the way to union shop contracts for postal workers in the 31 States which would be affected.

I strongly support the right of Federal employees to join unions of their choice. I oppose just as strongly any proposal which would force them to join unions against their choice.

It seems to me that if we extend what is essentially compulsory unionism to postal workers there will be irresistible pressures to include all Federal workers under similar contracts. The next logical step would be to legalize the right of Federal employees to strike against their Government. I do not believe the American public will accept that concept. Now would be the appropriate time to resolve this matter here in the Congress by eliminating compulsory unionism from the postal authority bill.

Mr. WILLIAM D. FORD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to correct

the record on what was just said in answer to the question of the gentleman from Illinois.

This bill does not work the way it was described at all. The section now under consideration has absolutely nothing to do with the establishment of bargaining units. It will be governed by the National Labor Relations Act as this bill is drafted and once a bargaining unit is created, it does not matter whether 50 or 90 percent of the employees in that bargaining unit join the union or not—that is the only union that can represent the employees in that bargaining unit under the National Labor Relations Act and under the law of this country, the common law, that union becomes the agent and the fiduciary for all of the employees whether they belong to the union or not.

So let us not confuse the problem of national elections and national policy and union or any of the other four unions.

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

Mr. WILLIAM D. FORD. I yield to the gentleman.

Mr. DERWINSKI. The fact remains though in the situation you have described that they would have to join that union upon the election; would they not?

Mr. WILLIAM D. FORD. No; they would not have to join that union. The two problems should not be confused.

Mr. DERWINSKI. I am saying that unless this amendment is adopted.

Mr. WILLIAM D. FORD. This amendment would not help them out because whether they join the union or not, only one union can represent the people in any one given union. Even if a unit comes up with only 20 percent of the employees as dues-paying members, only one union can represent them with the employer. You cannot force an employer to deal with more than one agent for the same employee. Obviously, you would not want that.

If you create that kind of situation, imagine what you would do to the postal management problems that that would create.

If you did that to any private company, it would be out of business in 90 days.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman.

Mr. THOMPSON of New Jersey. I think I might help to clarify this by referring our distinguished colleague, the gentleman from Illinois, to two cases—*Steele* v. *Louisville & Nashville Railway Company*, 323 U.S. 192, and *Ford Motor Company* v. *Huffman*, 345 U.S. 330, in which it was held that, notwithstanding that an individual does not join a union, it is incumbent upon that union to represent him in any case.

So there is not that degree of compulsion.

I will extend this later in the RECORD.

Mr. WILLIAM D. FORD. As the gentleman from Montana has already stated, this is really a phony issue.

It is really important, I suppose, more on the right-to-work committee issue than anything else because they are scaring people all over the country as a consequence of using this bill. I do not think you have heard me too many times in the well of this Chamber defending Postmaster General Blount who has become the butt of their arrows and a target for them. He has become the bad guy in some of the things he has done in the Post Office Department.

In this particular area he has not done any of the things they are accusing him of.

The bill does not do any of the things they are saying it will do. Most of the stuff that has been spread across this country to frighten the people about compulsory unionism is just a lot of baloney. I do not know of a nicer set of words to use because baloney is baloney no matter how you try to cover it.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. The gentleman has said that a post office employee does not have to join a union.

Mr. WILLIAM D. FORD. There is no provision in this bill that either directly or indirectly requires membership in a labor organization or any other organization as a condition of employment.

Mr. LONG of Maryland. It does not require a checkoff of dues?

Mr. WILLIAM D. FORD. Only if management and labor agree in the collective bargaining process to a checkoff of dues will there be a checkoff, and only as to those people who are subject to that agreement.

Mr. LONG of Maryland. That means that not the ordinary postal worker but someone else at the top, in management or the union, will decide to check off my dues and force me to pay the dues?

Mr. WILLIAM D. FORD. I do not yield further to the gentleman. I do not have the time. The someone at the top would be the postal worker's representative. No one can represent a postal worker as a unit representative until a representation election has been held under the National Labor Relations Board guidance and guidelines and a determination has been made that the employees do in fact want a union in that unit, and which union they want to represent them. Then they elect the officers of that union, and those officers will negotiate conditions between management and the employees. The whole thing is a voluntary process.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(On request of Mr. EVANS of Colorado, and by unanimous consent, Mr. WILLIAM D. FORD was allowed to proceed for 1 additional minute.)

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. On the question of checkoffs, as I have read the bill—and I think I have read it correctly—if checkoff is agreed to between the union and management, it is not also true that before it can become applicable to any individual union member, the member individually must in writing agree to it?

Mr. WILLIAM D. FORD. That would depend entirely on what the agreement was. You see, this bill does not write for the Postmaster General his contract with his employees. All we seek to do is to put the Postmaster General in the same position as the president of Ford Motor Co., General Motors, or any other large corporation, and to free his hands to make the best deal he can make to secure the kind of labor he needs to run this big, new corporation. You cannot on the one hand come here and say the reason you are for postal reform is that we need to free the head of this corporation to work with the employees and, on the other hand, tie his hands.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it can be cut thick or thin. We are here talking about Federal employees, 750,000 of them, and without the Henderson amendment they may well lose their rights under the Executive order that applies to them today. It is just that simple. I want to address my preliminary remarks to Republicans, those on this side of the aisle. I want to quote to them the Republican platform of 1968, which states:

> 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 activity.

You cannot make the language much plainer or clearer than that, and I assume that the Republicans, and every one of them in this room here this afternoon, subscribed to the Republican platform.

Mr. Blount, the present Postmaster General, appeared before the Republican Convention in Miami, Fla., in July of 1968, and let me read to you what he said at that time:

> This makes it all the more important, and we strongly urge—

Remember, he was president of the U.S. Chamber of Commerce at that time—

> This makes it all the more important, and we strongly urge that the individual worker be protected in his right to decide by his own free will whether or not he will join a union. No free individual should ever be forced to join or to give financial support to a union or any other organization in order to get or hold a job.

Still quoting Mr. Blount, the present Postmaster General, when he was president of the U.S. Chamber of Commerce—

> There should be no qualification of the fundamental right to join or not to join a labor organization. Both should have equal protection of the law.

Now what has happened to Mr. Blount between 1968 and this day in 1970—less than 2 years—on the subject of right to work?

Former Secretary of Labor, Mr. Shultz, speaking to the National Press Club on June 9, 1970, said this:

> As far as the Federal Civil Service is concerned, it would seem to me a mistake to say that in order to work for the Government, you have to join any particular organization, whether it is a union or any other organization.

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

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

Mr. HENDERSON. Mr. Chairman, would the gentleman from Iowa agree with me—we have not brought it out in the debate—that under the union shop system the postal employee, if he does not join the union, may or could lose his job, if we follow without amendment the provisions of page 195 of the bill?

Mr. GROSS. I certainly agree with the gentleman.

And going back to this business of trying to cut it thick and thin, let me read to the Members from a publicity release by the Post Office Department:

All other terms and conditions of employment in effect when the Postal Service commences operations—including rates of pay, fringe benefits, seniority, rights on adverse actions, etc.—will continue to apply unless changed by the Postal Service, and as far as employees who are represented by collective bargaining agents are concerned, any such change will be subject to collective bargaining as a matter of law.

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

Mr. GROSS. I yield to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, on page 7 of the report, under section 206, it says—and I have difficulty praising this sentence:

Section 206 was further amended to provide that an individual who is a member of a religious organization having established teachings which oppose a requirement that a member of such organization join a Postal Service labor organization as a condition of employment provided he pays to the Treasurer of the United States a sum equal to the initiation fees and periodic dues required of the labor organization.

Does the gentleman recall that?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(On request of Mr. KYL, and by unanimous consent, Mr. GROSS was allowed to proceed for 1 additional minute.)

Mr. GROSS. I would prefer the gentleman to address that to someone who may have the answer. I do not have the answer to the gentleman's question.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Chairman, the genesis of this is in the opposition of certain minority religious groups whose scruples prevent them from being members of such organizations as labor unions and they would not have to join.

Mr. GROSS. I am well aware of that.

Mr. KYL. But the sentence does not say that. There is no complete sentence there whatever.

Mr. THOMPSON of New Jersey. The effect is that they would not have to join.

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

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I associate myself with the remarks of the gentleman from Iowa (Mr. GROSS).

Mr. Chairman, with reference to the postal reform legislation it is reassuring that opposition to the compulsory unionism aspect of H.R. 17070 is mounting increasingly. Back in April I made public my misgivings on the postal reform legislation which was being considered at that time. As I stated then, my chief objection to the postal reform bill is the provision which paves the way to compulsory unionism by authorizing the negotiation of a union shop contract. I noted that under most of the postal proposals no American citizen could work for his own country's postal service unless he first agreed to pay dues to a union, the only exception being in the 19 States which now have right-to-work laws which bar the union shop.

The key provision, which for the first time in history of Federal employment makes possible union membership or payment of union dues as a condition for working for Uncle Sam, was, and still is, contained in section 7 of the 1947 Labor-Management Relations Act, popularly known as the Taft-Hartley Act. Section 7, in spelling out the rights of employees, sets forth the right of an employee to join or not to join a labor organization but qualifies this right with this proviso "except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment."

What present postal reform legislation seeks is to include Federal employees under the Taft-Hartley Act which in the past covered private employment only.

It is indeed ironic that it should be a Republican administration which is endeavoring to compel a Federal employee, under certain conditions, to join a union and or pay union dues. President Kennedy, in his Executive Order 10988, prohibited all forms of compulsory unionism in Federal employment. This principle was left unchanged by President Johnson and again confirmed by President Nixon in Executive Order 11491, which stated in part:

Each employee of the executive branch of the federal government has 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. (Emphasis added.)

The compulsory unionism objection now being raised requires a word of explanation. Under the proposed bill, a Federal employee or applicant, under certain conditions, can be forced to join or pay dues to a union to gain or retain a Federal job. At the present time no American citizen can be so coerced—anywhere or anytime. This is the crux of the increasing number of objections to this bill.

My chief objection to H.R. 17070 was first clarified by Postmaster Blount in June of last year when he testified before the House Post Office and Civil Service Committee on a earlier administration bill containing the same Taft-Hartley restriction. At that time Mr. Blount stated:

Under the Postal Service Act, rank and file postal empoyees would for the first time have a statutory right to organize collectively and to bargain collectively with management on all matters—including bread and butter issues like wages and hours—which their neighbors in private industry have long been able to bargain for.

Later Mr. Blount was asked by Congressman FORD regarding this statement:

Does that include the union shop and agency shop? Will they be part of a union contract now?

To which Mr. Blount responded:

They could be bargained for in the collective bargaining process, yes.

The colloquy continued:

Mr. FORD. You have no objection to a recognized union negotiating a union shop with the Post Office.

Mr. BLOUNT. Not as a matter of collective bargaining.

This exchange further clarified the possible fate of a Federal worker under the administration's reform proposals:

Mr. FORD. I want you to tell me whether or not it is the view of the administration that a union shop is a proper matter to be negotiated into a contract with a postal employee.

Mr. BLOUNT. We certainly believe it is a proper matter to be included in the collective bargaining between parties.

Mr. FORD. With that in mind, and in view of your previous statements about recognizing unions on a craft basis, it seems clear that once you make a decision, you are going to accept that route and disregard the already existing organizations that have started to organize on an industrial union basis.

With that in mind, would it be possible for one of the craft unions to negotiate a national contract with a union shop clause in it?

Mr. BLOUNT. Yes, sir.

Mr. FORD. So that all employees falling within the purview of that craft, whether they joined the union or not, would pay dues to that union once you had negotiated such a contract to this union?

Mr. BLOUNT. Yes, sir.

Mr. Blount at that time made another very interesting statement which was later to have special relevance:

The Post Office delivers some 30 million social security checks alone each month. To allow the people who depend on these checks to be subject to the disruptions of a postal strike should be unthinkable.

Some months after this statement of June 10, 1969, postal workers violated Federal statutes by striking and disrupting mail service in such large cities as New York, Philadelphia, Chicago, Detroit, Los Angeles, Newark, and San Francisco. On March 25 of this year the postal walkout ended, and on March 27 the Washington Star's Federal reporter, Joe Young, stated in a front-page article:

Federal employe unions are threatening an increasing number of wildcat strikes and slowdowns throughout the country unless the workers receive pay raises equal to those of postal workers.

On the same page of the Star, Duncan Spencer reported on the air controllers' slowdown:

The air controllers' walkout remained unchanged today—despite calls for a nationwide strike and threats of government discipline.

Up to 25 percent of the air controllers across the country reported sick for the third consecutive day.

More recently and closer to home Members of Congress felt the effects of the "sick-in" at the Government Printing Office in which several editions of the CONGRESSIONAL RECORD were delayed or reduced by this illegal walkout.

With this trend toward willful disruptions of Federal services by Federal employee union members, the enactment of postal reform legislation which would permit a union or agency shop would set a precedent for other unions to eventually exact from unwilling employees the payment of dues while these unions support, condone, or ignore illegal disruptions. In view of the administration's apparent reluctance to date to crack down on such activities by Federal employees, the problem is serious enough. But to force a loyal Federal worker to finance to any extent these activities is beyond reason.

The present version of the administration's postal reform bill, H.R. 17071, resulted from the postal strike in March referred to above. As the postal workers were returning to work, the Postmaster General agreed to meet with postal union representatives to discuss wages and postal reform. On May 20 in a New York speech President George Meany of the AFL–CIO referred to these discussions:

> Postal employees, as you know, have just become the first federal employees ever to negotiate with the executive branch of the government—with a Cabinet member, no less—on their own wages and working conditions. Those negotiations followed the same form and covered the same items as any labor-management discussions in private industry. They brought the same kind of reasonable agreement, just and fair to both sides, that collective bargaining always aims at.

In the same speech Mr. Meany had this to say about collective bargaining:

> So there are no shortcuts and there are no substitutes for free collective bargaining. And *strikes and lockouts* are a normal part of the collective-bargaining process. (Emphasis added.)

And again referring to the discussions between the Postmaster General and the postal representatives:

> And I think those discussions set a pattern—the pattern of free collective bargaining on all aspects of employment—that ought to be followed in every federal department and agency and in every state and county and city and town. I think that is the simple, obvious solution to a dangerous situation.

I think it is fair to deduce from the foregoing that Mr. Meany's position is that every public employee union on the Federal, State, county, city and town levels should be permitted to strike as "a normal part of the collective-bargaining process."

On the Federal level implementation of this policy could possibly lead to a state of chaos as far as the Federal machinery is concerned. It is of little comfort, in the case of the postal reform legislation, to have Mr. Blount tell us that Federal strikes are illegal. We are still awaiting some hint of punitive action for the wildcat postal strike of last March.

With six of the seven postal craft unions which met with Mr. Blount to work out the present reform legislation listed as members of the AFL-CIO, and when one considers Mr. Meany's strike philosophy in relation to Federal employment, it will be interesting to see what penalties result as a consequence of the March postal strike. The importance of how this first Federal strike in this Nation's history was handled cannot be exaggerated. The ice has been broken. If the violators are treated with impunity, the "it works" philosophy will surely spread to other Federal unions.

The American Federation of Government Employees—AFGE—the largest Federal employee union in the country with 315,000 members, is a good illustration of this possible snowballing effect. AFGE president John Griner, who is also a vice president of the AFL–CIO, has consistently taken a hard line against Federal strikes and has no intention of changing his position because of the postal strike. However, the Wall Street Journal of March 24 reports Mr. Griner as fearful that the postal strike might well spill over into the AFGE jurisdiction, especially in New York City where the more militant unionists are to be found. A similar complaint was voiced by Kenneth Lyons, president of the National Association of Government Employees, another nonpostal union with some 158,000 blue-collar and white-collar Federal workers. According to the same Journal article, Mr. Lyons has told the White House he is being deluged by inquiries from local officers asking: "If the postal workers can do it, why can't we?"

In the face of this developing inclination toward Federal strikes, the continued push by the administration to strip Federal employees of a basic right—freedom of choice to join or not join a union—is a still graver traversty of a fundamental liberty. In view of the latest developments one would have hoped that the union shop proviso would be discarded and the usual remedy of punishing Federal violators—including fines and jail for strikers and the loss of recognition and the automatic dues checkoff for unions, actions now available under the Executive order and present laws—would have been utilized.

With Benjamin Franklin as its first Postmaster General, the postal service was created in 1775, in the words of the Postal Policy Act of 1958, "to unite more closely the American people, to promote the general welfare, and to advance the national economy." After almost 200 years of operation no one can deny that the service needs a thorough overhauling. But it took less than 8 short years—an Executive order of 1962 granted permission to Federal workers to unionize—for some Federal union members to create havoc never before experienced by the postal service in its long history. The postal service was created to serve the American people and not organizations, regardless of function. Necessary postal reform will be achieved to better serve the public, but the urgency is not so great that the basic rights of Federal employees must be sacrificed as the price of postal reorganization.

Mr. THOMPSON of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. THOMPSON of New Jersey. I yield to the chairman of the committee, the gentleman from New York (Mr. DULSKI).

MOTION OFFERED BY MR. DULSKI

Mr. DULSKI. Mr. Chairman, I move that all debate on the amendment offered by the gentleman from North Carolina (Mr. HENDERSON) and all amendments thereto end by 6:15.

The CHAIRMAN. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. THOMPSON of New Jersey. Mr. Chairman, I think it extremely important that we put into context and have some understanding at this stage of the game as to what union security and the Postal Reform Act is.

Mr. Chairman, notwithstanding his then exalted position as president of the U.S. Chamber of Commerce, it is obvious that the present Postmaster General did not understand properly, as reflected by what the gentleman from Iowa said, what a union-shop agreement is or is not. Therefore, I believe this talk about compulsory unionism ought to be clarified, to show what it permits and what it prohibits.

Section 222 of H.R. 17070 incorporates by reference the National Labor Relations Act; and section 8(a)(3) of the National Labor Relations Act authorizes what is commonly referred to as a "union shop" agreement.

There has been so much loose talk about compulsory unionism that it is time to set the record straight on just what the union shop is all about; what it permits, and what it prohibits.

First of all, a union shop agreement does not:

First, deny anyone the right to work;

Second, force anyone to join a union in order to get a job;

Third, force anyone to picket or to go out on strike;

Fourth, prevent anyone from working while his coworkers go out on strike;

Fifth, deny any employee his right to compete on the job, to win promotion rights and higher pay;

Sixth, deny any employee his freedom of speech, press or assembly;

Seventh, deny any employee the full enjoyment of his religious beliefs;

Eighth, force any employee to support political parties or programs against his will; or

Ninth, create compulsory unionism.

What section 8(a)(3) does is to permit unions and management in free collective bargaining to agree that all employees 30 days after they are employed—7 days in the construction industry—or 30 days after the agreement is signed—whichever is the later—must pay their fair share of the collective bargaining expenses in the form of periodic dues and initiation fees.

There are many safeguards written into the act by Congress and judicial construction.

First, the union must be elected by a

majority of the employees in a secret ballot election, or otherwise be selected by equally valid techniques;

Second, the union must then persuade the employer at the bargaining table that a union shop agreement is desirable;

Third, the periodic dues and initiation fees collectable under the agreement may not be excessive or discriminatory under any circumstances;

Fourth, employees denied rights within the union for any reason—political, racial, religious, or personal are exempted from the contractual requirement that they pay the union dues;

Fifth, a majority of the affected employees may vote in an NLRB secret ballot election to rescind the union-shop agreement; and

Sixth, section 206(c) of 17070 authorizes employees whose religious beliefs prevent them from giving financial support to any labor organization, to pay an amount of money equivalent to the union dues into the Treasurer of the United States instead of to the union.

With these limitations and safeguards, it is not surprising that the "union security" agreement is popular with all segments of those affected.

EMPLOYEES

Employees want their unions to negotiate "union shop" agreements. The 1947 Taft-Hartley amendments were premised on the theory that there was a division between the rank-and-file on the one hand and the labor bosses on the other. Therefore, the 1947 amendments required that the NLRB conduct secret ballot elections on the issue of the union shop, with an affirmative vote by the members, before the union could enter into negotiations on this subject with the employer.

Some 46,146 such elections were held, until this requirement was repealed in 1951. During this 4-year period over 6 million employees voiced their views about the desirability of a union shop agreement. Ninety-seven percent of the elections were in favor of the union shop.

Also in 1947, the Taft-Hartley amendments authorized the American worker to rescind the union shop agreement—by secret ballot election—if experience proved that it was not satisfactory. One-third of the employees by petition can demand such an election, and when one is held, a simple majority of the employees can revoke the union shop authorization given their union.

The statistics reflect that only a small handful of employees are disatisfied with the union shop, and that when such elections are held, the majority vote to continue the union shop.

In 1964, for example, employees in over 11,000 bargaining units signed petitions for elections to vote for union representation; and employees in only 95 bargaining units signed petitions for elections to vote against the union shop agreement. And of these 95 union shop elections, in only 23 was the union shop agreement deauthorized.

These secret ballot NLRB elections are concrete evidence that the American worker wants, and is satisfied, with the union shop agreement.

EMPLOYERS

Employers with experience also want the union shop. A number of surveys by management-oriented groups makes this abundantly clear.

Business Week made a nationwide survey of businessmen in 1957 and reported that:

> Employers who had had it (union shop agreements) longest find the most advantage in it. Fifty-eight percent declared that net effect on management of the elimination of such security would be bad.

The employers gave these reasons for favoring the union shop:

First. It seems to give the union an incentive to settle disputes quickly rather than drag them along for purposes of recruiting new members.

Second. Whenever there is trouble in the plant or some question arises, we know whom we can hold responsible.

A study by the National Industrial Conference Board reached the same results of the Business Week survey. Employers with experience wanted the union-shop agreement because it:

First, places the union in a better position to keep its agreement;

Second, gives the employees the help of the international union if necessary; and

Third, gives employees greater feelings of responsibility and interest in their jobs.

A report by the National Planning Association reached a similar result:

> In all of the cases studied, the employers saw positive advantages in bargaining with a strong and well-disciplined union, and were convinced that they should take steps to encourage workers to join and support the organization which represented them.

All these and other studies by management organizations of management sentiment makes sense.

With the strength of a union security agreement behind it, a union can make constructive concessions helpful to management even though these concessions may be detrimental to the shortrun interests of some of the union members.

In contrast, without this security, unions must press the demands of each and every dues-paying union member to keep his allegiance, even when the demands may be to the long-range detriment of the company and union.

C. UNIONS

In every congressional investigation to date, labor union officials have testified in favor of the union-shop agreement. George Meany, typically, testified in connection with the bill to repeal section 14(b) that—

> A union shop or similar union security arrangement serves as a sort of guarantee by the employer that he is not going to try to break the union. The employer may continue to be a hard bargainer, but once some sort of union security arrangement has been negotiated, it is rare indeed for the employer to set out to break the union. This is well understood by both employers and workers. And since strikes over the existence or survival of a union are the longest and bitterest, union security arrangements make for industrial peace.

When all is said and done, there is a moral issue which prevails. Unions are required by law to represent all employees within the bargaining unit, and there is no reason to allow "free riders," who accept all the benefits and refuse to bear any of the costs.

Unions are unique in America in that they are the only private organizations which are required to provide service for nonmembers. This responsibility toward nonmembers was spelled out in a series of court decisions and now firmly established. See, for example, *Steele* v. *Louisville & Nashville Railway Co.*, 323 U.S. 192; *Ford Motor Co.* v. *Huffman*, 345 U.S. 330.

The Hughes Tool case, 104 NLRB 318 is illustrative. There, the union had a collective-bargaining agreement with the employer in Texas, a right-to-work State where it was illegal for the employer and the union to agree that all employees pay dues to support the union. The union bargained for nonunion members in connection with wages, hours, seniority, fringe benefits, and the like, just as it did for its dues-paying members. But whereas it processed the grievances of the members free of charge, it imposed a nominal fee of $10 upon nonunion employees who utilized the union grievance machinery to protest denial of rights under the union contract. When a nonunion employee balked at paying this cost, the labor board agreed with him that the union by imposing a fee upon the nonunion employee thereby violated its obligation to represent all employees in the bargaining unit fairly and without discrimination based upon union membership or lack thereof.

During the hearings on the bill to repeal section 14(b) of the Taft-Hartley Act—which authorizes the States to enact right-to-work laws—Congressman AYRES commented that:

> It is very difficult to have two men working side by side, one paying his fair share and the other one riding free when they both share in the benefit.

Spokesmen for the three major denominations—Rabbi Richard G. Hirsch, Rt. Rev. Msgr. George G. Higgins, and the Reverend J. Edward Carothers were in agreement that on the moral issue, the weight was on the side of the union-security agreement and against the free rider.

Finally, it is often claimed that the United States is the only country outside of the Iron Curtain where a union shop is permitted. The Legislative Reference Service made a study on this, and reported that this is simply not so.

Union shop agreements are a normal part of labor-management relations in most of the free world:

Mexico permits a union shop.

Canada permits a union shop and/or a closed shop, that is an agreement that the employer hire only union members.

New Zealand permits agreements requiring membership in unions as a condition of employment.

Australia permits preference to union members in hiring, dismissal, or promotion.

Great Britain permits strikes to compel the employer to hire union men only; and as a matter of tradition, union men in England refuse to work along side of "black legs" or nonunion employees.

Sweden permits union to negotiate either union shop or closed shop agreements with the employers.

Norway gives legal sanction to a trade union resolution adopted in 1934 prohibiting union members from working with nonunion members.

Denmark permits union shop agreements.

Switzerland permits a union "solidarity levy," that is an "agency shop" agreement similar to that permitted by the Taft-Hartley Act.

In short, there is nothing unique about the provisions in our labor law. They seem to be generally favored when conditions are comparable, no matter what the country or clime.

The 1947 Taft-Hartley admendments eliminated the closed shop; that is, a shop closed of all except union members. It eliminated the closed union; that is, an organization which could discriminate against employees for reasons of religious, sex, race, political views, and so on.

Under the Taft-Hartley Act, the union cannot exact financial tribute for use in the political arena. Under the prosposed H.R. 17070 a union may not compel an employee to pay the reasonable union dues if this would gainsay his religious beliefs.

Under the union shop the employee need not join the union, he need not support the union. All he is required to do is pay his fair share of the costs of operating the union. Since he shares in the benefits, I think this is only fair. That is why I am going to support H.R. 17070.

Mr. Chairman, the amendment should be defeated.

The CHAIRMAN. Members standing at the time the motion was agreed to to limit debate will be recognized for approximately 1 minute each.

The Chair recognizes the gentleman from Nebraska (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I have been trying to get some time here on this issue. I have to agree that compulsory unionism in this bill is a "phony" issue.

What those who are in favor of such an amendment are doing is allowing a lobby or pressure group to run their thinking on this issue.

There is no compulsory unionism in this bill. Two days after my primary the National Right To Work Committee said that I voted in committee for "compulsory unionism," and so help me God it never came up in my campaign. They have sent out hundreds of thousands of letters because their cupboards were bare. They have gotten in many millions of dollars, I am sure, to pay their high-priced executives. If you knuckle under to them, you will knuckle under to every other pressure group that comes along. I am not one who will knuckle under.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. RUTH).

Mr. RUTH. Mr. Chairman, nationally we have a right-to-work law. Why should we not follow it in the postal reform bill? Why would we want to jeopardize the opportunity to pass this important bill by not including this amendment? I ask you this question, gentlemen, and I hope you will vote for the amendment.

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

Mr. RUTH. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. Mr. Chairman, I would like to add this. Somebody brought up dues checkoffs. We have dues checkoffs now and we have had it for years. This is nothing new.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Chairman, I rise in support of the Henderson amendment.

We have heard a lot of talk today and there has been a lot of confusion about whether this requires compulsory unionism or not. Those who say it does not require compulsory unionism are just playing a shell game, because what it does contain is a provision that makes it a negotiable item. You may wonder, as I did, that since, as our colleague from Iowa pointed out, the Republican platform unequivocably indicated what the position of the Republican Party is, you may wonder why a Republican Postmaster General and Republican administration would agree to the package that was brought before the committee. I myself in a meeting with the No. 2 man in the Post Office Department, the Deputy Postmaster General, inquired on this. He agreed that this was a negotiable item as to whether or not there would be a union shop. That means the postal employees would either be required to join a union or to pay dues. To me that is not really a choice. But I asked why they were doing this.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Chairman, the subject of postal reform has been in various stages of debate for quite some time. The opponents of reform are few. Most people favor it in some form or another. Part of the present delay seems to center on the compulsory union issue. This issue cannot and should not be dealt with in a perfunctory manner. Too much is at stake.

There are several points which must be considered in debating the matter of postal employees and their "right to work." First, would this legislation authorize compulsory unionization of those postal workers who do not currently belong to a union? I say that it would. In fact, proponents of the bill readily admit that it would. In his letter of May 26, 1970, to all Members of Congress, Postmaster General Blount said that:

> Neither the Administration nor the Post Office Department has ever proposed that there be a union shop in the Postal Services.

Yet in the same letter, the Postmaster General states:

> 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.)

I would ask Mr. Blount, if this is not proposing union shops in the postal service, what is it? Postal workers, as all employees of the executive branch of the Federal Government, are currently protected in their right to join, or to refrain from joining, a labor organization by Executive Order 11491, issued last year by President Nixon. Is Mr. Blount telling us that this order was a mistake? Should the 200,000-plus postal workers who, for some personal, and therefore privileged, reason, have declined to join a union, be forced to do so? To these questions I say, "No."

The Executive order issued by President Nixon is in essence a continuation of the Executive Order 10988, which was issued by the late President John F. Kennedy. The order issued by President Nixon says:

> Each employee of the executive branch of the federal government 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.

This is precise and unequivocal. It does not leave any room for doubt or to "bargain over union shop arrangements in States other than those having the right-to-work laws."

There seems to be as much difference of opinion as to the applicability of the compulsory union authorization in the States that have right-to-work protection laws as there is in the entire postal bill itself. Does this bill interfere with the individual State's right-to-work laws or does it not? Mr. Blount says that it does not. He says:

> 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 Postmaster General notes that the Congress has the power to enact a statute that would protect any areas where Federal employees might be exempt from the protection of State right-to-work laws because they are working on Federal property. Why should this be necessary? Why set the precedent to begin with? Why not merely include the proposed amendment to the postal reform bill and continue the policy that has been in force for these many years? Why should we take part in this opening of a Pandora's box of problems? What classification of Federal employees will be the next target for the advocates of compulsory unionism?

I believe that passage of H.R. 17070 without this amendment would be a tragic turn of events. We will witness a rash of legal challenges as to the applicability of State laws. Other Federal union officials will turn their eyes toward compulsory unionization of other Federal Government workers. Literally hundreds of thousand of Federal employees

will become their targets. And precedent will weigh heavily in favor of the foes of voluntary unionism.

The issue of applicability of State right-to-work laws is an irrelevant one. It is, I contend, an attempt to cloud the main issue, which is: Should any man or woman be forced to pay dues to any private organization as a prerequisite to working for his or her Government? I say without hesitation: "No." I should not have to remind my colleagues that there is a distinction here that should be recognized by Mr. Blount. That difference is between workers in the private sector and workers in the public sector.

Gov. Warren Knowles of the State of Wisconsin noted it quite succinctly in a letter to me dated May 14, 1970. The Governor said:

> The difficulty that we encountered, of course, is that all our public bargaining units attempt to apply the rule of the private sector and it simply won't work. We are not dealing with a profit-making business but rather a service organization which is financed by taxes, and the ultimate goal of most bargaining is economic and translated into dollars.

We owe it to the postal workers to respect their individual rights. We are not here to authorize the "bargaining" of compulsory unionism for any public employees. If one postal worker of the 750,000 does not desire to join a union, or to pay dues to a union, we must preserve and protect that right. We are not sent here by our constituents to play a numbers game. We are here to enact legislation that will serve as many of our constituents as we possibly can. We can serve the majority and the minority with this amendment. The majority will retain the right "to form, join, and assist a labor organization," while the minority, even a minority of one, will retain the right to refrain from such activities or membership.

What more could one ask? Is this an unreasonable request to make of my colleagues? We are not membership chairmen for employee organizations. We are representatives of the voters. It is not our duty to insure increased dues payments. It is our duty to increase and protect the liberties of the American people.

If a union is worthy of the support of the workers, the workers will clamor at its doors to gain entry. On the other hand, if a union does not give its full services and produces benefits for its members, then it will lose membership and either become more responsive or be replaced by a better organization. We were elected in a competitive electoral process. If we fail to truly represent those voters who sent us here, we will be out. I contend that this matter of compulsory unionism in the public sector flaunts the spirit of competitive representation. It would institute a monopolistic control over the livelihood of the public workers and place them at the mercy of the union officials, who are afraid that they will not be able to attract membership without the force of law.

If a company produces an inferior product, or one that has no purpose for use by the consumer, that company will either change its ways or go out of business. On the other hand if the product is useful, reasonably priced and well made, the public will accept it and the company will flourish. This same standard should be applicable for the unions. If the officials produce, the postal workers will join.

We have heard a great deal about whether or not H.R. 17070 will lead to compulsory unionism. I say that, if this amendment is defeated, this will be the inevitable result. I cannot in all conscience vote for any bill under these circumstances. I cannot turn to the voters and say that I have been a party to this compulsion. I would ask who among our number can do so?

I urge my colleagues to consider the words of the founder of the American Federation of Labor, Samuel Gompers. Mr. Gompers understood the fundamental right to a free choice as a basic right of the worker. He said:

> There may be here and there a worker who for certain reasons unexplainable to us does not join a union of labor. This is his right no matter how morally wrong he may be. It is his legal right and no one can or dare question his exercise of that legal right.

With that attitude it is quite understandable how Mr. Gompers built up his organization—he produced.

In conclusion, I want to note that what we decide here will not be limited to the postal employees. The labor bosses have already said that the goal is the entire spectrum of public employees—State and local, as well as Federal. There can be no doubt that their right to choose is at stake. Twelve million workers at these levels are the ultimate goal of the advocates of compulsory unionism. We will not serve the workers by accelerating the flow of dues money into the coffers of these men.

I call for the passage of this amendment to the postal reform bill. I do so to preserve the right to refrain without limitation on the right to organize. It is rare indeed that we have the opportunity to serve both sides of a question. This is one of those rare and historic moments. It is up to us to make it a moment to remember with pride and not one that we will someday regret.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, this bill, without the Henderson amendment, for the first time makes it possible to have compulsory unionism as a condition for continued employment of an American citizen by his National Government. That is an entirely different situation from private industry, and I submit that any such requirement for Government employment is wrong.

Moreover, such compulsory unionism is not only a wrong to the individual, but it makes for potential anarchy in the whole Government of the United States. Mr. Meany says he intends to institute collective bargaining with union shop agreements in other Government departments. That is what he told the committee; and I believe him.

Can you imagine running the Department of Defense, or the Department of Health, Education, and Welfare under such a setup, for which this bill, without the Henderson amendment, will provide a precedent?

I am for postal reform. I favor the proposed postal pay increase. I would like to be able to support this measure. But you have got to pass the Henderson amendment in order to have a decent bill.

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Chairman, the fact that the conscience clause was inserted in this bill over the original opposition of AFL–CIO and the Post Office Department clearly shows that a union shop will be required in those States where a union shop is recognized by State law.

Collective bargaining is an effective instrument for social benefit when there is an opposition in interests and a balance in power between management and labor. But in this corporation unlike General Motors or a railroad corporation, management will have no financial interest to protect and very little power comparatively speaking. There are no stockholders. No individual at the bargaining table representing the corporation will have money invested in the corporation. At the bargaining table weak management will be opposed by a union of 750,000 people with enormous political clout—and as has been stated on the floor this afternoon—with the ultimate weapon—the threat of a strike, nationwide.

Inequality in bargaining power inevitably will mean decisions that will be passed on to an unprotected public. I urge the adoption of the Henderson amendment.

The CHAIRMAN. The Chair recognizes the gentleman from North Dakota (Mr. KLEPPE).

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

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

Mr. BLACKBURN. Mr. Chairman, I would like to terminate the observation I was making earlier about the great confusion in this debate today and the effect of the language of the bill as it now exists and the effect of the Henderson amendment.

Mr. Chairman, we know the Henderson amendment will maintain existing law as it affects these employees. That is the one thing we do know about it. We know that if we accept the language of the bill as now drawn there is great uncertainty what we will have. We know however that every State has its own separate law regarding right to work.

Mr. Chairman, unless we as responsible legislators charged with a duty do exercise that responsibility with clarity, we will have failed in our responsibility. In one instance, we can by our actions bring about confusion and chaos while on the other hand, if we adopt the Henderson amendment, we will be taking action which will lead to certainty of result and purpose. I suggest that we choose that course of action which leads to certainty and the only course of action

that will insure this is adoption of the Henderson amendment.

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

Mr. KLEPPE. I yield to the gentleman from Kansas.

Mr. MIZE. Mr. Chairman, if we do not adopt the Henderson amendment, we might as well forget postal reform.

The CHAIRMAN. The Chair recognizes the gentleman from Utah (Mr. LLOYD).

Mr. LLOYD. Mr. Chairman, I rise in strong support of the Henderson amendment, which will permit freedom of choice to the postal worker as to whether he does or does not wish to support the labor union recognized as bargaining agent.

First, I wish to emphasize that I am a vigorous supporter of postal reform. I do not believe that political operation of the post office is in the best interests of the postal workers who must come every year to their congressional offices in what has been described aptly as "collective begging." It is high time the postal service gained the stature necessary to insure equitable wages and fair working conditions to the men and women and their families dependent upon a healthy postal service for their welfare. And it is high time that the complicated questions of postal rates, a self-sustaining postal service, and improved efficiency of operation be placed outside the scope of politics and into the area of proved business management.

But without the Henderson amendment, guaranteeing to these postal workers the freedom of choice as to labor union affiliation, this needed postal reform cannot receive my support, or, I am sure the support of countless numbers of my colleagues.

As a member of my own State legislature I was sponsor of our State's right-to-work bill. This was enacted in 1955. It has withstood many attacks and efforts to repeal it since that time, so that the public policy of our State is clear beyond question. And yet, I was never a supporter of a national right-to-work bill for private industry. I felt it was not my function as a Utahan to determine whether Michigan, for example, should or should not have such legislation.

Today, however, this Congress is faced with a novel situation. We are asked here today to support legislation which for the first time would subject Federal employees to compulsory union membership through granting the right to labor unions to bargain for a union shop. As a Member of the Congress of the United States, I do clearly have both the authority and the obligation to make a decision pertaining to Federal workers and my decision represents both my own personal conviction, and I am sure reflects the predominant judgment of the people of my State. That decision is that we should not establish this precedent of permissive compulsory unionism for Federal workers. Mr. Chairman, I urge this House to vote decisively for the Henderson amendment. This will enable us then to go forward with postal reform.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Chairman, I rise in support of the Henderson-Gross amendment.

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

Mr. SCHERLE. I yield to my colleague, the gentleman from Maryland.

Mr. HOGAN. Mr. Chairman, I thank the gentleman for yielding and for allowing me to discuss the thought which I was projecting earlier. During the course of our hearings the chief negotiator for the Post Office Department with reference to this union shop question made the observation that he personally thought that postal service employees ought to also have the right to strike. In other words, Mr. Chairman, the chief negotiator for the Post Office Department said publicly in front of several of his colleagues that he felt postal employees ought to have the right to strike. Bear in mind that he is going to be the one negotiating under this bill which we are about to enact. So I say we need the Henderson amendment if we are going to protect the rights of the postal employees to join or refrain from joining. We have to preserve free choice by voting for the Henderson amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I oppose the amendment for a somewhat different reason than most Members. I think the gentleman from Georgia is right—that we have on the one side chaos, and on the other side a very reasonable regulation on labor relations, but the chaos lies on the side of the amendment.

I do not know what it means. It is the language of section 7. Section 7 outlaws two things, the yellow dog contract on the one hand, and the closed shop on the other. That is all it does. The act reenacts subchapter 2 of chapter 7 of the Labor Management Relations Act, and therefore includes the provisions of 8(a) which permit the union shop.

So I assume that this language does precisely what the provisions in section 7(c) of the Labor Management Relations Act does.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, I rise to endorse fully the amendment offered by the gentleman from North Carolina (Mr. HENDERSON).

Section 222 of the Postal Reorganization and Salary Adjustment Act of 1970, if permitted to stand, could ultimately result in compulsory unionization of postal employees and this I vigorously oppose.

The right of presently employed postal workers to determine for themselves whether or not they will join a union must be protected at the Federal level. Without the pending amendment it would be possible by negotiation to impose the requirement that a person wishing to work for the Federal Government must belong to a union, in instance after instance, and those presently employed who refused to do so could conceivably lose their jobs.

By Executive order, each Federal employee has the right to join or not join a union as he sees fit and this amendment would preserve that right.

In only 19 States are right-to-work laws in effect. In at least one of these, employees of the Federal Government, which postal service employees would be, are exempt from these statutes. Thus in the majority of the States postal workers could be subjected to compulsory unionization.

There have been attempts to compare the Post Office Department with private industry in labor relations. However, the Post Office Department, with its estimated $1.4 billion deficit this year certainly cannot be compared with the profitmaking concerns in the private sector.

This section would, for the first time, subject labor-management relations in the Post Office Department to provisions of the National Labor Relations Act as amended. Under title 29 of this act, employees could be required to join a union if a closed shop were voted.

To say that 19 States have right-to-work laws is not a sufficient guarantee that the postal employees even in those States will retain such a right, not to mention those thousands in the remaining 31 States.

But compulsory unionization of the postal employees would be only the beginning if we are to believe Mr. Meany in his promise that, and I quote:

> The AFL–CIO hopes to be back before Congress in the near future urging adoption of a measure that will insure genuine collective bargaining for all aspects of employment for all civilian workers of the federal government.

At stake, Mr. Chairman, are 12 million Federal jobs. There is no question that Federal employees should be paid at a rate comparable to persons in the private sector because their expenses are much the same. But the Federal Government certainly is not profitmaking and we must not be faced with strikes which could adversely affect our national security and the operation of our Government.

Because the Federal Government operates as a service to the Nation and not as a profitmaking organization, union shops could, in my judgment, serve more to the detriment of the efficient and economic operation of the Federal Government than to the benefit of its employees.

I, therefore, strongly urge the support, Mr. Chairman, by my colleagues for this amendment which would preserve the right now held by postal and other Government employees to determine their membership in a union.

(By unanimous consent, Mr. BUCHANAN yielded the remainder of his time to Mr. HENDERSON.)

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, I would like to join with the remarks made ear-

lier by the gentleman from Montana in praise of the Postmaster General. I think he deserves great credit for bringing forth an act to reform and improve the Post Office, and it has taken courage to do it, with the public interest foremost in mind, along with equitable treatment for Federal employees and improvement in service.

I think we should support him; take this bill as he recommends it, as the President has recommended it, and as the committee has worked so deliberately and diligently on it. And, you know, if this keeps up, maybe you will have to belong to the medical association to practice medicine, and to the bar association to practice law.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I rise in support of the amendment.

Mr. MICHEL. Mr. Chairman, although I am as anxious as anyone else to have meaningful postal reform legislation enacted into law, I do not want it to be accomplished at the expense of those who choose not to join a union of postal employees. Membership in a labor union ought to be voluntary, just as membership in a chamber of commerce, service club, veterans organization, fraternal order, professional group, or other association is entered into of one's own free will.

Some of my colleagues may feel that disputes pertaining to union shops, closed shops, or open shops ought to be settled between management and the leaders of labor organizations. I cannot subscribe to such a philosophy, because I do not believe that two parties should be able to sit down and bargain away a third party's right to join or to refrain from joining a labor union.

The individual employee or applicant for employment should be permitted to make his own decision in this matter. Perhaps he will decide that the advantages of membership are so attractive that he will join the union or, being in the union already, remain a member of it. On the other hand, he may come to the conclusion that the detriments far outweigh the benefits and decide to remain outside the union. He should, in either case, be protected in his right to join or not to join.

To force an employee or applicant for employment to join a union against his wishes is reprehensible under any circumstances, but it is even more reprehensible to insist that a man should become a member of a labor union before he can go to work for his own government.

There are some who would argue that the majority of the employees should decide whether there should be a union shop, a closed shop, or an open shop in a postal installation.

Mr. Chairman, a man's right to work at a job at which he is willing to work, for an employer who is willing to hire him, should never be subject to a referendum. We might as well hold plebiscites on other constitutional rights, such as freedom of speech, freedom of the press, and freedom of religion.

There has been a great deal of concern during the past few years about the rights of a comparative handful of anarchists, revolutionaries, murderers, rapists, and atheists. Why should we not exhibit equal concern for the rights of the millions who are either working for the Government or seeking such work? The right to work is a fundamental one that should be no more subject to negotiation or referendum than the right to worship according to the dictates of one's conscience.

But, you say, if we strike out the section that makes it possible for postal employees to enter into union shop agreements, it will place the entire legislation in jeopardy. On the contrary, the legislation will be much more palatable if the section is eliminated.

There is a strong likelihood that some Members of the other body will conduct a filibuster against its own bill or in opposition to this one, in order to keep postal reform legislation from coming to a vote with the controversial provisions. It would be very easy for us if we went ahead and passed the bill as it has been reported to us by the Committee on Post Office and Civil Service and thus pass the buck to the other body.

Mr. Chairman, I most emphatically reject such a course. We are one of the two equal legislative bodies that were established by the Constitution and we ought to act accordingly. However we feel on momentous questions, let us decide them here on the floor of this great body. If we are going to await the pleasure of the other body and evade our responsibilities, we might as well adjourn sine die ad infinitum.

Suppose postal reform legislation becomes law in its present form. It will not be long before practically every employee of the Post Office Department will be enrolled in a labor organization, willingly or unwillingly, or perhaps halfheartedly. It will not be much longer after that before thousands, tens of thousands, or hundreds of thousands of other employees of Federal Government will be faced with the choice of joining a labor union or giving up their jobs. How long will the employees of State, county, and city governments be able to continue working without affiliating with a union?

Mr. Chairman, I am not an alarmist, and I am not possessed of second sight, but I can foresee the day when our present problems will seem like first grade arithmetic when compared to those that will confront us in the future if we encourage compulsory unionism among Government workers at all levels.

When we give the green light to compulsory unionism among policemen, firemen, and sanitation workers, and to transportation workers in some jurisdictions, just to name a few of the occupations, we are encouraging strikes against the Government, in defiance of Federal and State laws prohibiting such strikes. Let us keep membership on a voluntary basis.

I am firmly convinced that only a few irresponsible union members want the right to strike against the Government. Let us protect the responsible majority and reject the arrogant assumptions of those who would defy the Government. The best way to protect the rights of the law-abiding majority is to delete the section of the bill that opens the door, however slightly, for those who would shackle the postal workers with the chains of compulsory unionism.

Compulsory unionism would enable the unions to build up huge war chests. They would have millions of dollars to spend on lobbying activities and in election campaigns. No Member of the Congress, be he ever so subservient to the unions, would be able to escape the wrath of the postal employees' organizations, which would have seemingly inexhaustible treasuries from which to pour funds into the district of any one of those who dared to oppose them on any issue.

That many of their captive members, perhaps even a majority, were adamantly opposed to the candidates or issues supported by the unions would be a fact of no consequence to those who ran such organizations.

Mr. Chairman, we have enough problems already—a war in Southeast Asia, a delicate and potentially explosive situation in the Middle East, and numerous serious domestic problems that cry out for solutions. Let us not add to our troubles by piling more burdens on the backs of the American people.

Just as the passage of medicare and medicaid has led to greater costs for hospitalization, increased prices for medicines and drugs, and higher fees for physicians and nurses, so will compulsory unionism lead to greater salary demands, higher postal rates, higher taxes and more public debt necessitated by greater postal deficits, and a still further deterioration of service.

Mr. Chairman, let us reform the postal service by passing workable legislation, but let us not deform it by including a provision that would almost inevitably lead to forced membership in a postal workers' organization.

(By unanimous consent, Mr. MICHEL yielded the remainder of his time to Mr. ANDERSON of Illinois.)

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON) for 1½ minutes.

Mr. ANDERSON of Illinois. Mr. Chairman, it was pointed out again by the distinguished gentleman from Iowa (Mr. KYL) that under section 206 of the committee bill an individual who is a member of a religious organization that prohibits membership in a labor organization, cannot be required even under the terms of a union security arrangement, to join a union in order to hold a Government job.

It reminded me of the fact that just a few days ago the Supreme Court of the United States decided that under the Selective Service Act it was no longer necessary to establish a religious basis in order to qualify as a conscientious objector; that if an individual on purely moral and ethical grounds decided that he did not want to serve, he could be exempted from military service.

I think, frankly, we are moving into an era when the freedom of the individual is going to be increased, and I welcome it. I think the old idea of compulsion with

regard to membership in organizations is dying out.

I furthermore think this raises a question about the testimony before the Committee on Rules the other day, to the effect that 86 percent of the members of the Post Office Department, 86 percent of the 750,000 so employed, now belong to a union even though it is not certified to represent them at the bargaining tables.

It seems to me that with that high a percentage joining a union voluntarily at the present, that they do not need the protection of a union security agreement.

Mr. Chairman, I support the amendment offered by the gentleman from North Carolina (Mr. HENDERSON).

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, the right of each American to join or not to join a union as he or she sees fit is a very precious one which should be defended by every Member of this House. I also firmly believe that genuine postal reform is desperately needed and long overdue, and I was one of the first sponsors of the administration's original reform bill. However, I do not believe a postal reform bill should include any provision that will sacrifice the right of workers to join or not to join unions in order to obtain or hold a job. The Henderson amendment will eliminate that objectionable provision and I therefore urge my colleagues to vote for the amendment.

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

Mr. BUTTON. Mr. Chairman, the postal reform bill is the culmination of the efforts by many to give this Nation a postal service second to none.

I do not view it as an instrument to reform the labor laws of the land and have difficulty understanding those who do. Postal reform legislation is not labor law legislation, regardless of those who would have us believe so.

If the postal employee, as a public servant, does not have the right to strike, he must be provided with a suitable alternative. The alternative can only be to sit down with management and discuss and negotiate.

And what he can negotiate, in good conscience, should be no less than what workers in the private sector are afforded.

That union security provisions are bargainable items is true. They are bargainable just as other items such as wages and working conditions. But there are those who would believe, and have all believe, that the union shop is included in the reform package. This is no more true than saying that a postal employee's salary—which will be bargainable—will be equal to the Postmaster General's.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho (Mr. MCCLURE).

(By unanimous consent, Mr. MCCLURE yielded his time to Mr. HENDERSON).

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Chairman, since I am unalterably opposed to compulsory unionism I favor the passage of the Henderson amendment to the postal reform bill.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, the Committee has a rare opportunity. You can cast a vote against this amendment and all at the same time support your local U.S. President, support the 500,000 clerks and carriers of the postal service, support George Meany, and also support the last president of the U.S. Chamber of Commerce. All this you may achieve by voting against this amendment.

I ask you—when will you have an opportunity of this kind ever again?

This is a States rights position that we take in the committee bill. Without the amendment, the Arizona right-to-work law applies now. You cannot force anyone to join a union in my State. My State's right-to-work law applies now, it will apply after the bill passes without the Henderson amendment, and it will apply with the Henderson amendment.

I suggest to my colleagues from the right-to-work States that there is nothing of substance at issue here. The amendment should be defeated. Those Members from right-to-work States can support right-to-work in your State and still be against the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. HENDERSON).

Mr. HENDERSON. Mr. Chairman, I want to thank all the Members of the House who have spoken on both sides of this issue.

I think in the time we have had, the issue has been well developed. I think the issue is clear.

But I would like to make a point or two. A union shop can be negotiated. As the gentlewoman from Oregon so well pointed out, you usually bargain—for what? In this situation postal management can easily negotiate a union shop because it does not cost anything to them—it costs the American taxpayer.

With regard to the argument that my good friend, the gentleman from Arizona, made—I do not know about all these presidents and all the organizations. But I am for every postal worker and every Government worker now and in the future having the right—yes, to join his labor union if he wants to do so.

But likewise he must have the right to refrain and to have the freedom of choice not to join and not to have to pay dues to anybody to be able to work for his Government. It is just as simple as that.

With the adoption of this amendment, I believe, we will enact a meaningful postal reform bill but I have grave doubts about it without this amendment.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield to the gentleman.

Mr. LONG of Maryland. Mr. Chairman, I support the Henderson amendment and congratulate the gentleman for his very constructive legislative proposal.

Mr. HENDERSON. Mr. Chairman, I thank the gentleman for his support.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. DULSKI) to close debate on the pending amendment.

Mr. DULSKI. Mr. Chairman, I think the distinguished gentleman from North Carolina expressed these same thoughts in our committee and we discussed this in detail in committee. The provision in the bill was a recommendation by the administration which we retained in the postal reform bill.

As I stated before the Committee on Rules, I feel the right to work will not be affected by our bill. So I still feel that I could not support the amendment offered by the gentleman from North Carolina (Mr. HENDERSON). I am relying on the judgment of the counsel from the Post Office Department and the Postmaster General.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. HENDERSON).

The question was taken, and the Chair announced that the noes appeared to have it.

Mr. HENDERSON. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. HENDERSON and Mr. DULSKI.

The Committee divided, and the tellers reported that there were—ayes 179, noes 95.

So the amendment was agreed to.

Mr. O'NEILL of Massachusetts. Mr. Chairman, the period of gestation is over. Nine months and 2 days ago the House passed H.R. 13000, the Federal Salary Comparability Act of 1969. It was my privilege to handle the rule on that long overdue measure. This bill, passed overwhelmingly by the House, was an attempt to give the ideal of Federal comparability the status of law. It was a reasonable and a fair measure. We have long talked about paying Federal employees wages equivalent to those they could receive in the private sector for similar work. It is a concept that has been talked about for many years, but it is still not law. That bill created a permanent method of adjusting the pay of Federal employees who are paid under one of the four statutory pay schedules. It also eliminated the requirement, a ridiculous one in my opinion, that a postal employee serve 21 years in the same position before receiving maximum pay. That bill, as we in the House well know, is languishing in conference.

When we passed the bill 9 months ago, I said that it was the minimum acceptable bill—that postal employees deserved a higher increase in salaries and a fairer procedure from labor-management relations.

Today we are considering the Postal Reorganization and Salary Adjustment Act of 1970. Not only does the title of the legislation indicate that this bill is a year late, but also that the wishes of this body have been thwarted. The President said that he would veto the salary increase for postal employees unless it was accompanied by a postal reorganization. I am

tired of seeing the postal employees of this Nation bear the brunt of the administration's ineffective anti-inflation policies. It is apparent to me that President Nixon has chosen to fight inflation by creating vast unemployment, a policy that is totally at the expense of the workingman.

On February 2 of this year, in his budget message, the President proposed that the Government renege on its promise of providing comparability by July 1. He asked for another 6 months. President Nixon has used the pay raise as a lever to obtain a postal corporation. I think the two issues should be considered separately, and I do not think postal employees should have had to wait so long for their much-deserved raise only because one man insisted on postal reorganization.

There is no doubt that the mail service has deteriorated, but I differ with those that argue that this demonstrates a clear need for a postal corporation. Postal service has declined in the past few years because there are so many vacancies in post offices around the country and because there is such a high rate of turnover in postal employees. This has occurred because the pay is disgustingly inadequate. Post offices around the country, and particularly those in urban areas, have too few workers for the volume of mail handled daily. While the amount of mail in recent years has increased 100 percent, the number of postal employees has increased only 50 percent.

The difference has not been made up by automation. The Post Office has not made adequate use of the latest equipment.

The Boston Post Office alone has 1,200 vacancies. These jobs cannot be filled because men who might be attracted to the postal service can get much better pay in private industry or by working for State or city governments. They cannot afford to take these jobs. The test given to the letter carriers in Boston used to be given once every 2 years. There was very little turnover because the pay was decent for depression and prewar times. This same test has to be given several times a year now because there are always vacancies and because people leave for other jobs that offer better pay, better working conditions, and more room for advancement. The machinery in the Post Office is also antiquated. There has been no real mechanization that would have brought about improved efficiency and better utilization of manpower.

Now we are told that we have a panacea for all the ills of the Post Office. I do not think that this is so. I will vote for this bill if I must do so in order to get a postal pay raise. Postal employees have been the last people to be considered in Federal pay increases, and every reduction in Government spending has been at the expense of postal workers. Postal employees are the worst paid, the most ignored, and the last considered of all Federal employees. Even with the comparability provision, their pay levels lag about a year behind everyone else's. Letter carriers and postal clerks could easily earn better pay outside the Post Office Department. As it is now, many of them have to hold down second jobs and often both husband and wife have to work. We all know of cases where letter carriers and postal clerks working full-time have qualified for welfare payments because their incomes are considered under the poverty level for the area in which they live. I have read of cases where a man could obtain a better income for his family by giving up his job in the Post Office and relying totally on various family assistance and unemployment payments. That these men have chosen not to take this route is a credit to them and a disgrace for a Nation that does not adequately compensate them.

I worked hard for the pay raise in October of 1969, and I supported the emergency measure in March of this year. But I am appalled that we can only achieve a pay raise for postal employees by agreeing to a postal corporation that no one particularly likes, and that I believe does not have adequate safeguards for the rights of postal employees. I am very tired of seeing the postal employees used as a football in consideration of a postal corporation. I am tired of seeing postal employees and other workingmen, small businessmen, and people on fixed incomes bearing the brunt of self-defeating anti-inflation policies.

We have given the President the tools with which to combat inflation. He has declined to use them, and instead we have seen growing unemployment and a refusal on the part of the administration to grant social security beneficiaries and postal employees their long-deserved increases. They cannot wait any longer and they cannot be expected to continue their patient tolerance of these policies.

The House must pass a postal pay increase, and I will support this legislation.

Mr. BUSH. Mr. Chairman, I support postal reform and the postal corporation concept. On May 28, 1969, I was one of the original sponsors of the initial bill establishing the Post Office Department as a quasi-corporation. So I am delighted to see this bill before the House today.

The American people want swift, efficient postal service. They now purchase the services of the Department. They find it hard to understand why, with the cost of stamps increasing all the time, the Department represents such a drain on the U.S. Treasury. They think that this kind of service should be self-sustaining. At the same time, they want good service.

Postal employees want much the same. They want to work for an organization that is respected and admired by their friends and neighbors. They want a career with promotions based on merit and ability. They want administrators who are dedicated and take an interest in the organization. Further, they want adequate pay and all of the other advantages enjoyed by employees of the top corporations in this country.

This reform will give them the opportunity to enjoy such benefits.

Additionally, this bill will provide for an 8-percent pay increase for postal employees as provided under the agreement worked out between the administration and the postal unions.

There is one provision of the bill that gives me a great deal of concern. I do not want to see anything written into postal reform which would deprive postal workers of the right to make a voluntary decision about union membership. I am a supporter of Texas' right-to-work law and I do not want to see it jeopardized by section 222. Further, I do not feel this squares with the civil service protection retained by employees under the reform bill. Therefore, I support the amendment offered by the Honorable DAVID N. HENDERSON that will insure that the "freedom of choice" policies for Federal workers is continued for employees of the new corporation.

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. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks made in the Committee of the Whole and to include extraneous matter.

The SPEAKER pro tempore (Mr. EDMONDSON). Is there objection to the request of the gentleman from New York?

There was no objection.

HOUR OF MEETING ON THURSDAY, JUNE 18

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 o'clock tomorrow.

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

Mr. ARENDS. Mr. Speaker, reserving the right to object—and at the moment I have no desire to object—my purpose is this: Can the majority leader advise us, if we come in earlier tomorrow, if it is his purpose that we finish this bill tomorrow night?

Mr. ALBERT. That is my understanding, and I understand it is the understanding of the chairman of the committee and the ranking minority member of the committee.

Mr. ARENDS. Mr. Speaker, under that understanding I withdraw my reservation of objection.

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

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire of the majority leader if the program previously scheduled for this week remains valid in

view of the statement the gentleman has just made?

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

Mr. HALL. I am glad to yield to the majority leader.

Mr. ALBERT. It is now apparent that we will not be able, it seems to me, to finish the two other bills which were listed on the program. With respect to one of them, the golden eagle bill, we have an agreement with the distinguished chairman of the Committee on Interior and Insular Affairs to program the bill for Monday. We have not finally disposed of the other bill yet. If we do not get to it—and I do not believe we will—we will try to find a day to put it on as soon as possible.

Mr. HALL. It is not the intention to carry either the postal reform bill, so-called, or the further schedule over to Friday or Saturday of this week?

Mr. ALBERT. It is not.

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

There was no objection.

CHANGE OF LEGISLATIVE PROGRAM

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

Mr. ALBERT. Mr. Speaker, at the request of the distinguished chairman of the Committee on Ways and Means we notified the House yesterday that he probably would call up certain bills under unanimous consent tomorrow. The gentleman has advised that he will not undertake to do that until Monday next.

EMERGENCY HOUSING LEGISLATION

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

Mr. BROWN of Michigan. Mr. Speaker, I note that our respected majority leader is on the floor.

The whip notice I received for activities this week indicated that the emergency home finance legislation would be brought up if a rule were granted.

I have been one of those very interested in seeing that this legislation come to the floor of the House and that action be taken upon it. I believe it is deplorable the way the House has reacted to that legislation, in view of the fact that it was unanimously passed by the Senate in April.

I wonder if the majority leader would venture an opinion to me as to whether or not we will be able to take up that legislation this week.

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

Mr. BROWN of Michigan. I yield to the majority leader.

Mr. ALBERT. Of course the postal reform bill is taking quite a bit of time, as the gentleman well knows. If we can get through the bill in time tomorrow we will take up the other bill.

I have been advised by the distinguished chairman of the Committee on Banking and Currency that he does not want to call it up on Friday, or on Monday or Tuesday because of primary elections around the country.

I am just as anxious as the gentleman to get the bill up. It is a very important bill and the sooner we can get it up the better.

Mr. BROWN of Michigan. I thank the gentleman for responding, but I have been serving on the Committee on Banking and Currency and I have heard nothing but excuses and I have heard nothing but reasons such as that there was a primary campaign and there were other reasons for not getting it to the full committee.

Now, I have heard excuses as to why we cannot get a rule and excuses why it is not brought to the floor of the House. I think all of those who have indicated a tremendous concern about the pressing problem of home finance should do everything within their power to bring that bill to the floor of the House. And I do not mean next week sometime, but at least by tomorrow afternoon, if possible, and at the very latest on Monday.

PRESIDENT'S MESSAGE LACKS SENSE OF CONCERN

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

Mr. ALBERT. Mr. Speaker, the President is to be congratulated, certainly not for the timid suggestions he offered in his speech today, but for finally taking cognizance of the debilitating effects the administration policies are having on the Nation's economy. Although he couched it in different terms, I am pleased that the President has finally responded to the congressional call for a National Conference on Inflation and Unemployment. I hope he consults with the Congress on this conference.

For more than a year, I have sought to interest the White House and the fiscal policymakers in reviewing the effects of their failing economic policies. Responsible Members of Congress have sought changes in the administration policy: not on a partisan basis because inflation, unemployment, and excessive interest rates affect all our people. We received only rhetoric—more words, more assurances as the economy slipped into recession, as millions more were put out of work or saw paychecks grow smaller in the past year.

I fear that today's performance was another dose of the administration's soothing rhetoric, contrived, scripted, and produced by the public relations experts who seem to have such influence in the high councils of this administration. I agree with the President's statement that the American people will see through any attempt by anyone to play politics with their cost of living. Certainly, I believe the American people will see through the President's attempt to do just that.

This Nation has the capacity, it has the economic strength to meet the people's needs and goals. But tight money policies favoring the big moneyed groups, combined with soothing words and partisan rhetoric, will not get the job done. Congress has given the President credit control tools, it has passed anti-inflation legislation, but these tools are not being used. A sense of concern and urgency, not just for Wall Street and the failing corporations but for the unemployed and those suffering the ravages of inflation, must be shown. That sense of concern and urgency was not shown by the President's political remarks today. We still await sufficient positive action.

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

Mr. ALBERT. I am glad to yield to the gentleman from Illinois.

Mr. PUCINSKI. It is rather significant that the gentleman mentioned Wall Street. Wall Street did not respond, because the stock market went down after the President's speech.

Mr. ALBERT. The gentleman's statement is correct.

ON THE PRESIDENT'S MESSAGE

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include the message of the President.)

Mr. GERALD R. FORD. Mr. Speaker, President Nixon has laid it on the line in the battle against inflation. He has—to the benefit of the Nation—told the American people just what the situation is and what he will do to deal with it and, just as importantly, what he will not do. This is the kind of guidance the country needs at what I consider to be a most critical juncture in our fight against inflation.

I am pleased that the President will appoint a National Commission on Productivity and that he has directed the Council of Economic Advisers to prepare a periodic "Inflation Alert." This now becomes the key to achieving price stability. It focuses attention on the area which is central to progress toward price stability—improvements in productivity. We cannot lick inflation of the cost-push variety without gains in productivity. So this problem is paramount at this time.

The President has also laid it on the line in urging the Congress not to grant him powers he has said he will not use but to move ahead quickly to pass constructive, meaningful legislation sorely needed in this time of economic transition.

Congress should act with purposeful determination to give the President the program he has requested—stronger unemployment insurance, the Manpower Training Act, a $50 million supplemental appropriation to provide summer jobs for students, insurance to protect small investors against brokerage house failures, a cost-of-living tie with social security, the Emergency Home Finance Act, the means to stimulate loans to small businesses at lower interest rates, and emergency assistance to financially distressed railroads.

As the President so plainly and pertinently said, this is no time to play politics with the economy of this country. It

is a time that demands the utmost display of responsibility on the part of business, labor, and government. Above all, it is a time for affirmative action—action of the kind described by the President, action that will move this country toward a genuine prosperity based on a peacetime economy and the price stability that keeps more dollars in the pockets of the American working man.

I commend the President for his most timely statement and urge that the Congress join with him in successfully moving this country from a wartime to a peacetime economy. The problems are big enough for all of us to have a piece of the action.

Mr. Speaker, the President's message follows:

TEXT OF THE LIVE RADIO AND TELEVISION ADDRESS BY THE PRESIDENT ON ECONOMIC POLICY AND PRODUCTIVITY

Good afternoon, my fellow Americans: Today I would like to share my thoughts with you on three subjects that reach into the homes and pocketbooks of every family: your job, your income and your cost of living.

Specifically, I shall announce actions that will help to move us ahead more quickly toward our goal of full employment, economic growth and reasonable price stability.

Let us begin by recognizing these facts:

The American economy is the strongest in the world. This year, the number of Americans who have jobs is the highest in our history. Even allowing for taxes and inflation, the average real income of Americans is higher this year than ever before, in part because of the increase in Social Security benefits, and the reduction of the tax surcharge, which will end entirely this month.

In the light of that basic economic strength, we can honestly and confidently face up to our current problems.

Unemployment has increased; the price index continues to rise; profits have gone down; the stock market has declined; interest rates are too high.

Today I am presenting a program to deal with these problems.

First we should recognize the causes of our economic difficulties. We must deal with the problems of a nation in transition from a wartime economy to a peacetime economy.

Our economy must consequently make adjustments to two great changes at the same time.

One change is that defense spending is on the way down. For the first time in twenty years, the Federal government is spending more on human resource programs than on national defense.

This year we are spending $1.7 billion less on defense than we were a year ago; in the coming year, we plan to spend $5.2 billion less. This is more than a redirection of resources. This is an historic reordering of our national priorities.

The cuts in defense spending mean a shift of job opportunities away from defense production to the kind of production that meets social needs. This will require adjustment by many employees and businesses.

For example, over 400,000 military and civilian employees have been released in this past year by our armed forces. In that time, cutbacks in defense spending have reduced jobs in defense plants by about 300,000. Taken together, that's almost three quarters of a million people affected by the reduction in defense spending. While many of these workers have found new jobs, it is not hard to see where much of the current increase in total unemployment has come from.

Despite the difficulties of this transition, progress toward a peacetime economy is a good sign for the labor force and the business community. Reduction in defense spending gives us more room in the Federal budget to meet human needs at home, making it possible to build a much more enduring prosperity.

With its trials and with its hopes, a peacetime economy is clearly on the way. We have already brought home 115,500 troops from Vietnam. Our success in destroying enemy supply bases in Cambodia has made it possible for us to go forward with the program for withdrawal of 150,000 more men which I announced in my speech of April 20, without jeopardizing the lives of our men who will be brought home after that.

Our scheduled withdrawal of forces from Cambodia by June 30 will be kept. Our scheduled transition from a wartime economy to a peacetime consumer economy will be kept as well.

While our economy adapts to the reordering of our national priorities and resources, we are undergoing a second great change. We are trying to do something that has never been done before: to avoid a recession while we bring a major inflation to an end.

This Administration took office after a long period in which this nation lived far beyond its means. In the decade of the Sixties, Federal deficits totalled 57 billion dollars, and the American consumer was forced to pay the piper in terms of a rising spiral of prices.

Seventeen months ago, we stood at a crossroads of economic policy. There were four roads open to us—four different directions.

One was the road of runaway inflation—to do nothing about government spending and rising prices, to let the boom go on booming—until the bubble burst. That was the road the nation was taken on in the Sixties, and the people who suffer most along that road are the millions of Americans on fixed incomes.

The road headed in the opposite direction was a possible choice as well: to bring on a major recession—to "put the economy through the wringer," as some suggested.

That would abruptly stop inflation, but at a cost in human terms of broken careers and broken lives that this nation must never again have to pay.

A third choice was the route of wage and price controls. That would lead to rationing, black marketing, total Federal bureaucratic domination, and it would never get at the real causes of inflation.

That left a fourth choice: to cut down the sharp rise in Federal spending and to restrain the economy firmly and steadily. In that way, prices would slow their rise without too great a hardship on the working man, the businessman and the investor. That was the road of responsibility. That is the road we chose, and that is the road we are continuing on today.

Because we are concerned with both prices and jobs, we have put the brakes on inflation carefully and steadily.

This did not mean that inflation could end without some slowdown in the economy. But we were willing to make a trade—to sacrifice speed in ending inflation in order to keep the economic slowdown moderate.

At the outset of our fight against inflation, we pointed out that it would take time to relieve the heavy spending pressures on the economy; after that beginning, it would take more time to see those reduced pressures result in a slowdown in price rises.

Many people wonder why we are easing some of the restraints on the economy before we have seen dramatic results in slowing down the rise in the cost of living. Why, they ask, don't we keep on with all our measures to hold down the economy until price rises stop completely?

Let me put it this way: It is a little like bringing a boat into a dock. You turn down the power well before you get to the dock and let the boat coast in. If you waited until you reached the dock to turn down the power, you'd soon have to build yourself a new dock or a new boat.

In the same way, we're heading for the dock of price stability: We have to ease up on the power of our restraint and let our momentum carry us safely into port.

That's why our independent central banking system has seen fit to ease up on the money supply lately. That is why I relaxed the cutback on Federally-assisted construction projects, and why I have not asked for a new surtax.

These actions are not a signal that we are giving up our fight against inflation; on the contrary, they mean that there was already enough power applied to reach the dock and now we had better make sure we don't damage the boat.

The Federal Reserve's monetary policy, which permitted no growth in the money supply at all in the second half of 1969, has now been relaxed. In the past six months, the money supply has grown at a rate of about 6% a year.

The chairman of the Federal Reserve System has assured the nation that there will be enough money and credit to meet future needs, and that the orderly expansion of the economy will not be endangered by a lack of liquidity.

I'm not asking anyone to put on rose-colored glasses. We are well aware of the forces working against us.

To make sure the coming upturn will not be the kind that brings on a new surge of inflation, we have gained control of the runaway momentum of Federal spending—the spending that triggered the rise in prices in the first place.

In the three years before this Administration took office, Federal spending rose an average of 15% a year—the sharpest rate of increase since the Korean war. In the current fiscal year, we slashed that rate of increase in half, to 7%. And in the coming year, we intend to cut that rate of increase in spending by half again.

This required some hard decisions—including the veto of a popular appropriations bill—but it was vital to win that battle to hold down spending so that we could ultimately hold down prices. We are winning that battle, but we cannot let up now.

I am convinced that the basic economic road we have taken is the right road, the responsible road, the road that will curb the cost of living and lead us to orderly expansion.

However, we must face up to some difficult problems. The momentum of four years of inflation was stronger than had been anticipated. The effect on unemployment is greater than we foresaw. The pace of our progress toward price stability and high employment has not been quick enough.

This does not mean that we now should abandon our strategy. It does mean that we must pay heed to economic developments as we move along and adjust our tactics accordingly.

While relying basically on continued moderation in general fiscal and monetary policies, I think it is now necessary and timely to supplement them with several more specific measures.

Here are the actions I am taking to speed up the fight against inflation:

First, I shall appoint a National Commission on Productivity with representatives from business, labor, the public and government.

In general, productivity is a measure of how well we use our resources; in particular, it means how much real value is produced by an hour of work. In the past two years, productivity has increased far less than usual.

In order to achieve price stability, healthy growth and a rising standard of living, we

must find ways of restoring growth to productivity.

This Commission's task will be to point the way toward this growth in 1970 and in the years ahead. I shall direct the Commission to give first priority to the problem we face now; we must achieve a balance between costs and productivity that will lead to more stable prices.

Productivity in the American economy depends on the effectiveness of management; the investment of capital for research, development and advanced technology; and most of all on the training and progressive spirit of 86 million working Americans.

To give its efforts this proper base of understanding, the Commission will this summer bring together leaders of business, labor, government and the general public to meet in a special President's Conference on Productivity.

Second, I have instructed the Council of Economic Advisers to prepare a periodic Inflation Alert. This will spotlight the significant areas of wage and price increases and objectively analyze their impact on the price level. This Inflation Alert will call attention to outstanding cases of price or wage increases and will be made public by the National Commission on Productivity.

Third, I am establishing a Regulations and Purchasing Review Board. All government actions will be reviewed to determine where Federal purchasing and regulations drive up costs and prices; our import policy will be reviewed to see how supplies can be increased to meet rising demand, without losing jobs here at home.

Let me specifically spell out what I will do and what I will not do. I intend to help focus the attention of business and labor on the need for increased productivity. This is the way for them to serve their own interest while serving the public interest. This is the only way to make sure that increases in earnings are not wiped out by the rising cost of living.

This Administration, by its spending restraint, has set the example in this past year; we believe we have now earned the credentials to call for similar restraint from business and labor to slow down inflation.

Now is the time for business at every level to take price actions more consistent with a stable cost of living, and now is the time for labor to structure its wage demands to better achieve a new stability of costs.

The fight against inflation is everybody's business. If you act against the national interest; if you contribute to inflation in your price or wage demands—then you are acting against your own best interests and your customers' best interests, and that is neither good business nor good bargaining.

If businessmen and workingmen are willing to raise their sights by lowering their demands—they will help themselves by helping to hold down everybody's cost of living.

I believe there is a new social responsibility growing in our economic system, on the part of unions and corporations. Now is the time for that social concern to take the form of specific action on the wage-price front.

Now, here is what I will not do:

I will not take this nation down the road of wage and price controls, however politically expedient they may seem.

Controls and rationing may seem like an easy way out, but they are really an easy way in to more trouble—to the explosion that follows when you try to clamp a lid on a rising head of steam without turning down the fire under the pot.

Wage and price controls only postpone a day of reckoning, and in so doing they rob every American of an important part of his freedom.

Nor am I starting to use controls in disguise. By that I mean the kind of policy whereby government makes executive pronouncements to enforce "guidelines" in an attempt to dictate specific prices and wages without authority of law.

I realize that there are some people who get satisfaction out of seeing an individual businessman or labor leader called on the carpet and browbeaten by government officials. But we cannot protect the value of the dollar by passing the buck. That sort of grandstanding distracts attention from the real cause of inflation and can be a dangerous misuse of the power of government.

The actions I have outlined today are well within the powers of the President. But there are other actions that the President cannot take alone.

This is not the time for the Congress to play politics with inflation by passing legislation granting me standby powers to impose controls on wages and prices. The Congress knows I will not impose controls because they would do far more harm than good.

This is the time, however, for Congress and the President to cooperate on a program specifically addressed to help the people who need help most in a period of economic transition.

Here is that program:

First, to provide more help now to those workers who have lost jobs, *I urge the Congress to pass the legislation I proposed nearly a year ago to expand and strengthen our unemployment insurance system.* This legislation would cover almost five million more people who lack this protection now, and the system would be made more responsive to changing economic conditions. In addition, individual States would be eligible for expanded Federal support if they passed complementary legislation to lengthen the time a person out of work could receive benefits.

Second, to help those in need of job training, *I urge the Congress to pass the Manpower Training Act* which provides an automatic increase in manpower training funds in times of high unemployment. I submitted this proposal to the Congress ten months ago. I ask for full appropriation for the Office of Economic Opportunity and I request the Congress to provide at once a supplemental budget of $50,000,000 to provide useful training and support to young people who are out of school for the summer months.

Third, to further protect the small investor, *I support the establishment of an insurance corporation* with a Federal backstop to guard the investor against losses that could be caused by financial difficulties of brokerage houses. While it does not affect the equity risk that is always present in stock market investment, it will assure the investor that the stability of the securities industry itself does not become cause for concern.

Fourth, to relieve the worries of many of our older citizens living on fixed incomes, *I urge the Congress to pass my proposal to tie Social Security benefits to the cost of living.* This proposal, passed by the House and awaiting Senate action for the past month, will keep the burden of the fight against inflation from falling on those least able to afford it.

Fifth, to stimulate an industry bearing the brunt of high interest rates, I strongly supported the Emergency Home Finance Act of 1970. This would attract as much as six billion dollars into the housing market in the coming fiscal year. More than a third of a million families need this legislation for home financing now; the resulting new construction of more than 200,000 houses will also help provide many new jobs. *I urge the House to act promptly on the housing bill passed unanimously by the Senate,* and awaiting action for three months in the House.

Sixth, to help the small businessman who finds it difficult to get necessary credit, *I have asked the Congress for greater authority for the Small Business Administration to stimulate banks and others to make loans to small businesses at lower interest rates.* I submitted this legislation to the Congress three months ago.

Seventh, to strengthen our railroad industry, *I am asking for legislation that will enable the Department of Transportation to provide emergency assistance to railroads in financial difficulties.* I am also urging the independent Interstate Commerce Commission to give prompt attention to the urgent financial problems of this industry.

And finally, to curb inflationary pressures throughout our economy, *I call upon the Congress to join me in holding down government spending to avoid a large budget deficit.* This requires a new restraint on spending programs and the passage of the revenue-producing proposals I have already made.

There is an old and cynical adage that says that in an election year, the smart politician votes for all bills to spend money and votes against all bills to raise taxes.

But in this election year of 1970, that old adage cannot apply. The American people will see through any attempt by anyone to play politics with their cost of living. Whenever a member of Congress displays the imagination to introduce a bill that calls for more spending, let him display the courage to introduce a bill raising the taxes to pay for that program.

Long before the art of economics had a name, it was called "political arithmetic." The American people expect their elected officials to do their political arithmetic honestly.

The actions I have taken today, together with the proposals I have made, are needed now to help us through this time of transition.

I believe this is the right program at the right time for the right purpose. There is no more important goal than to curb inflation without permitting severe disruption. This is an activist administration, and should new developments call for new action in the future, I shall take the action needed to attain that goal.

Before I close today, I would like to give you a broader view of the significance of what is happening in the American economy.

We have more at stake here than a possible difference of one or two tenths of a percentage point at the price level in 1970. All of us have to make decisions now which will profoundly affect the survival of a free economic system throughout the world.

Industrial countries around the world all face the problem of inflation. By solving our problem here without throwing away our freedom, we shall set an example that will have great impact on the kind of economic system others choose.

Our free economic system has produced enormous benefits for the American people. The United States, with 10% of the free world's population, produces 40% of the free world's output. We did not gain that production power by shackling our free economic system.

The average American has the highest real per capita disposable income in the world, and it is higher today than ever before in our history. He did not reach that height by turning over his economic freedom to the government.

In the next five years, and in real terms, the American consumer will be able to buy almost 20% more than he does today. To reach that attainable goal, we need no artificial dependence on the production of the weapons of war—on the contrary, we will all share much more fully in a peacetime prosperity.

As I see it, prosperity is not a period of good times between periods of hard times—that's false prosperity, with people riding high but riding for a fall.

Nor is prosperity a time when the well-to-do become better off while everyone else stays

the same or falls behind—that's partial prosperity, and it only widens the gaps between our people.

The true prosperity that I envision offers a new fairness to our national life.

We are working toward a system that will provide "job justice"—open and equal opportunity for every man and woman to build a good career.

We are working toward a system that replaces the old ups and downs with a new steadiness of economic growth within our capacity to produce efficiently.

We are working toward a system that will deliver a higher standard of living to a people living in peace.

That is the hope offered by a modern free enterprise system—not managed by government and not ignored by government, but helped by a government that creates the climate for steady, healthy growth.

As we move forward into a peacetime economy, I am confident that we will achieve the only kind of prosperity that counts—the prosperity that lasts, the prosperity that can be shared by every American.

ON THE PRESIDENT'S MESSAGE

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

Mr. ARENDS. Mr. Speaker, the President leveled with the American people today on the state of the economy.

And he deserves our appreciation for that.

He also deserves our support in the actions he has recommended to slow inflation and minimize the impact of joblessness caused by some of the anti-inflation actions.

I agree with the President that the American economy is the strongest in the world and that, because of that fact, we can face up to and lick our current problems.

But no problem which festered like inflation did for 5 years is easily whipped.

It will take the cooperation of business and labor. It will take the determined efforts of Congress.

It will take all of us, putting the good of the Nation above politics, to insure that we have a stable economy and a minimal amount of unemployment.

The President has said what he intends to do and he has laid down a challenge for the Congress. I hope, sincerely, that we will meet it.

THE STATE OF OUR DETERIORATING ECONOMY

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and to include extraneous matter.

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

Mr. GROSS. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman from Arkansas asked unanimous consent to address the House for 1 minute.

Mr. GROSS. I understand that, Mr. Speaker, and I reserved the right to object.

Mr. Speaker, when the session opened this morning the Speaker—very providently, I thought—in the interest of getting on with the legislative business, precluded 1-minute speeches. However, I am not at all certain that it was done for the purpose of expediting the legislation, but rather to prevent 1-minute speeches on the resolution just passed.

Mr. Speaker, I am not going to object in this instance, but I know of no reason why political speeches such as we have heard from two of the preceding speakers should further delay the legislative process at this time.

The SPEAKER. The Chair will state to the gentleman from Iowa that earlier in the day the Chair did make the statement that the Chair would not entertain unanimous-consent requests for 1-minute speeches to be delivered until later on in the day.

I am sure that the gentleman from Iowa clearly understood that statement on the part of the Speaker. At that particular time the Chair stated that the Chair would recognize Members for unanimous-consent requests to extend their remarks in the RECORD or unanimous-consent requests to speak for 1 minute with the understanding that they would not take their time but would yield back their time.

I think the Chair clearly indicated that the Chair would recognize Members for that purpose at a later time during the day. As far as the Chair is concerned the custom of the 1-minute speech procedure is adhered to as much as possible because the Chair thinks it is a very healthy custom.

The Chair had the intent, after the disposition of the voting rights bill, to recognize Members for 1-minute speeches or further unanimous-consent requests if they desired to do so.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

Mr. ALEXANDER. Mr. Speaker, there has been a great deal of discussion in these Chambers today and during recent weeks and months about the state of our deteriorating economy. Inflation, the major economic problem of the late 1960's, is still with us. The only difference is that it has been joined by recessionary conditions throughout our economy.

During recent weeks we have seen prices continuing to rise, the stock market continuing to decline, interest rates remaining at unrealistically high levels, unemployment continuing its steady upward trend, overtime and workweeks declining, and public confidence in economic policies continuing to disappear.

Even as these trends continue inexorably, administration economists have continued to assure us that their program was "on schedule," and that the situation was looking better. Apparently, such assurances were meant only to convince themselves that they had not made a mistake, for the words have not led to any new spirit of confidence within our Nation's business community.

In answer to these assurances, I submit for the record an article in the May 30 issue of Business Week entitled "Business Finally Calls It a Recession." It appears that almost everyone is now admitting that we have a recession except the administration economists who continue to insist that if they had any money they would invest it in the market.

The only problem with that statement is that money is one commodity in short supply during a recession. In the First Congressional District, such words almost have a mocking quality for people who cannot even balance their budget and provide basic necessities.

One aspect of the present economic situation that can and should be immediately reversed is the high interest rate policy which has been followed for the past 17 months. I, along with more than 100 of my colleagues of both parties, have introduced House concurrent resolutions expressing the sense of the Congress in opposition to this policy. In the midst of this inflation-recession, it is important to me that the people know where the Congress stands on the policies being followed. It is my hope that this resolution will be brought to the floor in the very near future and inform the administration, by our votes, that we are in total disagreement with a high interest rate policy that is a nuisance to corporations but is death for small businessmen, farmers, the fixed income citizens, and the unemployed.

Because of its relevance to this discussion, I include the excellent Business Week article:

BUSINESS FINALLY CALLS IT A RECESSION

Early this year, businessmen seemed almost stubbornly optimistic about the course of the economy. In the fact of bearish indicators and warnings from professional economists both in and out of government, they projected rising sales, moderately improved profits, and record capital spending.

In the past six weeks, however, sentiment in the business community has swung sharply toward pessimism. An increasing number of executives of major corporations think that the economy is in serious trouble. And although they dislike the word as much as government officials do, businessmen no longer call what is happening to the economy a slowdown but a "recession." The division between optimists and pessimists now is mainly over whether the downturn will turn out to be mild or severe.

"There is no question that we are in a recession," said Allied Chemical Corp. Chairman John T. Connor, a former Commerce Secretary. "The statistics to prove it conclusively don't appear until months after the event, but anyone in business today who looks at his own business situation and his industry knows there is a recession."

Even economist Pierre Rinfret, who flatly declared last November that "there ain't going to be any recession," is wracked by unaccustomed doubts. Last week, he told the Magazine Publishers Assn. that he was not ready to retract his prediction yet but acknowledged that odds were swinging against him.

SHIFT IN MOOD

The change is not so much in the economy itself as in the businessman's appraisal of it. Most business indicators are giving off no more alarming signals now than they were a couple of months ago, though some have worked down to lower levels. What has happened is that many corporate executives have come to share the national mood of frustration and bewilderment that is fueled by un-

certainty, dissension, and doubt about the efficacy of the Nixon Administration's policies.

Hammered week after week by bad news, business has been forced to take a new look at sales targets, budgets, and profits forecasts. Almost everything that has happened in the past month has contributed to the general atmosphere of pessimism:

Inflation has continued unabated. Last week, the Consumer Price Index was still growing at a rate of 7.2% a year, and after a couple of months of virtual stability the Wholesale Price Index has again started moving up. Even more worrisome to businessmen are the specific price boosts that have occurred repeatedly in such basic materials as steel.

And then, the day after President Nixon's address on Cambodia, a Treasury refinancing nearly turned into a disaster. The Federal Reserve System saved it by intervening and pumping $2-billion into the economy—but thereby upset its plan to keep growth of the money supply orderly and under tight control.

Last week, the President shook business confidence in the Administration by admitting that the budgets for fiscal 1970 and 1971 would be in deficit, not surplus. Most experts agree that the 1970 deficit will be bigger than the officially estimated $1.6-billion and probably closer to $3-billion.

Labor militancy has fueled inflation with more and bigger wage boosts. Chase Manhattan Bank Chairman David Rockefeller last week even chided *The New York Times* for having agreed to a 41% pay and benefits hike for printers when the newspaper itself had been condemning such labor settlements as the 40% increase for New York tugboat crews.

Beyond this, the Teamsters' wildcat strike has hurt deliveries, particularly in steel, around the country. And the death of Walter Reuther has increased fears that the labor movement may move rapidly to the right without the liberal United Auto Workers chief around to prod its social consciousness. Certainly his death will not make the all-important auto negotiations easier.

Corporate news has not been good. First-quarter earnings were down an average of 14%—far more than the 5% that Wall Street analysts had been predicting. Second-quarter earnings will slump even more.

The uproars at annual meetings this spring have contributed to the atmosphere of gloom. Growing demands from stockholder groups and student organizations for corporations to trade profits for social contributions have dampened the enthusiasm of investors. Executives, as well as blue-collar workers, have joined the growing ranks of the unemployed because of corporate cost-cutting.

Stock prices have plunged an average of 20% since Apr. 11—and the almost daily grim news from Wall Street has taken its toll in more cautious consumer spending and corporate doubts about capital spending. The withdrawal of many small investors from the market has hurt brokerage houses so badly that many salesmen have quit or been fired. Even if the spectacular upturn that came at midweek develops into a genuine rally, it will take some time to repair the damage.

After a dip in April, interest rates have risen again—unhappy news for the market. And the collapse of Bernard Cornfeld's $2-billion Investors Overseas Services together with the troubles of conglomerator James Ling have done nothing to help investors already short on confidence.

Cambodia helped to polarize attitudes about U.S. involvement in Southeast Asia. In New York City, there have been daily confrontations between antiwar students and prowar construction workers in the past two weeks, staged in a highly visible area—Wall Street. The shootings of four students at Kent State University added to the anxiety over the fundamental divisiveness developing in the country.

The rash of opposing and dissenting statements about the move into Cambodia from members of Nixon's own official family has increased the confusion and uncertainty—two conditions that are anathema to the business community. And, just when various voices in the country have asked for firmer leadership in Washington, Congress has been bickering over a resolution that would cut the President's powers as commander-in-chief.

CREDIBILITY GAP

It is hard to measure the impact of any of these events on the economy. Even the collapse of the stock market need not have a lasting effect if businessmen were simply to shrug off the losses and return to business as usual. But it is clear, particularly from their private comments, that corporate managers are shaken.

Significantly, even those favorably inclined toward the Administration think that its assurances no longer carry much weight. "What has been lost," says William S. Brewster, chairman of USM Corp. and a member of the blue-ribbon Business Council, "is credibility in the leadership of the country." S. M. McAshan, Jr., chairman of Anderson, Clayton & Co., of Houston is more caustic: "No one has too much confidence in a buch of theoretical economists. The gap between what people like [CEA Chairman Paul W.] McCracken and [Budget Director Robert] Mayo are saying and what is going on is just too wide."

Business' new pessimism may well be self-fulfilling, which is why Washington is anxious to counteract it and why many businessmen are reluctant to own up to it in public. Up to this point, the downturn has lacked one quality that has been present in every past recession: deep cuts in inventories and capital outlays in reaction to the sluggishness in sales.

Earlier surveys of businessmen had discovered that inventory and investment plans were being maintained chiefly because businessmen expected a quick turnaround. Now, even the optimists are talking about an upturn that will not come until the end of the year, a delay that makes current investment plans questionable. Already, capital appropriations and new machine tool orders, two early signs of actual plant and equipment spending, have taken a nosedive (page 19). And purchasing agents still generally rate current inventory holdings as too high.

OVERAGE GAME PLAN

Much of the problem businessmen have with President Nixon's economic "game plan" (a term that is even more overworked by Administration officials than it is by the press) is that the game has gone on too long. The game plan, in essence, was to slow the economy gradually, using the classic tools of monetary stringency and a federal budget surplus to pull spending power out of the system. The assumption was that as demand slowed, companies would be more reluctant to raise prices and labor would be more moderate in its wage demands.

The slowdown took a surprisingly long time to develop, but eventually the fiscal and monetary medicine did work. The first signs of faltering demand appeared last June, when sales of expensive consumer goods, such as color TV sets, began to drag. In the autumn, new model car sales proved a bitter disappointment to Detroit. Gross national product adjusted for price increases showed a small drop in the final quarter of 1969. And in the first quarter of 1970, a drop of 3% in real GNP made it plain the boom was over.

This has shown up clearly in corporate profits. But it does not show up yet in the measures of inflation. Consumer prices continue to climb. And there is no indication that labor is ready to moderate wage demands that would push costs upward at an even faster clip. What worries many businessmen is that it may take even longer for the wage-price spiral to respond to the effects of the slowdown than it took the economy to respond to the restrictive policies.

ACTION URGED

As much as they dislike the idea of direct government intervention, more and more businessmen think that Nixon will have to do something to speed up the adjustment of wages and prices to the new situation. "Until recently, the Administration's fiscal and monetary policies were on a sound basis," says Allied Chemical's Connor, "but now it has become apparent that they are not enough." Brewster of USM hopes that "moral suasion" will be enough, but has some doubts "because of the division in the country." Whatever steps are taken, businessmen think the White House must make an active effort to rebuild the country's confidence in the Administration and in the future.

Most businessmen this week could agree with the sentiment expressed by James Roche, chairman of General Motors: "The President has to take the bull by the horns and do something." Roche thinks it would help if the President kept explaining the move into Cambodia to reassure the nation that it does not represent a change in the strategy of withdrawal. "One speech wasn't enough," says Roche.

In a broader sense, that sums up business opinion of the Administration's economic program, too.

THE 45TH ANNIVERSARY OF THE SIGNING OF THE GENEVA PROTOCOL

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

Mr. FRASER. Mr. Speaker, today is the 45th anniversary of the signing of the Geneva protocol to prohibit the use in war of asphyxiating, poisonous, or other gases, and of bacteriological methods of warfare. Today also marks 1 month since the release of the report on chemical and biological warfare, presented by the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments. In that report we recommended:

> The President, as soon as possible, should fulfill his announced intention by submitting the Geneva Protocol of 1925 to the Senate for its advice and consent to ratification. It has now been 5 months since the President said he would take that action, and if the protocol is to be given adequate consideration during the current Congress, it must be sent up at an early date.

Regrettably, the administration has not seen fit to honor even this anniversary day by submitting the Geneva protocol to the Senate.

I fail to understand the cause of this extraordinary delay. The administration considered the protocol in the course of its lengthy review of chemical and biological warfare policy, and the President announced 7 months ago that he was going to submit the protocol to the Senate. Yet the White House has not acted upon this decision or, for that matter, on the other decisions in this field which the President also announced in November. We speak so readily about honoring our commitments abroad, but there is still no sign that the adminis-

tration is prepared to honor its commitment to the American people to get us out of the germ warfare business and ratify the Geneva protocol.

Unless the White House does not want the protocol to be considered during the current Congress, the protocol must be submitted promptly. Although chemical and biological warfare programs have not received much public attention since the completion of our Foreign Affairs Subcommittee hearings last December, there are many unresolved policy issues that deserve detailed consideration in the context of Senate hearings on the protocol. The most important issue obviously concerns our continued use in Southeast Asia of teargases and chemical herbicides. I am personally opposed to the use of gas warfare in Vietnam, either as antipersonnel or anticrop weapons. Last year the United Nations General Assembly went on record by a vote of 80 to 3 to reaffirm that international law as embodied in the Geneva protocol prohibits all means of chemical warfare, including teargas and herbicides. The administration opposed that United Nations resolution, continues its use of these weapons in Vietnam, and has indicated that it will continue to use them even after we become a party to the Geneva protocol. It is ironic to contrast our own violation of one Geneva agreement with our repeated attempts to have the North Vietnamase conform to another set of Geneva agreements—those on the treatment of prisoners of war.

The teargas and herbicide issue was studied in depth during our subcommittee hearings. We concluded that once the United States ratifies the protocol, it should seek agreement with the 85 other parties to achieve a uniform interpretation of the scope of the protocol. I believe that the United States, which is dedicated to the rule of law, should seek to strengthen the legal regime in the field of chemical warfare by promoting a uniform interpretation of the protocol, even if this means relinquishing our self-asserted right to use teargas and herbicides in war. Otherwise, by maintaining our minority position, as reflected in the 80-to-3 U.N. vote, we run the risk of undermining the protocol's effectiveness once we become a party. This is obviously a complex issue, but it cannot be considered by the Senate until the executive branch first decides upon the form of ratification and transmits the necessary documents to the Senate.

When the President announced his decision to resubmit the protocol, he also said that we would never use biological weapons. Current biological weapon stockpiles were to be destroyed and research in the future would be confined to defensive measures. Presumably these decisions involve turning over the existing research and production facilities to other agencies of Government and ending classified research. To do less would seriously undermine the credibility of the President's announcement, here and abroad. We recommended in our subcommittee report that existing facilities and personnel be directed to solving environmental problems which would benefit America and the world. To date, however, biological weapons research and production facilities remain intact, behind an impenetrable wall of secrecy. Unless action is taken soon to implement the President's November announcement, we will not derive any significant international benefit from it. In fact, delay simply brings into question the significance of our new policy.

As a congressional adviser to the U.S. delegation at the Geneva Conference of the Committee on Disarmament, I know that our pursuit of new measures to constrain the chemical and biological warfare arms race is not likely to receive the support of many other states unless we ratify the Geneva protocol and follow through with our announced intention of getting out of the germ warfare business altogether. We are today the only important state that has failed to ratify the protocol and, until we do, no other country is going to listen to our pleas to write new agreements in this field. The generally commendable initiatives which the President announced months ago must first be implemented and the Senate given the opportunity to approve the Geneva protocol.

TAX RELIEF FOR KIN OF U.S. CAMBODIAN FATALITIES

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

Mr. FULTON of Tennessee. Mr. Speaker, it was reported in Mr. Jack Anderson's "The Washington Merry-Go-Round" column this morning that what appears to be an unfortunate administrative oversight is denying certain tax benefits to several hundred families who have lost loved ones in Cambodia and Laos.

For a full explanation, I place that portion of Mr. Anderson's column dealing with this matter in the RECORD at this point:

TAX HITS KIN OF GI DEAD IN CAMBODIA

(By Jack Anderson)

The widows and children of 253 American servicemen killed in Cambodia will lose the major tax breaks they would have received if their loved ones had died on the other side of the Vietnam border.

The White House, which confidently said it had examined every aspect of the Cambodian problem, forgot to make Cambodia a combat zone. Result: The estates of servicemen who were killed in Cambodia or who died of wounds received there cannot claim a tax break.

Special tax benefits have been granted to GIs, airmen and sailors in the combat zone, which President Johnson defined in 1965 as "Vietnam and adjacent waters." Enlisted men pay no taxes at all on their salaries, and officers are exempted up to the first $500 a month.

For the heirs of those killed in Vietnam, all income taxes on service pay are waived. Most back taxes on income of any kind are written off the books. Under certain conditions, even stock dividends, rentals, interest and other income are tax free.

But for tax purposes, Cambodia is outside the combat zone. The GIs who have crossed into Cambodia will continue to collect combat pay, because they are stationed in Vietnam. But they may be required to pay taxes on the salaries they have accrued while cleaning out the communist sanctuaries. For those who have fallen in action, their estates are ineligible for tax exemptions.

At Internal Revenue headquarters, a spokesman confirmed that for tax purposes "Cambodia is not now within the area designated as a combat zone" and said the income taxes against the dead GIs would be assessed.

Footnote: The same loss of tax breaks applies to the 400 servicemen, mostly pilots, who have been killed or are missing in Laos. Internal Revenue was unable to determine how many of their families had been hit with taxes that would not have been required if the men had died in Vietnam. Of course, President Nixon could still extend the tax benefits belatedly to veterans of the Cambodian and Laos operations by issuing a special executive order.

As I have said, I believe this to be an unfortunate oversight. It is my understanding that President Nixon can remedy the situation by Executive order. I have written the President expressing the hope that he will take immediate action.

In addition, I have assured the President that, if legislation is needed, I am prepared to introduce it. It was my feeling, as expressed to the President, that any legislation needed to correct this situation would be given full bipartisan support.

SETTING THE RECORD STRAIGHT

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

Mr. BUCHANAN. Mr. Speaker, a number of papers both in the United States and Canada have carried a news article by the Associated Press which, because of its omission of vital information, is totally misleading and constitutes a smear on the State of Alabama and on a circuit court jury there.

In essence, the article says, and I quote:

An all-white jury has decreed the death penalty for a Negro convicted of robbing a white girl of $30 and a wrist watch.

What the article did not say was that the man also beat, raped, and attempted to murder this 17-year-old girl. He ran over her twice with her automobile, bound her and threw her into the trunk of her car, set the car on fire and ran it over an embankment. Fortunately, the fire went out before reaching the gas tank.

After 24 hours in the trunk, the young woman was found, miraculously alive, by one of the many search parties organized after her disappearance.

Taking the stand during the trial, the young woman described her ordeal and identified the defendant as her assailant.

This, Mr. Speaker, is the reason for the death penalty in this case and I think the record needs to be set straight.

The charge of robbery was brought against this man for two reasons. First, attempted murder, for which he could have been charged, carries only a maximum sentence of 20 years while robbery can carry a death sentence. Second, the preponderance of corroborating evidence

dealt with the robbery aspect of this crime.

It is beyond question that regardless of the race or color of the defendant or the jury, the outcome in this case would have been the same.

The people of Alabama do not hand out death sentences lightly and without cause. The implication that this sentence was meted out merely for a $30 robbery is a slur on the jurors sitting in that case and the people of my State.

It is especially distressing to learn of the letters coming from all over the Nation into the courthouse in Birmingham—some offering to give this young woman a watch and $30 to drop the charges. She has already lived through enough without persons, many of whom I am sure are genuinely concerned, making this ordeal even more difficult because of a news item obviously designed to mislead and misinform rather than report the truth, the whole truth, and nothing but the truth in this case.

BLOOD, SWEAT, AND TEARS

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

Mr. SCHERLE. Mr. Speaker, the overburdened American taxpayer is dancing to the acid rock tune of a $40,000 tab, courtesy of the elite hierarchy of the exalted State Department. The discotheque diplomats waved the baton of approval on this latest cultural exchange program when it authorized a travel grant for the rock group. "Blood, Sweat, and Tears." The nine-man combo was selected to travel through three Iron Curtain countries as youth-administration representatives of the State Department. Members of the group openly admitted:

> We've been through months of hassle cramming this idea down the State Department's throat.

While the group has been informed by the Communist host countries that they will not tolerate any criticism of the Reds' iron-handed control in Eastern Europe, singer David Clayton-Thomas, a Canadian citizen who has lived off the fat of our land for 7 of his 29 years, is allowed much more freedom in his assaults on "Uncle Sugar Daddy" who is footing the bill.

Pointing to the peace symbol imprinted on his purple sweatshirt he said, at a State Department reception:

> I didn't just happen to wear this by accident. I wore it because I believe in it.

He went on to say:

> The group doesn't stand for the things Mr. Nixon is doing. Our motive isn't to show off this administration at all . . . I've traveled the country, I've seen hatred and racism, and I'll tell that no matter where I go.

There is no excuse for this country's subsidizing the travel and derisive drivel of an alien who was selected to represent the United States ostentatiously in three captive nations.

It is not sweet music to the American people to hear the harmony of discord being played at their expense.

ONLY $106 MILLION FOR AIR POLLUTION AND $290 MILLION FOR THE SUPER SUBSIDY TRANSPORT—SST

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

Mr. SAYLOR. Mr. Speaker, it is no secret that bureaucracy breeds chaos, nor is it any secret that the political process produces inconsistencies. Rarely do we get a chance to see bureaucratic chaos and political inconsistency all wrapped up in one neat package. The Government's inability to make up its mind about the control and abatement of pollution is shown by comparing rhetoric to reality.

We have heard all sorts of rhetoric about cleaning up the environment—part of the reality is a request for $106 million in taxpayer money to do a billion-dollar job against air pollution. Not enough, naturally, but a start. OK so far.

On the other hand, not much rhetoric has been heard—outside the State of Washington—about the need for a super subsidized transport—SST—but the administration is pressing for $290 million to do a job that "free enterprise" should be doing if there really is an economic market for the projected flying monster.

Only $106 million to clean up the air and $290 million to dirty it up again. Really now, does the administration think that the public will buy a super subsidy for the SST and at the same time believe what they hear about the administration's "commitment" to cleaning up the environment? I think not, my friends.

H.R. 18101—MANPOWER DEVELOPMENT AND TRAINING ACT OF 1970

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

Mr. PUCINSKI. Mr. Speaker, I have today introduced H.R. 18101, the Manpower Development and Training Act of 1970.

This proposal would substantially reconstruct the whole manpower training program and bring it closer to the realistic manpower needs of our Nation.

H.R. 18101 would also place a great emphasis on incorporating vocational education into the manpower training program and would give vocational educators a greater voice in developing national manpower policy.

On March 2 of this year, I spoke here on the floor of the House on the urgent need for a national manpower advisory council and the need for including more effectively the educational components in our present manpower program. I said then that the degree to which we provide the educational components of manpower development and effectiveness of the educational program in terms of devising attitudes; providing basic education, and relating technical education, will determine how well we can develop an adequate program of manpower needs for the last quarter of the 20th century.

The legislation which I have introduced today will be offered in the Committee on Education and Labor as a substitute for the comprehensive manpower act now under consideration by the Select Subcommittee on Labor.

My own Subcommittee on General Education, of which I am chairman, has studied the role of vocational education and its capabilities in helping develop more effective manpower training programs. It is an undeniable fact that this Nation does not have a comprehensive manpower program which encompasses close correlation with vocational education.

We have bits and pieces of manpower programs which are carried out by many agencies at State and Federal levels. We should not limit our consideration of any new legislation to only those programs conducted by the Department of Labor. We need to give serious consideration to an overall national manpower program that would be coordinated through an effective body at the Federal level.

The legislation which I have introduced today provides for a National Manpower Advisory Council appointed by the President that would be represented by the agencies and departments involved in manpower programs and services, as well as representatives of the general public. The council would be authorized to engage services of full-time professional, technical, and clerical staff to perform its duties.

The council would have four major responsibilities independent of those of the Federal agency responsible for the actual operation of these programs. These would be:

To establish national manpower goals and to develop appropriate standards for programs and services designed to meet these goals;

To advise the Secretaries of the several departments of the Federal Government concerning the administration of preparation of general regulations for and operation of manpower programs and services coming under their jurisdiction;

To review the administration and operation of manpower training programs and services; and

To conduct independent evaluations of manpower programs and to publish and distribute the results of such evaluations. In order that the various manpower programs of the Federal Government could be coordinated I propose a position of special assistant for manpower to the President. This special assistant to the President would act as liaison to the National Manpower Advisory Council and to the President for matters of national manpower policy.

I should like at this point to repeat here today what I said on March 2 when I suggested this legislation because it does put the meaning of this legislation in proper perspective.

My statement follows:

> We cannot ignore the role of the States in carrying out a national manpower policy. Many are doing a good job and others should be guided in their efforts. Many state constitutions prohibit the establishment of a comprehensive manpower agency, therefore, I propose that there be a State

manpower advisory council appointed by the Governor to develop a yearly and 5-year projected comprehensive manpower plan that would include programs, services, and other activities. This council would consist of representatives of established State agencies that are concerned with manpower programs and services and the general public. It would be the responsibility of the State advisory council to see that the State plan was carried out.

However, all federally supported education and manpower programs would be administered through the agencies in the State currently responsible for that type of program, service or activity. As in the case of the education component of manpower development, I propose that the State Board for Vocational Education have the prime responsibility. The education programs could be contracted with local public schools, private schools, or industry depending upon the capability of the institution or business to render such services. I firmly believe that any Federal manpower act must provide specific standards for such programs to insure quality and a prudent expenditure of public funds. Likewise, it is imperative that there be a provision in any Federal Manpower Act for any of the Federal departments to carry out manpower programs where the State has failed to submit an acceptable plan or where all or portions of the plan has been disapproved by the Federal agency administering that portion of the plan.

Since vocational education is an integral part of a manpower development system, including preemployment training and upgrading for youth and adults, any provision for the educational component in manpower legislation should become a part of the State plan for vocational education and be administered in accordance with standards set up in the State plan. The Congress has expressed great concern about the duplication and overlapping of programs to train the disadvantaged unemployed and underemployed currently administered by the U.S. Department of Labor. I firmly believe it is time that we not only consolidate and coordinate these programs but put the bits and pieces from all Federal agencies together into a coordinated manpower development program.

The education component of a manpower program has never been adequately defined in the administration of the Manpower Development and Training Act. This needs to be done.

The concept of the neighborhood youth corporation could be strengthened if administered under the part H—work-study programs for vocational education students—of Public Law 90-576. Youth who take advantage of this program should be required to enroll in education and training programs that would begin to prepare them for a continued work role in our society. It is my understanding that both the Bureau of the Budget and the Department of Labor has expressed an opinion that this should be done. I urge the U.S. Office of Education in the Department of Health, Education, and Welfare to assume leadership in seeing what could be done to effect this transfer. Work study programs provide an opportunity for youth to experience a work role in our society and also an opportunity for them to earn so that they might stay in school. Why not tie this program to a meaningful education and training program in our schools?

I am not convinced that any one Department of the Federal Government has the expertise to develop and administer all the components of a comprehensive manpower program. However, I do believe that through the coordination by the National Manpower Advisory Council and the State manpower advisory councils, this Nation can have an efficient and effective manpower development program.

Mr. Speaker, I am pleased that the distinguished Senator from Vermont, Senator PROUTY, has introduced similar legislation in the other body. It is my hope that with this comprehensive manpower development act of 1970, we can provide the kind of educational leadership that we will need for a trillion dollar economy which our Nation will achieve this year, and a $2 trillion economy which we will reach by 1980.

THE PRESIDENT'S DECISION TO INVADE CAMBODIA

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

Mr. HANLEY. Mr. Speaker, many weeks have passed since President Nixon announced to the American people that our military units, along with South Vietnamese troops, were in the process of invading Cambodia in order to destroy enemy sanctuaries and base camps.

The Senate continues its lengthy debate on the essential question of the power of the President to invade a country without the consent of Congress. This is not the only issue which has come to the fore as a result of the Cambodian invasion. Events of the past weeks have served to focus attention on the continuing war in Vietnam and the growing unrest here in the United States.

Mr. Speaker, I would briefly discuss my views and observations on each of these issues.

I do not believe that the constitutional powers of the President, in his capacity as Commander in Chief, extend to ordering the invasion of a foreign country without the knowledge and consent of Congress. Weeks ago, I supported amendments in the House which, if approved, would have prevented the President from conducting such an invasion without the consent of Congress.

The issue is really constitutional in nature, and even if Congress is late in waking up to its responsibility to recapture its constitutional prerogatives to declare war and to raise and support armies, it is nevertheless significant and important that the debate is finally taking place.

To be sure, the President's decision to invade Cambodia took the enemy by surprise, and our troops were able to overrun and destroy many base camps with the capture of huge amounts of weapons and supplies. The President had indicated that one principal objective of the invasion was to destroy the headquarters for Communist operations in South Vietnam, but this objective has not been achieved. From a tactical military point of view, however, the invasion appears to have been a success. I am certain that the invasion will provide temporary easing of Communist pressures along the western border of South Vietnam, and I am also sure that the invasion will give the new government in Cambodia much needed time to strengthen itself for the struggle to govern Cambodia.

The second issue I want to discuss is the war in Vietnam itself. Ten days before the President invaded Cambodia, he announced to the American people his decision to proceed with the withdrawal of an additional 150,000 American troops within a year's time. He repeated this decision recently while briefing the American people on events in Cambodia. I applauded the original announcement of the President, and it encouraged me to believe that the U.S. policy of withdrawal was working, and that we were on the road to disengagement.

The President has indicated that it is the policy of the United States to work for a negotiated settlement and also to wind down American participation in the war. It is this policy which I have supported. However, I am concerned that the invasion of Cambodia may mean that the United States is now basing its decisions in pursuit of this policy on the events taking place in Cambodia, and not on the degree of progress in South Vietnam itself. I hope that this is not the case.

In speeches I delivered on the floor of the House last fall, I made it clear that I favored a policy of gradual withdrawal of American combat forces in Vietnam. I agreed then with the line of reasoning advanced by Senator AIKEN, senior Republican on the Foreign Relations Committee, who suggested that self-determination for the people of South Vietnam was impossible as long as a substantial American presence existed in that country.

In recent weeks, I have communicated with President Nixon on two occasions, first to urge him to use all of the diplomatic resources at his disposal to reconvene a Geneva-type conference on Southeast Asia. I have no illusions about how difficult such a task would be, but I believe that it is an important avenue which must be traveled. I also urged the President to step up the United States effort at the peace talks in Paris by appointing as Ambassador a prominent and independent American who could hopefully make a contribution to moving the talks in the direction of an agreement. I suggested to the President that he consider appointing Father Hesburg, the president of Notre Dame University.

Again, without illusions about the difficulties involved, I have cosponsored a resolution which would make it U.S. foreign policy to encourage the United Nations to dispatch an international supervisory force to Indochina to effect and maintain a cease-fire. It may be possible for the United States to promote a United Nations involvement, particularly if the United States is actually withdrawing its combat forces and disengaging itself from the conflict. I also feel that in the post-Vietnam era, it will be necessary for the people of the United States, through their elected representatives, to have a full and dispassionate review of all the commitments we have assumed as a Nation over the years in the international world.

I believe that this country can find a role for itself that is somewhere between that of the international policeman and the isolationist.

Before closing, Mr. Speaker, I want to comment on the conditions which exist

in the United States today. I am afraid that the country will not be able to cope with a steady diet of conflict, confrontation, repression, and reprisal. The extent to which Americans, the young and the not so young, are turning to violence should be a cause of grave concern. The painful part of it is that Americans are beginning to look upon this kind of violence and force as an acceptable means of dealing with frustration and outrage.

Acts of violence, by their very nature, lead to more violence, followed by repression, then revolt, and more violence. The American people must turn away from this path. The future of our Nation requires that we turn away.

On May 20, on the floor of the House, I remarked at length on the problems of the communications gap among Americans, and I believe that this is particularly evident now with the turmoil which has developed among the young and the old, the supporters and the opponents of the administration, and other conflicting groups. Real communications, listening and responding—and responding does not mean acquiescing—are needed to deflate the frustration and the sense of powerlessness which are leading inevitably to the use of force. All of us realize that force and violence cannot be tolerated, but do we also realize that it is within our power to deal effectively with the causes of violence and to develop dozens of ways of easing the threat of violence which do not involve either appeasement or apathy? I hope that we can move to exercise this power.

THE VOTING RIGHTS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. GRIFFIN) is recognized for 10 minutes.

Mr. GRIFFIN. Mr. Speaker, I voted for H.R. 4249 on final passage in the House last December, although with reservation as to its constitutionality. My benign support was given because the approved substitute was a vast improvement over the discriminatory bill reported to the floor by the Committee on the Judiciary.

As my colleagues will recall, the committee bill was a simple extension of the 1965 Voting Rights Act which indicted, tried, and found guilty a few southern States under a cleverly drawn triggering device, by requiring those States to prove they were innocent of racial discrimination in the matter of voting.

We defeated the iniquitous committee bill. We passed the substitute which provided that the Attorney General had to prove discrimination before State voting laws were superseded by the Federal Voting Rights Act. Furthermore, the House-passed bill was applicable to all 50 States.

In a fight led by the Republican leader, the Senate rejected the House bill and approved, instead, practically the same bill as reported by the Committee on the Judiciary. In addition, the Senate added an amendment lowering the voting age from 21 to 18 in all Federal, State, and local elections.

President Nixon, unfortunately, has endorsed in essence the Senate version of the bill. In my judgment, Mr. Speaker, the Senate-passed act is in basic violation of the Constitution; a point I will extensively discuss later.

Now, I would like to make a few comments on the procedure under which we had to operate today. The fair and appropriate procedure, and I might add, the normal procedure, is for the chairman of the Committee on the Judiciary to ask for a conference with the Senate on the Senate amendments. Instead, at the apparent urging of the House leadership, the chairman went outside of normal channels to the Committee on Rules and requested a rule which would accept the Senate amendments. Regrettably, the Rules Committee acquiesced over the commendable opposition of its distinguished chairman, Hon. WILLIAM M. COLMER.

As a consequence, we had only 1 hour of debate time, to be spread among more than 43 Members of the House, to determine the fate of an issue which reaches to the very core of our Constitution's substance. This choking of discussion and prevention of meaningful dialog must be numbered as one of the gravest sins ever committed against representative democracy.

Mr. Speaker, despite what some of the proponents of this bill may contend, we are not dealing with a black and white racial issue. It is simply a question of whether the Congress can do by legislative fiat that which it should do by constitutional amendment.

It is easy to perceive of a time and situation when this Congress is dominated by persons totally unsympathetic to the rights of black people. What protection would these blacks have then if our constitutionally ordained system of restraints is today destroyed? It has been said that Constitutions are written for two reasons: First, to set forth the fundamentals of the government they create; and second, to place these fundamentals beyond the reach of impatient and temporary majorities and beyond the reach of the shifting tides of public opinion.

Alas, the American dream will become a nightmare for blacks if we remove the protection of local and State governments when the flood tide of antagonistic national opinion threatens to engulf them. I would cite Hitler's Germany as a case in point.

What, then are these constitutional restraints that are being so roughly treated here today? What basis in the Constitution do they have and in what way are they being impaired?

The duty of determining voter qualifications is specifically given to the States by several sections of the Constitution. Article II, section 1 states:

> Each state shall appoint, in such Manner as the Legislature thereon may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress:

Article I, section 2 states:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

The 17th amendment states:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

The 10th amendment states:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

It is obvious, on its face, that these provisions of the Constitution unequivocally direct to the States the power and duty to determine voter qualifications. They are charged, through their legislatures, to determine and establish methods by which electors are to be appointed, and where various States have decided to appoint their electors by popular vote, the power necessarily includes the right to determine the manner of the voting process and the qualifications of the voters.

If the States are to make the decisions as to how their electors are to be appointed, then they must be free to choose from many varied alternatives. Indeed, a quick glance at history reveals that some States have chosen to appoint electors by mere act of the legislature alone. Many have chosen to appoint them by a combination of the legislative vote and approval of the citizenry in an election. It is almost universal today to find that the various legislatures, in their discretion, have chosen to delegate this appointment as directly as possible to their citizens by direct election.

When the Constitution instructs in article II, section 1, and in the 17th amendment, that—

> The Electors of each State shall have the Qualifications requisite for Electors of the most numerous branch of the State Legislature.

It obviously is charging the States with the duty of selecting those electors on the basis of the State's own system for choosing its legislature.

What then, does the Constitution say about a State's selection of its own legislature. I can find nothing in the Constitution which says anything. Indeed, this very wording, taken from article II, section 1 and from the 17th amendment, discloses the contemplation that the States should determine their own elective processes. Furthermore the 10th amendment also acts to reserve this power to the States when it announces that—

> Powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the People.

If the States have any power to prescribe procedure for electing their own legislatures, their discretion is complete. If they are to follow some mysterious set of rules then they have no power—they are mere puppets and robots. Is that what we have come to today?

And further still, where in the Constitution lies this magically prescribed formula that the States must follow? Is

it in article II, section 1, regarding the choosing of presidential electors? Is it in article I, section 2, regarding the election of Members of Congress? Is it in amendment 17, regarding the election of Senators? Indeed, is it anywhere in the Constitution at all? I think not. In fact, just how does the Constitution direct who may or may not vote in elections? Where does it announce, by statement or implication, what particular person may vote in any election at all? Absolutely nowhere. What then does the Constitution actually say about voting?

Section 2 of the 14th amendment is the only place in the Constitution which mentions voting and a specific age in the same breath. It refers to "21 years of age." If there is a constitutional sanction for a minimum age for voting, it is in this section, and it would be "21 years of age." I do not recall advocates, who favor lowering the voting age by statute, relying on the 14th amendment.

What then, do the proponents of extending the Voting Rights Act say is the constitutional basis of their position? They point to the 15th amendment and say that it authorizes the Congress to do anything it desires at any time. In this, I cannot concur.

If the Constitution is actually a single harmonious document with provisions working in sympathy and concert, then this basis for the Voting Rights Act cannot be successfully maintained. With so many provisions of the Constitution expressly charging the States with the duties of formulating and operating voting systems, it is patently clear that the 15th amendment is limited in scope and negative in action.

It is a prohibition against certain actions of the States. It is not a source of Federal power over elections or any other subject. To base a positive and active mechanism on the 15th amendment flies in the face of the Constitution and violates it both in letter and spirit. Had the framers of the Constitution desired to set out election rules and regulations they would be found within the Constitution. However, quite the opposite is found. Every section touching the matter charges the States with this duty except amendment 15 which merely prohibits discrimination in voting systems which would result in disenfranchisement of blacks, and amendment 19, barring discrimination because of sex. Whatever authority is given to the Congress to legislate in support of amendments 15 and 19 is merely the negative authority to prohibit discriminating laws of States.

To then base a positive and active set of rules with which certain States must comply is to nullify the intent, purpose, and effect of all other sections of the Constitution speaking on the subject. It is to declare, by legislative fiat, that one section of the Constitution, one couched in the language of general negatives and bars, is to be given controlling precedence over five positive and directive sections of the Constitution. Such logic is preposterous and infantile.

If the Constitution is to be read as a single cohesive document whose provisions work together toward the attainment of its ideals, then the various sections must give support and aid to each other, and cannot be utilized as means to devalue and discredit other provisions of equal stature. Such a result will only allow men to pick and choose the sections they desire and the resulting rip in the fabric of our Constitution will not stop at the seam but will pierce the heart of the Nation.

As I mentioned before, it has been said there are two reasons for writing a constitution: first, to set forth the fundamentals of the government they create; second, to place these fundamentals beyond the reach of impatient and temporary majorities, and beyond reach of the shifting tides of public opinion.

Mr. Speaker, this truth applies especially to the amendment which would lower the age for voting from 21 to 18. It is in direct opposition to not only Mississippi's legal voting age, but it cuts across the entire face of her law and policy. Our State has traditionally held to the idea that rights should be in proportion to responsibilities. The framers of our Constitution and elected lawmakers down through the years have been remarkably consistent in refusing to subject a person to action and penalties of the law until a time at which he is able to make mature and well considered decisions. I am not speaking of mere education, which the proponents of this amendment say is so much greater and widespread now. I am speaking of that more elusive quality—judgment.

Education surely yields an increased measure of knowledge but true judgment only comes from experience and seasoning. It may be true that there are more people under 21, today, who possess the level of awareness to deal maturely with business matters, to engage in binding legal contracts, to buy and sell land, and other similar problems than there were when I was that age. And it is certainly not my intent or purpose to question the intelligence or integrity of America's and Mississippi's youth. All I am doing is calling for "time out." I simply want to calmly consider this issue in all of its facets. I will not be stampeded into giving my approval of a plan to extend the right to vote to those under 21 when I know this plan is the brainchild of those who have been openly courting the radical and irresponsible elements of this age group and when I know it is a design by which they are seeking more votes for self-perpetuation.

Let there be no mistake here. I am not irreconcilably opposed to lowering the age of voting. There may be great merit in it.

I think, however, we should consider this issue in depth and explore the whole area of adulthood before lowering the voting age. Let us look to the experience of past leaders and thinkers and see what course they charted. It may well be that today the situation is truly different and change worthwhile; but, it may also be that the heat of our times has only warped the lens by which we see.

I would like to consider the policy of Mississippi, as disclosed by the laws and statutes of her constitution and code. Persons under the age of 21 cannot be held, by law, to any contract they engage in. Indeed, two sections of the Mississippi Code—sections 1264 through 1268, M.C.A.—provide for special dispensation from the courts where extraordinary circumstances indicate that persons under 21 should be allowed to engage in business transactions and sale of land; actions which affect the rights of others.

It is the law of our State that one under 21 may not create and execute a will and testament which will be legally binding on his heirs.

The lawmakers of Mississippi have deemed that males must attain the age of 21 before they may enter into the marriage contract completely free of the protest by parties who might also be affected by their action.

Before one can be licensed to serve the public as an architect—section 8632–09, M.C.A.; attorney—section 8654, M.C.A.; public accountant—section 8905; M.C.A.; veterinarian—section 8914–07; real estate broker—section 8920–04; embalmer—section 8781, M.C.A.; optometrist—section 8840, M.C.A.; or dentist—section 8755, M.C.A.; he must meet the requirement that he be 21 years of age.

And, finally, section 241 of the Mississippi Constitution makes it imperative that any person first attain the age of 21 before gaining the right to vote.

What are these statutes telling us? Why do they all contain the 21-year-age requirement? Is this reason or merely rhyme? What common factor do they all possess?

I humbly suggest that the element of commonality is present in these statutes. This element is that, with the right to act in a way which affects other persons, there is the duty to protect innocent parties. It is this effort to protect innocent parties which has given rise to the 21-year-old age requirement of so many statutes.

Is this truly a valid consideration? Have times changed so much that we may depart from this longstanding tradition? Can we safely assume that modern education has brought such a high level of judgment to the typical 19-year old that the precepts of our forefathers are to be sloughed off?

What actions by the persons we are asked to enfranchise suggest their readiness to accept responsibility? Is it found in the smoke from the Bank of America over California? Do student strikes over the country suggest a cool and reasoned approach to the problems facing America in 1970? Do thousands of teenagers marching on the Nation's Capital in protest of the Vietnam war prove the soundness of their judgment or does it merely suggest a new source of votes to a liberal establishment reeling in the face of the silent majority? And is not this very protest and disruption of America's tranquility the reason these liberal advocates cite as the main cause for lowering the voting age from 21 to 18?

I think the answer is patently obvious to anyone who takes an objective look. I do not say that the voting age should never be lowered under any circumstances. I am questioning, however, the appropriateness of both the time and

method by which it is now sought. Voting requirements belong to the States as pointed out earlier and there is a right way, by constitutional amendment, to go about changing it. This way is wrong and our haste today can only damage our cause for tomorrow.

NEW REGULATIONS OF CORPS OF ENGINEERS GOVERNING HARBOR LINES, AND PERMITS TO DREDGE, FILL, AND CONSTRUCT IN NAVIGABLE WATERWAYS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, I believe the Members of this House will want to know about the very significant step forward which the U.S. Army Corps of Engineers has recently taken toward carrying out its statutory responsibilities with an enlightened concern for this country's natural environment. I refer to the new regulations recently promulgated by the Corps of Engineers governing the establishment and modification of harbor lines and applications to dredge, fill, construct any structure, or perform other work in the navigable waters of the United States.

In March of this year, the House Committee on Government Operations issued a report, prepared by the House Conservation and Natural Resources Subcommittee, of which I am chairman, entitled "Our Waters and Wetlands: How the Corps of Engineers Can Help Prevent Their Destruction and Pollution,"—House Report 91–917, March 18, 1970—with a series of far-reaching recommendations. We urged that the corps, when considering applications for fills, dredging, or other work in estuaries, rivers, and other bodies of navigable water, should increase their emphasis on how the work will affect all aspects of the public interest. They should look not only at the interests of navigation, but also conservation of natural resources, fish and wildlife, air and water quality, esthetics, scenic view, historic sites, ecology, and other public interest aspects of the waterway. We recommended that no further landfills or other work be allowed in the Nation's waterways except where the applicant affirmatively proves that the proposed work is in accord with the public interest, including the need to avoid the piecemeal destruction of these water areas.

The committee's report further recommended that all harbor lines established by the corps to define the offshore limits of bulkheads, fills, piers and other structures should no longer constitute an automatic license to fill and construct. Instead, anyone planning to do such filling or construction between the shore and harbor line should be required to obtain a permit for such work, subject to such conditions as the corps deems necessary to protect the public interest, and subject to the same interdepartmental review and consultation procedures as are now used in considering applications for permits for similar work in waters where harbor lines are not established. We also urged the corps to require and encourage public hearings on proposals to establish or modify harbor lines whenever there is sufficient public interest in such proposals.

Our report also dealt with the corps' actions in considering applications for permits to construct sewer outfalls into navigable waterways. We urged the corps to require the applicant to furnish full information concerning the nature, composition, amount, and degree of treatment of the wastes which will be discharged from the outfall, and to demonstrate that such discharges will not adversely affect the quality of the receiving waters. In addition, we recommended that the corps consult with the appropriate Interior Department agencies—such as the Federal Water Quality Administration, Fish and Wildlife Services, and so forth—as to whether, and under what conditions, the permit should be granted, and to require the permittee to comply with all requirements for protecting the quality of the receiving waters.

I am very pleased to report that the Corps' new regulations—ER 1145–2–303, ER 1145–2–304 and Cir. No. 1145–2–18—embody all of these recommendations. They mark a new highwater level of environmental concern by the Corps of Engineers. We hope that the Corps will diligently apply these regulations which I understand are now in effect, because these new procedures can be very helpful to decrease the degradation which is now afflicting our estuaries, rivers, harbors, and other waterways.

I commend the Corps of Engineers on their new regulations. Because of the substantial public interest in the Corps' revised procedures, I append the text of the new regulations, the new permit form, and a statement by the Department of the Army concerning the changes made in the new regulations, for inclusion in the RECORD at this point:

[From the Federal Register, vol. 35, No. 103 Wednesday, May 28, 1970, p. 8280, Reg. No. 1145–2–304]

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

Part 209—Administrative Procedure

Harbor Lines

Pursuant to the provisions of sections 10 and 11 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403, 404), § 209.150 is hereby amended in its entirety effective upon publication in the FEDERAL REGISTER as follows:

§ 209.150 Harbor lines.

(a) *Definition.* The term "harbor line(s)" is used here in its generic sense. It includes types of harbor lines frequently referred to by other names, including, for example, pierhead lines and bulkhead lines.

(b) *Policies, practices and procedures.* (1) Under previous policies, practices and procedures, riparian owners could erect open pile structures, or undertake solid fill construction shoreward of established harbor lines without obtaining a permit under 33 U.S.C. 403. This was a matter of great concern, particularly in cases involving long established harbor lines, since all factors affecting the public interest may not have been taken into account at the time the lines were established. Accordingly, under previous policies, practices and procedures there was the danger that work shoreward of existing harbor lines could be undertaken without appropriate consideration having been given to the impact which such work may have on the environment and without a judgment having been made as to whether or not the work was, on balance, in the public interest.

(2) In order to assure that the public interest will be considered and protected in all instances, all existing and future harbor lines are declared to be guidelines for defining, with respect to the impact on navigation interests alone, the offshore limits of open pile structures (pierhead lines) or fills (bulkhead lines). A permit under 33 U.S.C. 403 will be required in each case for any work which is commenced shoreward of existing or future harbor lines after the date of publication of this regulation in the FEDERAL REGISTER. Applications for permits for work in navigable waters shoreward of harbor lines shall be filed and processed in accordance with the provisions of applicable sections of this part. For work already completed or commenced in conformance with existing harbor line authority before that date, no permit is required.

(c) *Establishment or modification of harbor lines.* Applications for the establishment of new harbor lines or the modification of existing harbor lines will be processed in a manner similar to applications for permits for work in navigable waters. Public notices concerning any such application will be sent to all parties known or believed to be interested in the application and a copy of the notice will be posted in post offices or other public places in the area. Public notices apart from providing information relative to any harbor line application, shall make it clear that harbor lines are guidelines for defining, with respect to the impact on navigation interests alone, the offshore limits of open pile structures or fills and that the establishment of a harbor line carries with it no presumption that individual applications for permits to undertake work shoreward of any harbor line will be granted. Public hearings will be held in connection with applications for the establishment or modification of harbor lines whenever there appears to be sufficient public interest to justify the holding of a public hearing or when responsible Federal, State or local authorities, including Members of the Congress, request that a hearing be held and it is likely that information will be presented at the hearing that will be assistance in determining whether the harbor line should be established or modified. District Engineers will forward all recommendations concerning the establishment or modification of harbor lines through the appropriate Division Engineer to the Chief of Engineers, ENGCWON. No new harbor lines will be established and no existing harbor lines will be modified unless specifically authorized by the Chief of Engineers.

[Regs. ENGCW–ON] (Secs. 10 and 11, 30 Stat. 1151; 33 U.S.C. 403, 404)

For the Adjutant General.

RICHARD B. BELNAP,
Special Advisor to TAG.

[F.R. Doc. 70–6534; Filed, May 26, 1970; 8:48 a.m.]

[ENGCW–ON, EC 1145–2–18]

DEPARTMENT OF THE ARMY, OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D.C., April 30, 1970.

Circular No. 1145–2–18, Expires 30 June 1971.

CIVIL REGULATORY FUNCTIONS: PERMITS—POLICY, PRACTICE AND PROCEDURE

1. *Purpose and Scope.* This circular establishes procedures for processing permit applications, other than from Federal agencies, under the provisions of the Water Quality Improvement Act of 1970.

2. *Applicability.* It is applicable to all Corps of Engineers Districts and Divisions having Civil Works Responsibilities.

3. *References.*

a. 33 U.S.C. 403.

b. Public Law 91–224, the Water Quality Improvement Act of 1970.

c. ER 1145–2–303.

4. *Procedures.*

a. *Permit applications received on or after 4 April 1970.*

(1) Section 21 of PL 91–224 requires a certification in connection with any permit application to conduct any activity, including but not limited to, the construction or operation of facilities which may result in any discharge into the navigable waters of the United States. This certification must be made by the State or Interstate agency responsible for water quality or by the Secretary of the Interior as the case may be to the effect that there is reasonable assurance that the permitted activity will not violate water quality standards. Pursuant to this provision all permit applications received on or after 4 April 1970 will be carefully examined to determine if the proposed structure or the construction or other work involved is of such a nature that its normal and usual operation or performance entails a discharge into the navigable waters. In addition, on applications for permits for fill or pile supported platforms the intended use thereof shall be ascertained to determine if such use would involve in its normal conduct or operation a discharge into navigable waters. Where positive determination is made in any case, the applicant will be advised of the requirement for a certification under Section 21. Certification will be required in connection with all applications for dredging and filling and for outfall structures and canals. In all other cases the criteria set forth above will be used.

(2) In cases where no certification is required the procedures in ER 1145–2–303 will be followed.

(3) Where a certification is required, normal permit processing procedures under ER 1145–2–303 will be commenced when the Regional Coordinator of the Department of the Interior is notified of the receipt of the application and certification pursuant to Section 21 (b) (2) of PL 91–224. However, the permit will not be issued nor a public hearing held under the procedures of ER 1145–2–303 until the provisions of Section 21(b) of PL 91–224 have been met. These provide that (i) the Regional Coordinator has 30 days in which to notify the permitting agency that issuance of the permit may lead to a discharge which will affect the quality of waters of another state, and (ii) that such other state may within 60 days of receipt of the notice object to the issuance of the permit and request a public hearing. If a request for a public hearing is timely received from such other State, public hearing under ER 1145–2–303 will be withheld and this office will be promptly notified ATTN: ENGCW–ON, for instructions on further action to be taken.

b. *Permit applications pending on 3 April 1970.* No certification is required to issue a permit for which an application was pending on 3 April 1970, if such permit is issued on or before 2 April 1971. Any such permit which would have otherwise required a certification will, however, terminate a year from the date of its issuance unless a certification is submitted prior to that time. Accordingly, the following condition will be inserted in such permits:

"This permit will terminate on ——— unless the permittee submits to the District Engineer the certification provided for in Section 21 (b) (8) of PL 91–224, the Water Quality Improvement Act of 1970, within one (1) year from the date of this permit" NOTE: In blank space above insert date one (1) year from date of permit.

For the Chief of Engineers:

J. B. NEWMAN,
Colonel, Corps of Engineers, Executive Director of Civil Works.

These pages constitute Change 5 to ER 1145–2–303, 18 Mar 68

[ENGCW–ON, ER 1145–2–303: Change 5]

DEPARTMENT OF THE ARMY, OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D.C.

Regulation No. 1145–2–303

CIVIL REGULATORY FUNCTIONS: PERMITS—POLICY, PRACTICE AND PROCEDURE

1. *Purpose and Scope.* This regulation prescribes the policy, practice and procedure to be used by all Corps of Engineers installations and activities in connection with the issuance of permits for construction or other work in and adjacent to navigable waters of the United States.

2. *Laws Authorizing Issuance of Permits.*

a. Section 10 of the River and Harbor Act approved 3 March 1899 (30 Stat. 1151; 33 U.S.C. 403) prohibits the placing of any structure in or over any navigable water of the United States . . . or excavating from or depositing material in such waters, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of the Army. The instrument of authorization is designated as a permit. The authority of the Secretary of the Army to prevent obstructions to navigation in the navigable waters of the United States was extended to artificial islands and fixed structures located on the Outer Continental Shelf (43 U.S.C. 1333(f)).

b. Section 14 of the River and Harbor Act approved 3 March 1899 (30 Stat. 1152; 33 U.S.C. 408) provides that the Secretary of the Army on the recommendation of the Chief of Engineers may grant permission for the temporary occupation or use of any sea wall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States.

c. Section 1 of the River and Harbor Act approved 13 June 1902 (32 Stat. 371; 33 U.S.C. 565) provides that any person or persons, corporations, municipal or private, desiring to improve any navigable river, or any part, at their own expense and risk may do so upon the approval of the plans and specifications of the proposed improvement by the Secretary of the Army and the Chief of Engineers.

d. Work and construction in navigable waters by all Federal agencies are subject to the laws for the protection and preservation of navigable waters, including such work and construction performed by the Corps of Engineers in the capacity of a construction agency for other branches and services. Approval of plans and specifications by the Corps of Engineers does not constitute the approval contemplated under these laws. Division and District Engineers will therefore advise such agencies accordingly and cooperate to the fullest extent with a view to facilitating the issuance of permits and furnishing such assistance as may be desired in connection with the permit applications.

e. In those cases where it appears that the proposed work would not have significant impact on environmental values and the work involves either (1) minor work in unimproved waterways or (2) minor work in areas of improved waterways which are removed from the fairway used for navigation authorization may be by a letter of permission. The letter of permission will be in letter form and will contain substantially the language on the face of ENG Form 1721, ENG Form No. 96c, W.D., Eng., or ENG Form 2029, as appropriate. District Engineers may reproduce locally a form letter, as appropriate, to meet their needs. No drawings will be required to be submitted, nor will it be necessary to issue public notice in such cases. This procedure may be utilized when, in the opinion of the District Engineer concerned, there could be no opposition and authorization would unquestionably be given. Doubtful cases will be resolved in favor of public notice and normal processing. If State law or local ordinance requires approval of the structures or work, a copy of such approval will be submitted with the application. Aerial crossings and submarine cables and other underwater crossings will not be regarded as minor structures or work.

3. *Form of Application and Plans.*

a. Applications and plans will be prepared in accordance with instructions in the pamphlet entitled "Permits for Work in Navigable Waters" which is published by the Corps of Engineers. District Engineers will furnish applicants appropriate advice and assistance in the preparation of the application and plans.

b. In addition to all other information which must accompany a permit application, applicants for permits for dredging, filling and disposal operations are required to furnish the following information with their applications: (1) the type and quantity of solids to be removed or deposited, (i.e., 3000 yards of sand; 10,000 yards of polluted silt), (2) proposed method of measurement, (i.e., in place; scow volume), and (3) alternate methods of disposal and the economic and environmental impact of alternate methods of disposal.

c. In addition to all other information which must accompany a permit application, applicants for permits for cooling water intake and outfall structures, outfall sewers from industrial and other plants, and similar work which may affect the navigable capacity and/or the ecology of a waterway are required to furnish information with their application which will identify the character of the effluent. Such information shall include, but need not be limited to data pertaining to chemical content, water temperature differentials, toxins, sewage, amount and frequency of discharge and the type and quantity of solids involved, if any. If the effluent or discharge will include solids of any type, applicants must (1) identify the proposed method of instrumentation to determine the effect of the disposition of solids on the waterway and (2) either agree to reimburse the United States for costs associated with the periodic removal of such solids from the waterway or provide a plan for the periodic removal of such solids by private dredging. Such applicants must also provide information on plans to abate pollution and to eliminate the deposition of solids. District Engineers, prior to taking action on any application for a permit for cooling water intake and outfall structures, outfall sewers from industrial and other plants, and similar work, will consult with Regional Directors of the Department of the Interior and with Federal and State agencies having responsibilities in the area of water pollution control.

d. Applicants may be required to furnish such additional data as the District Engineer may deem necessary to assist him in his consideration of the application.

4. *Public Notice and Consultation with Interested Parties.*

a. Except as provided below, in the case of applications for permits involving work in navigable waters of the United States, a public notice concerning the permit application will be sent to all parties known or believed to be interested in the application, such as State or local harbor commissions, appropriate city or county officials, adjacent property owners, the Coastal Engineering Research Center if proposed work involves structures or dredging along the shores of the sea or Great Lakes, the U.S. Fish and Wildlife Service, the head of the State agency having responsibility for wildlife resources, owners or associations of owners of boat lines and local conservation organizations. Public notice is mandatory except in those cases

when it appears that the proposed work would have no significant impact on environmental values and the proposed work involves either (1) minor work in unimproved waterways or (2) minor work in areas of improved waterways which are removed from the fairways used for navigation. Copies of the notice will be posted in post offices or other public places in the vicinity of the site. A copy of every notice issued will be sent to the Chief of Engineers, attention: ENGCW–ON. Where public notice is required, no permit or extension of time in which to complete work authorized by a permit will be granted unless notice has been issued and interested parties are afforded a reasonable time to express their views concerning the permit application.

b. Notice of applications for permits to erect fixed structures or artificial islands on Outer Continental Shelf lands under mineral lease from the Department of the Interior will be sent to parties and agencies interested in or responsible for national security or navigation. Copies of the notice will be posted in post offices or other public places in the vicinity of the site. A copy of each notice will be sent to the Chief of Engineers, Attention: ENGCW–ON. No action shall be taken on the permit application until after the date set forth in the notice for submitting comments.

c. District Engineers will take action under section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403) on applications for permits to erect structures in navigable waters of the United States which are to be used in connection with seaplane operations. The designation of landing areas by the Federal Aviation Agency or the responsible local authority will be accepted as primary authority for conducting seaplane operations. Where primary authority for seaplane operations exists and there is no objection to any proposed structure but there are objections to seaplane operations, the objections should be presented to the Federal Aviation Agency or the responsible local authority for consideration and advice before final action is taken on the permit application.

d. Public notices will be issued in connection with cableways for stream gaging purposes, gage installations, and other nonproject structures constructed by the Corps of Engineers in or over navigable waters. Copies of such notice will be sent to all parties known or believed to be interested in the application. Where installation is to be undertaken by the Corps of Engineers, detailed plans will be filed in the office of the District Engineer.

e. Public notices should (1) state the name and address of the applicant, (2) identify the location of the proposed work, (3) provide a brief description of the proposed work including, in the case of fill projects, a description of the type of structures, if any, to be erected on the fill, (4) include a sketch showing the location and nature of all proposed major structures or work, and any work of a known controversial nature, (5) any other available information which may assist interested parties in evaluating the likely impact of the proposed work, if any, on factors affecting the public interest, including environmental values, and (6) provide a reasonable period of time within which interested parties may express their views concerning the permit application. Except in cases involving Outer Continental Shelf lands under mineral lease from the Department of the Interior, the notice will contain the following statement: "The decision as to whether a permit will be issued will be based on an evaluation of the impact of the proposed work on the public interest. Factors affecting the public interest include, but are not limited to, navigation, fish and wildlife, water quality, economics, conservation aesthetics, recreation, water supply, flood damage prevention, ecosystems, and, in general, the needs and welfare of the people." The Department of the Interior is responsible for the selection of submerged lands of the Outer Continental Shelf for inclusion in the mineral leasing program administered by that Department. Prior to the selection of tracts for final leasing the Department of the Interior evaluates the potential impact of the leasing program on the total environment. Accordingly, in cases involving applications for permits to erect fixed structures or artificial islands on Outer Continental Shelf lands under mineral lease from the Department of the Interior, the notice will contain the following statement: "The decision as to whether a permit will be issued will be based on an evaluation of the impact of the proposed work on navigation and national security." The period of time within which interested parties may express their views should generally not be less than 30 days from the date on which the notices are mailed. In unusual cases when time is of the essence and action on a permit application must be taken as expeditiously as possible, the period of time within which interested parties may express their views may be less than the period of time generally allowed but not less than 10 days from the date on which the notices are mailed. Comments received from interested parties within the period provided for in the public notice will be retained and will be considered in determining whether the permit applied for should be issued.

f. Copies of the notices sent to interested parties, together with a list of parties to whom notices were sent, will accompany all applications for permits submitted to the Chief of Engineers for necessary action.

g. When an application is received for a permit to authorize the disposal of radioactive waste at sea, District Engineers will coordinate such requests for the United States Atomic Energy Commission, Division of Licensing and Regulatory Functions, Washington, D.C. 20545.

h. In all instances when a response to a public notice has been received from a Member of Congress either in behalf of a constituent or himself, the District Engineer will inform the Member of Congress of the final action taken on the application.

i. In all instances when substantive objections to the issuance of a permit are received in response to a public notice, the District Engineer will inform the applicant of the objections and will provide him with sufficient information to enable him to comment on the objections received.

5. *Public Hearings.*

a. ER 1135–2–5 dated 14 April 1967 and subparagraphs 5b–e below prescribe the policy on holding public hearings. ER 1145–2–5 states why and when hearings shall be held and specifies the appropriations from which the expenses of public hearings shall be paid.

b. It is the policy of the Corps of Engineers to conduct the civil works program in an atmosphere of public understanding, trust, and mutual cooperation and in a manner responsive to the public interest. To this end, public hearings are helpful and will be held in connection with applications for permits involving navigable waters of the United States whenever there appears to be sufficient public interest to justify the holding of a public hearing or when responsible Federal, State or local authorities, including Members of the Congress, request that a hearing be held and it is likely that information will be presented at the hearing that will be of assistance in determining whether the permit applied for should be issued.

c. District Engineers will notify the Division Engineer of the need for a hearing, state the proposed arrangements and obtain his concurrence.

d. Public hearings will not normally be held in connection with applications for permits for artificial islands or fixed structures on Outer Continental Shelf lands under mineral lease from the Department of the Interior. Public hearings will be held by the Corps of Engineers only when it appears that such structures may interfere with navigation or that the national security may be adversely affected and such hearings will be limited to the presentation of testimony concerning the impact which the proposed work may have on navigation or on national security. Public hearings concerning the potential effect of the mineral leasing program of the Department of the Interior on all other factors affecting the public interest are held, if at all, by the Director, Bureau of Land Management, Department of the Interior. When such hearings are held, they are generally held prior to the final selection of tracts for leasing. See 30 CFR, Chapter II, Part 3380, Section 3381.4.

e. Except as modified herein, the format and issuance of notices of a public hearing, actions of the District Engineer prior thereto, conduct of the hearings, and actions of the District Engineer subsequent thereto will conform to the instructions contained in ER 1135–2–5 dated 14 April 1967.

6. *General Policies on Issuing Permits.*

a. The decision as to whether a permit will be issued will be based, in the case of all applications for permits other than for permits for fixed structures or artificial islands on Outer Continental Shelf lands under mineral lease from the Department of the Interior, on an evaluation of the impact of the proposed work on the public interest. The evaluation should consider the impact that the proposed work may or is likely to have on individual factors affecting the public interest. Such factors include, but are not limited to, navigation, fish and wildlife, water quality economics, conservation, aesthetics, recreation, water supply, flood damage prevention, ecosystems and, in general, the needs and welfare of the people. No permit shall be issued unless, in the judgment of the person authorized to make the decision, issuance will be in the public interest. Permits will not generally be issued in the absence of State and/or local authorization of the proposed work if such authorization is required by law prior to the commencement of work. However, if the proposed work is otherwise unobjectionable, the applicant may be advised that the permit will be issued if and when the necessary State and local authorization is obtained. In the case of applications for permits for fixed structures or artificial islands on Outer Continental Shelf lands under mineral lease from the Department of the Interior, the decision as to whether a permit will be issued will be based on the effect of the proposed work on navigation and national security.

b. In cases where adjacent or neighboring property owners oppose the issuance of a permit on the ground that the proposed work would cause damage to their property, the District Engineer will, in forwarding such cases to the Chief of Engineers for action, (1) state the attitude of adjacent or neighboring property owners and (2) state his own views concerning adverse effects which the proposed work may have on adjacent or neighboring property.

c. Where it is found that the work for which a permit is desired may interfere with a civil works project of the Corps of Engineers, the applicant and the party or parties responsible for fulfillment of the requirements of local cooperation should be apprised in writing of the fact and of the possibility that a civil works project which may be constructed in the vicinity of the proposed work would necessitate its removal or reconstruction. It should be pointed out to the applicant and to local interests that the Corps of Engineers' function in approving plans for structures in navigable waters is to insure that the structures are in the public

interest and that the application for a permit will be considered on that basis. They should also be informed that the United States will in no case be liable for any damage or injury to the structures or work authorized which may be caused by or result from future operations undertaken by the Government for the conservation or improvement of navigation, or for other purposes, and no claims or right to compensation will accrue from any such damage.

d. Consideration should be given to the effect of proposed coastal structures or improvements upon existing navigation projects and upon adjacent shore properties. In doubtful or important cases involving effects of wave action and currents the advice of the Coastal Engineering Research Center should be sought. In the event adverse effects upon adjacent properties can reasonably be anticipated because of the proposed work, the applicant as well as any responsible local governmental agency should be so informed in writing and the views of the affected parties should be obtained before action is taken on a permit application. The applicant and any protestants will be informed that issuance of a permit does not relieve a permittee from liability for any resultant damage to the property of others.

e. Whenever the waters of any stream or other body of water are proposed to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever (The Fish and Wildlife Coordination Act, as amended), applications for permits to authorize such work will be coordinated with the Regional Director, U.S. Fish and Wildlife Service, and the head of the agency exercising administration over the fish and wildlife resources in the particular State wherein the proposed work will be performed to obtain their views with respect to the prevention of loss and damage to fish and wildlife resources. Should these agencies indicate that the proposed work will be harmful to fish and wildlife, their views will be made known to the applicant and an effort made to reach a compromise solution. Failing in this respect, the case will be forwarded for the consideration of the Chief of Engineers.

7. *Memorandum of Understanding between the Departments of the Army and Interior.*

a. A Memorandum of Understanding between the Department of the Army and the Department of the Interior was consummated on 13 July 1967 setting forth the policies and procedures for coordinating actions in processing permit applications for dredging, filling, excavating and other related work in the navigable waters of the United States. All concerned District and Division Engineers will comply with the policies and procedures stated in the attached Memorandum of Understanding which is set forth in paragraph b. below. Every effort will be made to resolve at field level any differences of views that may develop between the two Departments. Cases involving unresolved objections will be forwarded to the Chief of Engineers, attention, (ENGCW-ON).

b. (Memorandum of Understanding).

DEPARTMENT OF THE ARMY

PERMIT

Referring to written request dated upon the recommendation of the Chief of Engineers, and under the provisions of Section 10 of the Act of Congress approved March 3, 1899 (33 U.S.C. § 403), entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," you are hereby authorized by the Secretary of the Army to (Here describe the proposed structure or work and its intended use, including, in the case of an application for a fill permit, a description of the structures, if any, proposed to be erected on the fill.) in (Here to be named the river, harbor, or waterway concerned.) at (Here to be named the nearest well-known locality—preferably a town or city—and the distance in miles and tenths from some definite point in the same, stating whether above or below or giving direction by points of compass.) in accordance with the plans and drawings attached hereto (on drawings: give file number or other definite identification marks.) subject to the following conditions:

(a) That this instrument does not convey any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State or local laws or regulations, nor does it obviate the necessity of obtaining State or local assent required by law for the structure or work authorized.

(b) That the structure or work authorized herein shall be in accordance with the plans and drawings attached hereto and construction shall be subject to the supervision and approval of the District Engineer, Corps of Engineers, in charge of the District in which the work is to be performed.

(c) That the District Engineer may at any time make such inspections as he may deem necessary to assure that the construction or work is performed in accordance with the conditions of this permit and all expenses thereof shall be borne by the permittee.

(d) That the permittee shall comply promptly with any lawful regulations, conditions, or instructions affecting the structure or work authorized herein if and when issued by the Federal Water Quality Administration and/or the State water pollution control agency having jurisdiction to abate or prevent water pollution, including thermal or radiation pollution. Such regulations, conditions or instructions in effect or hereafter prescribed by the Federal Water Quality Administration and/or the State agency are hereby made a condition of this permit.

(e) That the permittee will maintain the work authorized herein in good condition in accordance with the approved plans.

(f) That this permit may, prior to the completion of the structure or work authorized herein, be suspended by authority of the Secretary of the Army if it is determined that suspension is in the public interest.*

(g) That this permit may at any time be modified by authority of the Secretary of the Army if it is determined that, under existing circumstances, modification is in the public interest.* The permittee, upon receipt of a notice of modification, shall comply therewith as directed by the Secretary of the Army or his authorized representative.

(h) That this permit may be revoked by authority of the Secretary of the Army if the permittee fails to comply with any of its provisions or if the Secretary determines that, under the existing circumstances, such action is required in the public interest.*

(i) That any modification, suspension or revocation of this permit shall not be the basis for a claim for damages against the United States.

(j) That the United States shall in no way be liable for any damage to any structure or work authorized herein which may be caused by or result from future operations undertaken by the Government in the public interest.

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*A judgment as to whether or not suspension, modification or revocation is in the public interest involves a consideration of the impact that any such action or the absence of any such action may have on factors affecting the public interest. Such factors include, but are not limited to navigation, fish and wildlife, water quality, economics, conservation, aesthetics, recreation, water supply, flood damage prevention, ecosystems and, in general, the needs and welfare of the people.

(k) That no attempt shall be made by the permittee to forbid the full and free use by the public of all navigable waters or adjacent to the structure or work authorized by this permit.

(l) That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

(m) That the permittee shall notify the District Engineer at what time the construction or work will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of its completion.

(n) That if the structure or work herein authorized is not completed on or before — day of —, 19—, this permit, if not previously revoked or specifically extended, shall cease and be null and void.

(o) That the legal requirements of all Federal agencies be met.

(p) That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require action by the Congress or other agencies of the Federal Government.

(q) That all the provisions of this permit shall be binding on any assignee or successor in interest of the permittee.

(r) That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

(s) That the permittee agree to make every reasonable effort to prosecute the construction or work authorized herein in a manner so as to minimize any adverse impact of the construction or work on fish, wildlife and natural environmental values.

(t) That the permittee agrees that it will prosecute the construction of work authorized herein in a manner so as to minimize any degradation of water quality.

By Authority of the Secretary of the Army: District Engineer—Date.

Permittee hereby accepts the terms and conditions of this permit.

SPECIAL CONDITION

For use only in connection with permits authorizing the erection of structures in or over navigable waters which do not involve any significant filling in of such navigable waters (Wharves, piers, docks, etc.)

That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States, at the direction of the Secretary of the Army and in such time and manner as the Secretary or his authorized representative may direct, restore the waterway to its former condition. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

SPECIAL CONDITION

For use only in connection with permits authorizing the filling in of navigable waters.

That no building or other structure may be erected on the fill authorized by this permit unless such building or other structure is appropriately identified and described in the plans and drawings attached hereto; that buildings or other structures authorized by this permit, once erected, may not be significantly modified in their outward appearance or torn down and other buildings or structures erected in their place unless a

modification of this permit is authorized by the Secretary of the Army or his authorized representative; and that neither the fill itself nor buildings or structures erected in accordance with the plans and drawings attached hereto may be dedicated to any different use than that contemplated at the time of issuance of this permit unless a modification of this permit is authorized by the Secretary of the Army or his authorized representative.

SPECIAL CONDITIONS

For use in connection with permits for cooling water intake and outfall structures, outfall sewers from industrial and other plants and similar work.

A. That in approving this permit reliance has been placed on information and data provided by the permittee concerning the nature of the effluent and the frequency of discharges.

(Here identify the nature of the effluent or discharge approved, including, if applicable, limitations with respect to chemical content, water temperature differentials, toxins, sewage, type and quantity of solids, amount and frequency of discharge.)

Permittee may not discharge any liquids or solids other than or at levels in excess of those approved herein unless a modification of this permit is approved by the Secretary of the Army or his authorized representative.

B. The permittee shall maintain adequate records of the nature and frequency of discharges and shall from time to time furnish such additional data concerning discharges as the District Engineer may require.

STATEMENT ISSUED BY DEPARTMENT OF THE ARMY CONCERNING REVISION OF REGULATIONS OF THE CORPS OF ENGINEERS COVERING PERMITS FOR WORK IN NAVIGABLE WATERWAYS

The revised regulations of the Corps of Engineers pertaining to permits for work in navigable waterways include the following changes:

A statement that "The decision . . . will be based . . . on an evaluation of the impact of the proposed work on the public interest." "Public interest" is described as including factors such as: "navigation, fish and wildlife, water quality, economics, conservation, aesthetics, recreation, water supply, flood damage prevention, ecosystems and, in general, the needs and welfare of the people." This change clarifies the standard against which permit applications are to be judged and re-emphasizes that the Corps is no longer concerned only with the impact which a proposed project may have on navigation.

A new policy narrowing the function of harbor lines. The new regulations make it clear that harbor lines are merely guidelines for determining, with respect to the impact on navigation interests alone, the offshore limits of construction. Persons wishing to undertake work in navigable waters shoreward of harbor lines are now required to apply to the Corps for work permits. The previous regulations allowed riparian owners to erect open pile structures or to undertake solid fill construction shoreward of established harbor lines without obtaining a permit.

A clarification of the responsibilities of the Corps of Engineers and the Department of the Interior with respect to off-coast oil drilling operations. The new regulations note that the Department of the Interior with respect to off-coast oil drilling operations. The new regulations note that the Department of the Interior is responsible for considering the impact which such operations may have on the total environment as the time of the selection of submerged lands of the Outer Continental Shelf for inclusion in the mineral leasing program administered by the Department of the Interior but provide for consideration by the Corps of the "impact of the proposed work on navigation and national security."

Revised regulations on the issuance of public notices and the holding of public hearings on permit applications. Except in cases involving minor work where it is clear that the proposed work would have no significant impact on environmental values, notices containing information on the proposed work are to be posted in post offices or other public places and sent to a broadly defined list of affected interests. "Doubtful cases will be resolved in favor of public notice and normal processing." Interested parties are to be given a "reasonable time," defined as not less than 30 days except in emergency cases, to express their views. Public hearings are to be held whenever there is a manifestation of public interest in a permit application or whenever requested by Federal, State, or local public authorities.

A requirement that applicants not only define the areas they want to fill, but describe the type and location of structures proposed to be erected on the fill. Previously, applicants were not required to provide information concerning subsequent use of filled tracts.

A requirement that applicants whose proposals involve outfall works must provide details on the character of the effluent, including chemical content, water temperature differentials, toxins, sewage, type and quantity of suspended solids, amount and frequency of discharge, and the like; along with the proposed method of instrumentation, and arrangements for bearing the expense of removal of solids. Before taking action on any such permit applications, the Corps' District Engineers are required to consult with regional directors of the Department of the Interior and with Federal and State agencies having water pollution abatement responsibilities.

New permit forms for implementing the regulation changes have been furnished Corps of Engineers field offices. Among other things, these forms stipulate that observance of regulations of the Federal Water Quality Administration and State water-pollution control agencies are made a condition of the permit, and that permittees must make every reasonable effort to carry out approved work in a manner that will minimize any adverse impact on fish, wildlife, and natural environmental values.

A special condition in permits authorizing the filling in of navigable waters restricts permittees from erecting buildings or structures not contemplated at the time of issuance of the permit or from significantly changing the outward appearance of approved structures or the use to which the filled tract is dedicated without first obtaining a permit modification.

A special condition in permits for outfalls restrains permittees from changing the nature of their effluent without a permit modification. Such permittees are also required to maintain adequate records of the nature and frequency of discharges and to provide discharge information to the District Engineer upon request.

THE LATE REPRESENTATIVE WILLIAM L. ST. ONGE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 20 minutes.

Mr. ST GERMAIN. Mr. Speaker, the privilege of serving in the Congress of the United States is one that carries with it many honors. The duties of the office are extensive. There are times when one reflects upon the many benefits that accompany the office. One of the most pleasant is that of meeting one's colleagues. Nowhere else can one encounter so many unusual and wonderful people who come from so many different places and varied backgrounds and bring with them so many diverse talents and qualities.

William L. St. Onge was certainly one of the bright lights that came to Washington during this past decade. Naturally, I was eager to meet him when I heard of his election in 1962. We had much in common. We were both brought up in New England and proud to represent this area of the country in the Congress. Our names bore similarity—which is quite evident—and our ethnic backgrounds were very similar. Our educational backgrounds bore a striking resemblance in that we both, for a period of time, hoped to serve our fellow man in the religious life. Finding that this was not the exact calling for us, we then went on to serve our fellow man by becoming attorneys and entering public life.

Bill St. Onge spent many years serving his native city of Putnam, Conn., prior to coming to the Congress. He interrupted his initial service in the State legislature to waive his draft exemption as a legislator and enlist in the Army. This was the character of the man. It was typical of him that on many occasions, during his fruitful and productive lifetime, he thought of his country and his fellow man first and of himself second. Upon his return from the service, he completed his education and once again embarked on a career of public service.

There is not a phase of activity important to the man on the street in which my beloved colleague did not become involved. His record in the Congress is an enviable one. It is in the records of the House for all to see as the years go by.

But the true measure of the man is not restricted or confined to his public life. Fortunately, his family—his lovely wife, Dorothy, and his five splendid children—can remember him not only for his professional accomplishments, to which they can always point with pride, but, more important, can remember him as an exceptionally devoted and loving husband and father.

Because of the many parallels in his life and mine, it was a natural consequence that we would share many hours together when we were both away from our families who resided in the district while we were working in Washington during the week. It was my happy privilege to share many noontime and evening meals with him. I now look back upon these innumerable occasions with a feeling of warmth and gratitude that I was able to spend so much time with Bill. One of his great qualities was that he knew no anger. Never do I recall his ever speaking of any one of his colleagues, his acquaintances, his constituents, nor even, at times, his opponents in anything but a complimentary manner. Bill's smile was infectious and often brightened a dull day.

After his very serious surgery, all of us in the Congress were happy when he returned to our midst. The only fault I could find with him was that he would not heed my advice, nor that of many

others, to take better care of himself. He felt it his solemn duty and obligation to return to his district every weekend and make as many public appearances as possible. Still, knowing the man, the failure to keep up this pace might have been just as harmful to him.

He left us all very suddenly. He and I flew back to our districts on that last Thursday evening together. During the flight, the conversation was about the appearances we were committed to, and we both discussed how much time we might be able to spend with our wives and children.

The death of Bill St. Onge at such a young age was certainly a tragedy to all of us who knew him. Above all, it is a terrible loss for his family to bear. Yet, there is no manner in which this can be changed; therefore, we must be grateful for the fact that we knew him and had him as a friend.

His family, in their sorrow, must look at it as Bill would have. He left them a rich heritage and pointed the way for his children. I am sure that he instilled in them the same love for and desire to serve his fellowman as he had.

In conclusion, may I just take a few more moments to describe the day of Bill's funeral. It was one of those New England days that make that section of the country so attractive for everyone. The sun was shining brightly upon the tree-shrouded hills surrounding the city of Putnam. The fields and the lawns were sun drenched and cheerful. The streets of this quaint little city were lined with the people that Bill had gone to school with, grown up with, and worked with. Every one of those people knew Bill intimately and were proud of him, their Congressman. His death had come as a shock, and as one looked into their faces and saw the tears streaming from their eyes one realized how much they loved and admired him. There is no doubt in my mind that, as impressive as the delegations of public officials might have been, certainly this tremendous outpouring of his fellow citizens was the most heartwarming and gratifying tribute that could have been paid to him.

The funeral mass was comparatively simple, and yet most impressive, with his own brother officiating. The homily preached at the funeral by His Excellency Vincent J. Hines, bishop of Norwich, was most appropriate and very typical of Bill, in that it was brief and simple, yet exceptionally meaningful.

I am inserting in the RECORD at this point for the benefit of many colleagues who could not be present:

HOMILY PREACHED AT FUNERAL OF CONGRESSMAN WILLIAM L. ST. ONGE, BY VINCENT J. HINES, BISHOP OF NORWICH, IN ST. MARY'S CHURCH, PUTNAM, CONN., MAY 5, 1970

Sudden death always stuns and saddens. This is especially true when death deprives us of someone who has been so beloved by his family and so respected and admired by all who knew him.

There are so many things we shall long remember about Bill St. Onge. His family will keep him in their hearts as a loving son, a devoted husband and father, an inspiring older brother, a relative of whom they all have so many reasons to be proud.

The people of Putnam will cherish his memory as one of its most illustrious and faithful citizens, who brought to his native city honor and pride and distinction.

St. Mary's parish will remember him as a loyal son of the Church, whose faith was so deep, so manly, so steadfast.

The State of Connecticut will be grateful for his many years of service both at home and in Washington. Eastern Connecticut, the length and breadth of which he traveled on weekends when he returned from Washington, tired and exhausted after long hours and days in Congress, all the citizens of this Second Congressional District, no matter what their party affiliation, recognized in him a gifted leader, whose life was devoted to the welfare of the people and of the Nation.

What was there about Bill that made him the wonderful person that he was? What motivated him? What was it that influenced him and inspired him to be such a devoted family man, such a concerned citizen, such a dedicated public servant, such a faithful son of the Church?

I think the answer can be given in one word—LOVE. Because he loved his family, he devoted himself to their care, protection, nourishment and growth.

Because he loved his community, he plunged at an early age into its affairs and gave of himself and of his talents, his excellent education, his genuine selflessness.

Because he loved the people of the four counties of eastern Connecticut, and because he loved this Nation which he had served in time of war, he spent himself in the service of Connecticut and of America, very often at the sacrifice of personal and family pleasures and joys.

Because he loved his Church, he remained faithful, and drew from his religion the moral strength to live a life of complete integrity.

Yes, the answer is LOVE. Love was the reason.

The word "love" is a word that is used very loosely today. It is scrawled on walls and painted on banners. But love is more easily written than lived. Love is more often betrayed than followed.

True love never destroys. It creates. True love never tears down. It builds. Real love does not separate or polarize. It unites.

Young people sing that what the world needs now is LOVE. And they are right. But the kind of love the world needs is the love exemplified in the life of Bill St. Onge. Love for the good and in the service of others, no matter what the cost to self.

This kind of love is the kind that ultimately prevails. This is the love that wins the final victory—even victory over death. It conquers death, because the good it does lives on. It overcomes death because it is united with the love of the Risen Lord Who overcame death by His Resurrection.

Death is not the end, but only the beginning. We Christians believe that, and we believe it sincerely. It's at a time like this that our faith is put to the test. We do believe that death is not final. It is the beginning of the fulfillment of life, a life truly without end, a life where all who have loved one another will come together never to be parted again, when all who have loved will rejoice with unending joy.

Into such a life Bill St. Onge has passed, and there he awaits the coming to him of all whom he loved here on earth.

In the meantime let us all with Christian patience and Christian hope bear our loss, temporary but no less anguished.

To his beloved mother, Alama, to his devoted wife, Dorothy, and their children, to his two brothers and his sister, we express our sincere sympathy. We pray that the Lord of all consolation will comfort them in their grief and sustain them in their sorrow.

At the end of the funeral Mass, as we leave the church in recessional, faithful to our Christian belief in life eternal, we shall sing, not a sad dirge of mourning, but a confident hymn of hope and of Easter joy.

Alleluia!
The strife is o'ver, the battle done.
The victory of life is won.
The song of life eternal has begun.
Alleluia! Alleluia!

RED TERROR IN LITHUANIA, LATVIA, AND ESTONIA: ENSLAVEMENT OF THE BALTIC STATES BY THE SOVIETS FOR 30 YEARS

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

Mr. FARBSTEIN. Mr. Speaker, the Baltic peoples have been living under Soviet captivity for 30 years. Lithuania, Latvia, and Estonia lost their freedom and independence when the Soviets invaded and occupied these three peaceloving countries on June 15, 1940.

The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of the Baltic nations—Lithuania, Latvia, and Estonia—shows this to be a cruel fiction. The Communist regime did not come to power in the Baltic States by legal or democratic process. The Soviet Union took over Lithuania, Latvia, and Estonia by force of arms. The Soviets invaded and occupied the Baltic States in June of 1940, and the Baltic peoples have been suffering in Russian-Communist slavery for 30 years.

The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 719th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

The Lithuanians, Latvians, and Estonians have suffered for centuries from the "accident of geography." From the west they were invaded by the Teutonic Knights; from the east by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Balts, it should be kept in mind, are ethnically related neither to the Germans nor the Russians.

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic republics and annexed them in June of 1940. In one of history's greatest frauds, "elections" were held under Red army guns. The Kremlin then claimed that Lithuania, Latvia, and Estonia voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one-fourth of their entire population. The genocidal opera-

tions and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania, Latvia, and Estonia by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Governments of the Baltic States. Since June of 1940, when the Soviet Union took over Lithuania, Latvia, and Estonia, all the Presidents of the United States—Franklin D. Roosevelt, Harry S Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon—have stated, restated, and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering Baltic peoples to get rid of the Communist regimes in their countries.

The case of the Baltic States is not a question about the rights of self-rule of Lithuania, Latvia, and Estonia, since this is established beyond any reasonable doubt, but the question is how to stop the Soviet crime and restore the freedom and independence of these countries. The Select Committee of the House of Representatives To Investigate the Incorporation of the Baltic States into the U.S.S.R., created by the 83d Congress, after having held 50 public hearings during which the testimony of 335 persons was taken, made a number of recommendations to our Government pertaining to the whole question of liberation of the Baltic States. According to the findings of this House committee, "no nation, including the Russian Federated Soviet Republic, has ever voluntarily adopted communism." All of them were enslaved by the use of infiltration, subversion, and force. The American foreign policy toward the Communist enslaved nations, the aforesaid House committee stated, must be guided by "the moral and political principles of the American Declaration of Independence." The present generation of Americans, this committee suggested, should recognize that the bonds which many Americans have with enslaved lands of their ancestry are a great asset to the struggle against communism and that, furthermore, the Communist danger should be abolished during the present generation. The only hope of avoiding a new world war, according to this committee, is a "bold, positive political offensive by the United States and the entire free world." The committee included a declaration of the U.S. Congress which states that the eventual liberation and self-determination of nations are "firm and unchanging parts of our policy."

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia, and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia, and Estonia whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The U.S. Congress has made a right step in the right direction by adopting House Concurrent Resolution 416 that calls for freedom for Lithuania, Latvia, and Estonia. All freedom-loving Americans should urge the President of the United States to implement this legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union is surely intolerable.

Mr. Speaker, I include the text of House Concurrent Resolution 416 of the 89th Congress in the RECORD at this point in order to remind the President and the Congress of the plight of Estonia, Latvia, and Lithuania:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

FOREIGN AID AND THE HEROIN TRAFFIC

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

Mr. KOCH. Mr. Speaker, the White House announced this weekend that it had approved a $40 million development loan to Turkey.

While it may be true that Turkey needs this assistance and it may be in our national interest to give it to her, I believe it is a great mistake that we provide such aid while the Government of Turkey continues to allow the cultivation of opium—from which heroin is derived—in nine of the country's 97 provinces. An estimated 80 percent of the heroin smuggled into our country comes from Turkey. Why should the United States give $1 to a country that callously permits farmers to grow the very substance that is poisoning the youth of our country? New York City is now beseiged by a drug epidemic with more than 800 of our citizens having died last year from overdoses of heroin or related causes; and this year, the toll among adolescents alone has reached 120, with thousands more suffering from the irreparable and destructive effects of drug addiction.

Instead of sanctioning the Turkish Government's opium planting policies, we should tell that country's leaders that if they want our financial assistance they must eliminate the growing of opium. President Nixon should take a very forceful position in pressing the Turkish Government to immediately ban all opium planting; the pressure must be applied now for later this month the decree will be issued for the fall planting. In addition, the Turkish Government must be pressed to take more effective steps to eliminate the illegal growing and processing of opium. It is estimated that approximately half of the opium crop, including some of what is grown legally, ends up in illicit channels. It is imperative that this be stopped. The loan, now being negotiated, should be used in the purchase of materials necessary to convert the opium poppy fields to other crops and to provide what police surveillance is necessary to enforce the ban.

Much of the Turkish heroin is processed in the port of Marseilles and because the situation is so critical, I am writing to President Nixon today urging him to have our Ambassador discuss with President Georges Pompidou the immediate closing of these death dealing factories.

PRESIDENT'S FACTFINDING COMMITTEE ON SOUTHEAST ASIA

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

Mr. PRICE of Illinois. Mr. Speaker, the June 11, 1970, CONGRESSIONAL RECORD, pages 19397–98, contains the majority report of the presidentialy appointed factfinding mission to Indochina, on which I served.

Unfortunately, the name of the Sena-

tor from Texas, the Honorable JOHN TOWER, does not appear on the list of signatories endorsing the report. I would like the record to show that Senator TOWER did indeed endorse the report. Unfortunately, his return to the United States required his departure from Vietnam before the report was signed. Senator TOWER made it very clear however that he fully supported the majority position, and participated in the writing of it.

SPEECH HONORING THE HONORABLE KARL MUNDT

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

Mr. BERRY. Mr. Speaker, I am sure my colleagues will be as interested as I was to read the remarks of Comdr. Ray Gallagher of the Veterans of Foreign Wars delivered April 29 at the first dinner of the KARL E. MUNDT Historical and Educational Foundation in Madison, S. Dak.

His speech was honoring KARL MUNDT who has for many years been one of the outstanding legislators in the Halls of Congress.

South Dakota is honored to have Ray Gallagher as the national commander of the Veterans of Foreign Wars, one of the great American organizations.

His remarks on this occasion are as follows:

SPEECH BY RAY GALLAGHER

Thank you very much, Fred, for those very kind remarks, and to you, Mr. President, Dr. Bowes, and my good friend, Bob McCaughey, and the PR man, Milo, and to each and every one of you distinguished Americans.

What a privilege it is to be here in South Dakota, and particularly in Madison, where I think a great American has served his country and I'm so mindful that I am standing here where the President of the United States stood in the shadows of the library of this foundation, where he made an outstanding speech effecting college students throughout the land for which he went immediately to the liberal wood shed.

I know so well what Karl Mundt has supported and, indeed, in 1965 when I was State Commander, I saw fit to request for him the Commander-in-Chief's Gold Medal for his long, outstanding service to the United States, and his long and continued war against communism, and also for the assistance that he lent us at that time in the fight with the then President and his executive order in attempting to close VA facilities.

Oh, and indeed, I'm proud when I travel about the United States—people will say one of two things—"Oh, you're from that state where Karl Mundt's from," or they'll say, "What a great American you have in your Senator Karl Mundt." So I can say to each and every one of you that the whole country stands in full support and a hope of his immediate return because presently in these current and trying times, we need his voice in Washington.

You know, I think that I would be remise if I didn't discuss with you the immediate problems of today which I am sure that he would, if he were here. And I would like to remind you that we have a war which is tended to divide the country and much of this division is caused by confusion. I feel misstatements and sometimes outright mistruths are caused by a group who are the ones who supported the very issue of the Bay of Tonkin Resolution which put American boys on foreign soil.

I feel about this so keenly, my friends, in recognizing that for the first time in the history of the United States that our foreign policy has got to be matters of public debate and public division, caused by men who have been involved in filibusters to prevent government from moving emotionally and now continue to filibuster for many years in spite of the apparent majority.

So, I must speak out to you of a little history, remind you of back in 1954, when the French concluded their sorry end.

The Vietnamese concluded a war with the French for independence, and the big brothers of the world got together and determined how to divide that little country, recognizing full well of the basic mistrust of those that lived in the South with those that lived in the North, likewise, recognizing the fact that at one time the countries of Vietnam, Laos, and Cambodia were Indo-China; realizing, likewise, that a map up in North Vietnam still carried the old shadows of Indo-China, with the stars locating each of the capitols of those countries; and recognizing the fact that there would be problems in the fact that Ho Chi Minh had established a communistic regime in the North and the South were involved in this same war of independence and wanted to be free. They determined under the Geneva Accords in which I remind you that neither the United States nor South Vietnam were signatores, that the people in the North could go South, if they chose, and those in the South could go North, and approximately 90,000 went North to live under the slavery of communism and over 900,000 egressed to the South until they were stopped by this man, Ho Chi Minh. And this man, also likewise, was to take his military might out of the area of the South, which he failed to do, immediately violating the accords.

And then I would remind you that in 1962, another incident or two occurred which should be remindful in your history. First, the International Control Commission, the legal arm of the 1954 accords, following the complaints of South Vietnam, made a decision that North Vietnam was an aggressor in South Vietnam, and it's interesting who composed this commission. It was the countries of Canada and India and Poland, and naturally, Poland rejected the report.

But it should be mindful to you and I that the United States was not involved in that decision and it was determined who the aggressor was in Vietnam, which seems to be forgotten by some of the members of our Senate.

And also, in 1962 the big brothers of the world got together again because the little country of Laos was having some problems, that over 6,000 North Vietnamese regimented in that country attempting to take it over. There were 660 American advisors there and again the typical communist signature was attached to those records and North Vietnam agreed to withdraw their military strength and they drew out a token of 40 men.

The United States, at the same time, took out all of their 660 men and it was agreed that Laos would be a neutral area. And indeed it was Russia and North Vietnam that selected Prince Souvanna Phouma to be the leader of that little country and I remind you that he was, will be, and presently is a communist, but he was a national communist; he wanted his people to be free; he was unable to do that and he made demands upon our country for support.

And also in 1964 we had another incident which is known to you and I as the Bay of Tonkin incident. Our country was over-excited because they had a ship attacked and the President saw fit to put the message to Congress and asked Congress for authority to apply United States support in troops to the cause of Vietnam.

And they entrusted the floor leadership to a man by the name of Fulbright, a Senator from Arkansas, who reminded the United States Senate that the passage of this agreement would affect a complete commitment of this country to the cause of Vietnam. And he was so successful that all but two U.S. Senators voted for that Bay of Tonkin Resolution which put the American men on foreign soil, unfortunately, with a no win commitment, but nevertheless, these American men went and the House at the same time passed the same resolution unanimously.

It's noteworthy to note the two gentlemen that voted against it in the Senate, being Senator Wayne Morris from Oregon, and Senator Gruening from Alaska, both were subsequently defeated.

And it is interesting to note that the same group of doves that were in the Senate at that time, each and every one supported the advancement of America in the country of Vietnam and supported South Vietnam against North Vietnam.

And it hurts me when I think, my friends, being a veteran and having served my country, to see not only my country divided, but led by certain people in government who affected the cause there. Oh, there has been much discussion of whether we should have declared war or not, but the fact remains that the Congress of the United States did and, in fact, authorized the commitment of these men.

And later on they were immediately heard to start complaining about the involvement about the very escalation they themselves voted upon and this man from Arkansas attempted to upset the Bay of Tonkin incident, you will all recall, with the assistance of the mass media, and he tried to effect evidence to the fact that the incident did not occur, and of course, he was not successful.

But this same group with the able assistance of the mass media, and I point this out because thank God for the local medias, that they went to the national media rather than the sanctities of the committees rather than make an appeal to the appropriate committees of our Congress. Instead they went to the public and if you stop and think back what dissent did we have within our country? What youth were fighting on the campus at that time? But, you see we are great people to follow example. When we see United States Senators taking such a sensitive issue to the public, we, too, feel that we are the same citizenry and likewise, can debate that same issue even though we have fighting men on the battlefield. And with each dissenting remark knowing full well that it is only encouraging the enemy to continue and as I say this, I am mindful of the many communist documents that I have read.

Quoting these Senators, quoting past peace negotiators, oh yes, and quoting past Secretaries of Defense, and the people I mentioned I feel that I can mention freely because I happen to be of the same political party.

And it hurts me to know what they have done to my country in their favorite cliches, the same that have been used and adopted by Hanoi, how they told the American people the people of South Vietnam don't want us here; how they talk about that so-called "puppet government"; how they talk about the fraud and corrupt government. Oh, yes, and they used to talk about a civil war and indeed I heard it today or last night and I hear the constant criticism always of the allied troops, never once hearing the criticism of the enemy, never once hearing them criticize Ho Chi Minh and the fifty some thousand that he killed to establish his regime; the over 8,000 who were massacred or buried alive at Hue and following that execution, it didn't bother Hanoi to issue a communique saying that these people were

executed because they owed a blood debt to Vietnam.

Nor did I hear any wail and cry about the 30,000 South Vietnamese political leaders, doctors, lawyers, and teachers who were killed, kidnaped, and never heard from again. Oh, I have never heard them complain about the attacks on the refugee camps which were not militarily protected, but all to effect a political reign of terror. All I have heard in my country is the attack upon my government, and my friends, frankly, I resent that.

So let me discuss the cliches that they have used because I have been to the length and breadth of South Vietnam and I have had three trips there in three years. I have talked to their village leaders. I have talked with the people in their homes. I have talked with some of their legislative groups. I have talked with their veteran groups, and I have observed their fields that didn't used to be farmed, but today are farmed. I have seen as the security moves throughout the country that the people respond to their government. Oh, I have seen the little communities far from Saigon working jointly with the government of South Vietnam. So I can only conclude after listening to their pleas, begging us to remain to train their troops, begging us to remain so that they can be free, and I have seen a little seven year old interrogated after the Viet Cong had come into his home the night before trying to impress the service of his brother and his parents pled with the Viet Cong and so did the brother not to be involved, and the Viet Cong killed them all and the seven year old escaped.

I have seen these things so I call it evidence and I think that I am trained to recognize evidence so I can only conclude that the people of South Vietnam want to be free of communism and that they do need our help to have the stable government that is promised by our President.

And when they talk about a "puppet government", my friends, that they demand an immediate election. There has never been a corresponding demand in the North to have a free election. It's always upon the South. They are mindful of the fact that President Thieu and Vice President Ky were elected under the most terrifying conditions that a man has ever been elected to office in the history of the world, conditions my friends, such as a seven year old coming out of the forest crying, with the blood dripping from his arms and a sign hung around his neck telling the villagers that if they voted this could happen to them.

And there were men who were disenboweled in front of the villagers with a similar warning and the women had stakes driven into them for the same reason and during the election lines, they were bombed and mortared and during an election, mind you, with 19 candidates while observed by the foreign media, many of whom do not like us, while observed by the mass media of this country, and some of them must be questioned.

And likewise, a special President's Committee, one man of whom I happen to know personally—he was our then Commander-in-Chief, and I know that that entire committee didn't determine the election poll they were going to observe until the very morning of the election, and I know that generally the conclusion of the entire media and this group was that the elections were fair, far more than we can say for some of our own in this country.

Oh yes, they complain because President Thieu and Vice President Ky received only 35% of the votes with almost 90% of the entire population voting. They seem to forget that we have a President serving us today with less than 70% of the Americans voting, giving him a 41% majority. Likewise, the mayor of New York, our largest city, with only 58% of the people voting and giving him 41%. Instead they called this government in Saigon a "puppet government" and they say that this man Zu, who was the second place on the ballot with 19%, is more representative. Of course, Zu is in prison for writing bad checks and over there it is a little more serious offense than here.

Oh, then they talk about fraud and corrupt government and I challenge this throughout this country of mine, and indeed, in the halls of Washington, D.C.

I challenged each of these men to show me one incident of fraud and corruption where President Thieu and Vice President Ky had been involved. Likewise, some fraud or corruption where their legislative body has been involved. Wouldn't it be wonderful if we could say that of our legislative body in Washington? But we are so quick to equate the orient to our standard of living. We ignore the fact that we are in an educated society, where over in the orient the educational facilities are much less available and indeed, when we do establish some of these educational facilities in the South, the enemy is quick to interfere with it because they do not want people educated.

But we all want the fact and we must recognize the fraud in the countryside and the fact that the oriental in general has traditionally taken the part of the spoils. Likewise the village chieftan and yet we want to equate them with our standards of society rather than maybe training them so that they would become more like us as their ability to excel would allow them.

Then they talk, my friends, about civil war, and I used to answer this a different way until we became so involved in Laos and Cambodia and if there has ever been one of their claims that have been so aptly refuted, it's a matter of civil war when we have now an admitted aggression throughout Indo-China.

Then I think of the appeasements that have been made, always an appeasement to the United States and I suppose primarily because we are humanitarian people, primarily because we do want peace. I think most of us would prefer a lasting peace than a short-term peace which will put the next generation on the battlefield. I think most of us realize that we have got to win a guerrilla war so that we will prevent future guerrilla wars.

And stop and think of the appeasements that have been made upon this country. This same group, they have continually said that more of the war should be turned over to the South. That they should participate with more men and more money. Oh, and then they asked us to stop bombing in the North because that would establish a basis for peace negotiations. And the President listening to this very vocal minority finally succumbed to their pressure and stopped the bombing of the North, or 90% of the North. Then we did establish a city upon which we would place peace negotiators, but this didn't satisfy the appeasers. Again they came to our country and made further demands. They said stop all the bombings of the North and this will guarantee peace negotiations and the President, at approximately election time, stopped the bombing of the entire North.

Oh, a wonderful thing happened. We shaped the size of the tables. The only constructive act that has come from Paris, but this didn't stop these people in this country from continuing to demand from us, from the American people and the government of America to further appease this vicious enemy.

Again they called upon South Vietnam to have a greater share in the war, and then they said let's bring home some troops and, oh, this is commendable because they said it would lead to concrete negotiations and the President yielded to this demand and we brought home some troops and almost equally as quick as Hanoi, the people in this country mimicked them and said, "Oh, it's not enough, it's just a trickle, it's not a true display of an interest to negotiate," forgetting the fact that we had many men over there that should have some security, that this led to nothing further because Hanoi only ridiculed it. So the call for more withdrawals and indeed the past Secretary of Defense suggested that we could withdraw a 100,000, and this President lived up to better standards than that. But this still has not progressed peace and, indeed, the other night when the President announced that 150,000 would be brought out within the year, Hanoi quickly called it a ruse.

And President Nixon on last November 3, at a time when I happened to be in Vietnam, Vietnamized the war, my friends, and Hanoi got scared because they were afraid they might have to fight on the same oriental terms that they had been fighting. They were afraid no longer they would have to fight a country such as ours who has a high degree of conduct on the battlefield, and they might have the same type of a war that they had been fighting. So they, along with these same people in this country, quickly objected to the Vietnamization and we have people in this country today with the advent of the things that are happening in the rest of Cambodia trying to stop further expenditures in that country. And I might remind you of the statement made again by this Senator from Arkansas, as I consider him as the leader of the group, when he said that North Vietnam was a dominant power in Indo-China and if you will notice, he said Indo-China, not Vietnam.

And he said they should be entitled to control that area, and he thereby sanctioned the aggression of this vicious enemy. He thereby sanctioned further aggression by a communist government and it disturbs me when he should sanction this. And then as the President announced today that we were going to commit tactical support to Cambodia. We were going to submit logistical supports and we are going to place advisors in the field, immediately the howling cry came up from this same group opposing it.

But I would remind them as I would remind America that, if in fact, the cause in Vietnam was right in the first place, if, in fact, it was right that we help that country to have a self-determined government, if the cause was right that we prevent a country from being taken over by communism is correct when we went in there in the first place, isn't it true that the same cause is present in Cambodia and Laos, but far more paramount than this is the fact that the enemy has used these areas as sanctuaries to attack our men and we owe something to those men over in that battlefield who did not go there by choice, but by a congressional act. We owe them the support of our military and if it requires us to go into Cambodia and remove that enemy from that sanctuary, it seems to me that we have that obligation to the man on the battlefield. It seems to me that you and I as Americans should help our President because the vocal voices of this country have always been opposing him, as well as the previous President.

It is time that maybe we called upon our President to have a military victory. That we as Americans do not support a no win policy, but what else can he do when all he hears from is the vocal dissent. And maybe our President is waiting for you and I as Americans to support the American man on the battlefield so that we can apply military tactics instead of political tactics.

My friends, if you would take a trip around the world, you would see the same insurgency present in South Vietnam that was present in Korea. You would see it in, now as you know, Laos and Cambodia. You would see it in Thailand, Malaysia, and

Burma, throughout Indonesia. You would see the same insurgency in the Mid East, as well as Africa. The same insurgency that was present in Cuba and that is now present in South America, and then you would return to this great country and you would see insurgency within our country and you would recognize, as I do, that the hand of communism is involved in much of the insurgency.

And in the foreign countries you will find that it is the communists that are arming there, insurgency elements and all to overthrow existing governments, all to infiltrate, all to establish a communist dominion. And you would be disturbed if you would recognize, as I do, that the communist government is the only philosophy in the world, my friends, that as part of its philosophy, promotes world's conquest. And you would understand if you would read the *Communist Manifesto*, which was captured by our troops way back in 1919, at Dusseldorf, Germany, wherein they tell us how they were going to take over the world, how they told us they were going to create riot in the street, financial chaos through war. They were going to infiltrate the educational system, the religious orders, labor, the communication system, and then you would stop and take a look around America and you would recognize, for example, in San Diego, a man by the name of Dr. Herbert Marcus, who wrote a book on Nilism, who preached the destruction of our form of government and then the mob would determine the type of government we would have. You would recognize the fact that the Supreme Court of California replaced Angela Davis, a card-carrying communist back into the school system. You would recognize that Bryn Mawr has hired Dr. Herbert Aptheker, long associated with the communist party of the United States.

Oh, you could go into many of our organized institutions and you would find our young being taught this philosophy. And you sit and wonder what is going on within our country and as Fred mentioned to you a moment ago, of what went on at Yale, the fact that the faculty supported the strike by what institution's students to free a group of people charged with murder and no one seems to care about the people that were murdered. No one seems to be disturbed about society as a whole. It disturbs me when I watch these influences within us, but I recognize the right of dissent.

I gave four years of my life to believe in that right, but I believe the right of dissent was set forth in the Constitution, and when someone else exercises that right in the defense of dissent or debate, but invades my right, I resent it. When I see them invading the streets, contrary to the rights of others; when I see them destroying property, contrary to the rights of free ownership; when I see them violently marching up and down the street, breaking store windows—oh, and when I see injury and death resulting from this same violent dissent, I can only remind you, my friends, that is a minority and the militant minority who have told you and I, who I hope are part of the majority, they told us that they are right and we are wrong and that they are going to go into the streets and destroy our establishment and destroy our very structure of government, if necessary, to prove they are right and that we are wrong.

I would remind them that our ancestors are nothing more than international dropouts. They left countries of oppression, my friends, to come to this great country of ours to establish a government of the people and by the people, and by a majority of those people. And I would remind them at some point, the minority must yield to the majority or we will no longer have a majority form of government.

Or in the alternative that if they believe in a minority form of government, that they do like our ancestors and seek a country which believes in a minority form of government. And, my friends, I could suggest a number of countries that believe in the minority form of government. I would remind you that the communist regime started out with a handful of men and in each and every country it was a handful that took over those countries that they created dissent and mistrust within their midst, they caused violent dissent and violent revolution and eventually that country became communist subjust to a minority of the people.

But we have right to be concerned. My friends, as I watch the young say, "God is dead", I am mindful of the fact of our double standards, of the fact that we let a woman in Massachusetts drive God out of the school system and we haven't done anything to put Him back in. I am mindful of the fact that we allow our youth to walk down to the magazine stand and buy the utmost of filth—why we allow him to watch theatres and shows with the utmost of smut. When you go to some of the larger cities and to stage plays and see both in reality, and we wonder why they have questions about morality.

When I watch them criticize our government and I remind you, friends, that as a majority form of government that we owe an obligation as Americans to our country to support the administration that is in power, between campaigns, because we only lead to the destruction of government when we criticize the whole term that someone is in office and I would suggest that when we do criticize government, we do not do it in the presence of our young because our young have learned to do as we do and no longer can we say to the young, "Don't do as I do, but do as I say."

Because when we constantly criticize government in between campaigns, we are showing them something less than a democracy we have and you and I have practiced the same minority form of objection by not submitting to government when the majority had selected it.

I have been to practically every corner of the United States and I see this growing course of dissent and it seems to me that it is high time Americans took stock of themselves and their country; if they would just do this, my friends, they would find so much to be proud of.

Because we have a dynamic society and we have so much to be thankful for and that the good would outweigh the bad to the extent that it should be paramount in our thinking. This is not to say that there are not inequities, that all is sweetness and light for we're all aware of the problems our country faces whether it be racial discord, discontent over the war, inadequate care for the nation's veterans, pollution, and all of the other points of conflict. Nor does this mean that by ignoring them, they will go away. However, in a country like this with its self-evident wealth of material blessings and its deep spiritual commitment to the welfare of mankind, it should not be difficult to find many praiseworthy aspects of American life.

Where else has an ecomonic system benefited so many? What other country has done so much to raise the standard of living of so many outside of its own borders? Where else have the religious leaders stepped forward to such a degree to relieve human misery? And where else are dissident elements of natural life given the utmost of freedom to voice their opinions in any matter that suits them as in the United States? Let's look for the good and begin emphasizing this instead of constantly knocking the country and its institutions. Who knows, we might learn to enjoy a positive attitude for a change.

Therefore, I call upon each and every single American, my friends, to spend at least a few minutes each day to speak for the good America so that the good will overcome the bad, and that it will correct the bad along with a good country.

Now, in closing, because so much incidence has been raised throughout the country with the flag of the enemy, the flag that has American blood on it and there are those that say that the young that carry the flag of the enemy are true patriots and superpatriots, I would remind them that a true patriot, if he believes in the right of dissent, and if he chose not to recognize the appropriate ways of dissent, that at least, if he were a true American and determined to be in the streets protesting, he would at least carry the American flag and not the flag of the enemy with blood on it.

So I would remind you, as I reminded our State Legislature, when I spoke there this spring, we should all realize how much American fiber is in the cloth that makes up the texture of the stars and stripes. Our flag is not just a piece of cloth to be spat upon by the people with contempt in their hearts for a symbol that represents no comtempt at all. Our flag is not just a piece of cloth to be stepped upon and trampled in the dust when young men courageously tramp the dust jungle and with honor to respect and to preserve. Our flag is not just a piece of cloth that should be tarnished by those who say that they are right and our leaders are wrong and who claim that God is dead and would advocate Maoism instead.

Our flag is not just a piece of cloth to be burned as demonstration when it holds more hope than any other national banner.

Our flag is not just a piece of cloth to be ridiculed when ridicule perpetuates rebellion, revolution, and rebutes and forsakes resolution, reason, and respect. Instead, our flag is that fibre that has attracted immigrants like your forefathers and mine to this great land of opportunity.

Our flag is the fibre that stands for liberty, freedom, guaranteed rights, and protection.

Our flag is the fibre that stands for free election, free speech, free choice of occupation and religion.

Our flag is the fibre to which freedom loving people everywhere can turn. Our flag is the fibre by which young men fought in the Pusan perimeter with their backs to the sea. They unselfishly upheld this standard during the Battle of the Bulge with the enemy on all sides.

Our flag is the fibre for a country that believes in freedom in the individual, not government by police state, not government by privilege, not government by the elite, but rather government by the people through an orderly election process. It is a system whereby the majority rules.

Therefore, our flag simply must be more than just a piece of cloth. It is true texture that represents the highest fibre of our American democracy.

My friends, our biggest danger in our country is the apathy of American people. We will lose this country of ours unless each of you and I become involved in the involvement; until you and I become so involved that we write letters to our President, to our Congressmen insisting, for example, on the anti-ballistic missile system, recognizing the fact that the United States has no defense whatsoever against the missiles of the enemy which now outnumber ours.

Remembering the fact that our President has set aside political astuteness because it would be far wiser to put the 100,000,000 into society than the security of country, but he is charged with this security and he knows that the enemy has more missiles than we have. He knows that the security of our country is in need of an expanded anti-

ballistic missile system and he has placed this ahead of the political astuteness.

He recognizes the fact that there has been an attack on our defense system. He knows the defense system is necessary for your security and mine.

So you and I can no longer be guilty of apathy and only once when we remove this will we have the peace that is necessary to take care of the problems of pollution and social ills and only until Americans become involved in America will we save this country of ours.

With the help of God, we'll give the next generation and the generations to come the same society which proved so successful to us.

BERRY HONORED BY VFW

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

Mr. BERRY. Mr. Speaker, it was my very great pleasure to have had conferred upon me last Sunday evening the Gold Medal of Merit of the Veterans of Foreign Wars of the United States.

The citation, in conjunction with the presentation of this Gold Medal award and medallion, reads in part as follows:

Gold Medal of Merit and this citation awarded to Hon. E. Y. Berry. During twenty years as a Member of Congress, he has provided strong support for veterans rights and benefits and needed leadership in the effort to preserve and defend the United States of America.

In Witness Whereof we have hereunto set our hands and the official seal of the Veterans of Foreign Wars of the United States, this 14th day of June, 1970.

RAY GALLAGHER,
Commander in Chief.
JULIAN DICKENSON,
Adjutant General.

Mr. Speaker, upon the presentation my response to this great honor, conferred by National Commander Ray Gallagher, was as follows:

In my 40 years of public life, the last 20 of which have been in the Congress of the United States, it has been my privilege to have received several outstanding honors, but nothing that I have ever received in any way compares with this distinction and this honor which has been conferred upon me tonight. This is true not because of the category into which this places me with such great Americans as General Westmoreland, Bob Hope, "Tiger" Teague, Karl Mundt, "Scoop" Jackson, and a few others who have been so honored; not because of my friendship and respect for Commander Gallagher, but because of my deep respect for this great organization, the Veterans of Foreign Wars, and the things for which it stands.

And, it is especially appreciated at this particular time because the honor of this great nation, for which you fought on foreign lands, is being tested today as it has never been tested before in our national history. Never in our history has loyalty to our nation, loyalty to our flag, and loyalty to our democratic system of government been at as low an ebb as it is today. And—a good share of that disloyalty can be laid squarely at the doorstep of some of those in high government places who, for their own political gain, constantly mouth the enemy line.

Everyone is opposed to war—but like your Commander—and like almost every member of this great organization—I think the present attempts by Congress to tie the hands of the President are grossly unfair to him, and nothing less than criminal, to our fighting men overseas. I for one do not want to go down in history as having voted to cut off arms, ammunition, and supplies to our fighting men in the rice paddies of far away Indochina.

The thing that these people forget is that there is a fundamental difference between this war, World War I, and World War II, both in its inception and in its pattern. Those wars began when would-be imperialists thought they had strength enough to conquer Europe and the world. They were defeated, but the holocaust left all of Europe and much of Asia completely destitute, both in productive capacity and military might.

This created a near vacuum into which the Communists could start the new type of war they had been planning for a long time. Instead of open warfare they proceeded to foster internal revolutions in these small nations, begun with subversion, and carried out through the use of native Communist guerrilla forces.

This time the world was not to be swallowed up whole, but chewed up in little bites. It was to be consumed through "wars of national liberation." And—

It was to prevent this type of slow rot that your sons and mine were asked to go to Korea, and now to Vietnam, to prevent this take-over of free countries one at a time. Vietnam is in keeping with our long time foreign policy. We are there to protect ourselves and our own interests, by protecting the existence and interests of a small nation on the perimeter of the bamboo curtain.

It is in the defense of freedom and the protection of free men and free countries everywhere that you as individuals fought, and for which you as an organization have constantly fought.

One would have thought that this action, and its success, would have won the approval of the American public,—and, I contend that generally it has, but because of the misconstrued picture painted by some in high places and by some of our news media, one would have thought—and I am sure Hanoi does think—that this small minority of dissenters, flag burners, and rioters speak for the nation as a whole.

The youth of today, who make up this group, are on a pathway of disastrous consequences by following the leadership of a few liberals and socialists. They, my friends, are in desperate need of guidance—and it is only through the efforts of organizations like the Veterans of Foreign Wars, who have not only worked for freedom, but who have fought for it, that this necessary leadership can be provided.

I know you will often find it difficult to communicate with those of the college and high school level. But I challenge you to make an attempt, and a second if necessary, to convey to these young people the great heritage of our country—the cause for which our boys are fighting in Southeast Asia, and why to us, America is still the "land of the free and the home of the brave."

And—so it is because of what you stand for—what you have done, and what you will do for freedom, that makes this medallion so very highly prized by me.

REALITY VERSUS MYTH IN SOUTHEAST ASIA REPORTING

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

Mr. GERALD R. FORD. Mr. Speaker, one of the regrettable aspects of American journalism today is that opinion sometimes is reported as fact. Interpretive reporting is often valuable as an adjunct to the news and may very well facilitate understanding on the part of the reader. But statements of opinion should be labeled as such, and this is not always the case. Journalistic sloppiness of this kind is particularly unfortunate where the interests of the entire Nation are at stake, as in the case in Indochina. Robert S. Elegant of the Los Angeles Times makes this point most tellingly in an article which appeared June 15 in the Detroit News. I believe all House Members would benefit by reading the article, which follows immediately:

REALITY VERSUS MYTH IN SOUTHEAST ASIA REPORTING

(By Robert S. Elegant)

Peking and Hanoi are striving successfully to have people think they are winning, when they are actually losing.

To the consternation of its senior Asian correspondents, one esteemed American newspaper has reported—as fact, rather than as Communist assertions or the writers' opinions—that allied raids into Cambodia have solidified an Asian Communist bloc under Peking's leadership.

The article declared the Communists would win by "protracted conflict," while prospects of a settlement at Paris had been destroyed.

The intricate political, military and social equation in Indochina makes it impossible to know who will prevail. The future guards its secrets—even from deified Chinese Chairman Mao Tse-tung.

But assessments can consider the present circumstances, the nature of "peoples guerrilla warfare" and the historical background. My own assessment questions assertions reported as "hard news."

The initial point is correct. The reluctant Chinese dragon has reasserted leadership of the "liberation movement" in Southeast Asia and Hanoi has gained by involving China somewhat more directly, while Peking has reduced Moscow's influence. Otherwise, the Communists' prospects are poor.

Maoist strategy stresses "inevitable victory over the imperialists" by popular, indigenous forces. Hanoi and Peking can hardly anticipate popular rising in Cambodia.

Instead, North Vietnamese regulars attacked the new Cambodian government to protect their supply lines. Allied raids are destroying their bases and stockpiles—and mincing their combat forces into small, dispersed units. Phnom Penh has turned off the massive flow of armaments through Sihanoukville.

The effects have been immediate—as well as long range. Despite deployment of more than 40,000 allied troops in Cambodia, the enfeebled Viet Cong could not mount substantial diversionary counter-attacks within South Vietnam, their primary objective.

Sappers struck the hill resort of Dalat, lightly defended by militia. The Viet Cong got the headlines they sought but were rapidly winkled out by South Vietnamese troops.

Gen. Do Cao Tri, commanding the III Corps, is efficiently discharging his primary mission of defending Saigon by his sweeps in Cambodia. The South Vietnamese army has finally come of age, displaying heightened efficiency and confidence.

The Communists tacitly acknowledge their predicament by stressing "protracted conflict"—laboriously rebuilding guerrilla forces for terrorism which had failed by 1968. Moreover, Southeast Asian nations are aligning against the common peril dramatized by Hanoi's assault on Cambodia.

Despite racial hatred of Vietnamese who conquered its empire in Southern Vietnam in the 1700's, Cambodia is cooperating militarily with Saigon and has resumed diplomatic relations.

Thailand, another traditional enemy, has offered arms and troops. While seeking a diplomatic settlement, Indonesia hints it may give direct aid to Phnom Penh. Thai-Malaysian operations against Communist guerrillas have intensified, despite ancient religious and racial rivalry in southern Thailand.

However, reluctantly, Japan is becoming active to protect her markets, supply lines and raw materials. Instead of forging the desired Peking-Tokyo axis China is forcing Japan into open opposition.

The new alignment in Southeast Asia will need external material and technical support, just as did NATO. While reducing direct American intervention, the Nixon doctrine explicitly promises such support.

China must wonder precisely what her brilliant diplomatic maneuvers have accomplished. She underwrites an artificial coalition waging a losing conventional war against a uniting front—the last thing the Chinese want on their borders. Peking can hardly long for more such "victories."

THE 30TH ANNIVERSAY OF SOVIET SUBJUGATION OF THE LITHUANIAN PEOPLE

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

Mr. GERALD R. FORD. Mr. Speaker, the American Lithuanian Council, Inc., on June 13 marked the 30th anniversary of a sorry day in history, the Soviet subjugation of the Lithuanian people and the loss by Lithuania of its independence. President Nixon marked the occasion with a letter to Dr. Leon K. Leonas, chairman of the Commemorating Committee, and Vice President AGNEW sent a telegram to the American Lithuanian Council. I personally was privileged to appear before the council as a speaker on this occasion. With the permission of the House, I would like to insert the President's letter, the Vice President's telegram, and my speech in the RECORD at this point. The material follows.

THE WHITE HOUSE,
Washington, June 9, 1970.

Dr. LEON K. LEONAS,
Chairman, Commemorating Committee, Lithuanian American Council, Inc., Chicago, Ill.

DEAR DR. LEONAS: The great courage of the Lithuanian people will always inspire men everywhere who cherish freedom. While we consider the sadness and the suffering so many have known though they tried to live in peace, let us also commit ourselves to sharing the goals for which they gallantly fought.

I join your prayers and your hopes that the Lithuanian people and all who have known the pain of separation from their families and their homelands will always be united in spirit and dedicated to the great cause of peace and freedom that are everyman's birthright.

With my best wishes,
Sincerely,

RICHARD NIXON.

THE WHITE HOUSE,
Washington, D.C.

Dr. LEON LEONAS,
Chairman Commemorating Committee, Lithuanian American Council, Inc., Chicago, Ill.:

It has been said that "the triumph of demagogues is shortlived, but the ruins are eternal." Lithuanian-Americans know only too well the ruin of the human spirit and the destruction of freedom that can come when demagogues and tyranny triumph over freedom-loving people. As you recall to Americans and to America and the world the disaster that has befallen Lithuania these thirty years, you have my heartfelt sympathy and my support in your efforts to bring the truth to the world. The triumphs of demagogues and tyrants, in this case, cannot be said to be short-lived—but your courage and your insistence on presenting the facts of the subjugation of the Lithuanian people give hope, not only to them, but to all those who love freedom.

SPIRO T. AGNEW.

AN ADDRESS BY REPRESENTATIVE GERALD R. FORD, BEFORE THE AMERICAN LITHUANIAN COUNCIL, INC., CHICAGO, ILL., JUNE 13, 1970

My dear friends, we are gathered here to mark the 30th anniversary of a day of international shame, the day when the Soviet Union robbed the proud nation of Lithuania of its independence and plunged its people into political slavery.

Lithuania fell under the yoke of totalitarian dictatorship on June 15, 1940, and was annexed to the Soviet Union. This was an act of infamy which must never be acceded to by the Lithuanians themselves or by any of the freedom-loving peoples of the earth.

Today I voice my earnest support for the just efforts of Lithuanians everywhere to reestablish their country as an independent state and to free their homeland from Russian control.

It is my view that any man who is dedicated to the principles of freedom and justice and informs himself of the manner in which the Soviet Union subjugated the Lithuanian people cannot help but be a Lithuanian ally in a continuing struggle to free them.

As a student of Lithuanian history, I am aware of how Lithuania first emerged as a nation in the 12th and 13th centuries, became known as the Grand Duchy of Lithuania and dominated Eastern European affairs for several hundred years only to fall under Russian domination for a period lasting until World War I.

It was a glorious day, that February 16th of 1918, when Lithuania declared its independence. And it was a tragic event when in 1939 Communist Russia and Nazi Germany divided Eastern Europe between them. We know that in the summer of 1940 Lithuania was overrun by Red Army troops and was subsequently absorbed into the Soviet Union—and that except for a three-year period of German occupation it has remained under Soviet control ever since.

What many Americans do not know is that more than 400,000 Lithuanians were swallowed up in Russian and Siberian slave labor camps through mass deportations between 1941 and 1950, ripped from their homes by Soviet terrorists—Soviet murderers.

What many Americans do not know is that about 30,000 Lithuanian freedom fighters were killed in guerrilla warfare, resisting the Soviet occupation.

What some Americans have forgotten is that Lithuania and 21 other countries are captive nations which were pulled behind an Iron Curtain of slavery and terror by Russian Communist leaders in a pattern of occupation, annexation and tyranny.

Too few Americans are aware of Lithuania's proud history as an independent nation. Too few Americans recall that the Russians on July 12, 1920, signed a peace treaty with Lithuania which stated that "each nation has the right of self-determination, and becoming entirely independent from the state which it is now part of, without any reservations Russia recognizes Lithuania's independence and self-government with all its due jurisdictional rights, and with good will renounces for all times, all rights of Russian sovereignty which she had over the Lithuanian nation and its territories."

Too few Americans recognize the crime against an entire people that was committed when the Russian Communists took over the Lithuanian nation in June 1940.

My heart cries out when I think of how, with one stroke of the pen, Russian laws became immediately effective in all of Lithuania, how the Soviets substituted their entire way of life for that of the Lithuanians and swept away all of their modes of living, how they banned the teaching of religion from school curricula and dismissed the chaplains from the army and the prisons, how they shut down the faculty of theology and philosophy at Kaunas University, how they closed down the monasteries, expelled the monks, and branded all members of the clergy as enemies of the people.

The same terror techniques that were practiced within the Soviet Union itself were applied to Lithuania, and on June 14, 1941, the first mass deportation was carried out. It is reported that Moscow had reached a decision to deport one-third of the Lithuanian nation—and my information is that approximately 25 per cent of the people actually were deported.

Why hundreds of thousands of Lithuanians were sent to Russian slave labor camps we will never really know. It must have been fear that prompted the Soviet masters to do this—the fear that spring from occupying a free nation by force of arms. After all, the Soviet Union had violated her treaties with Lithuania.

The Russian Communists had reason to fear their Lithuanian subjects, for in 1940 there began a period of fierce guerrilla resistance to both Soviet and Nazi occupation—a resistance that lasted for 12 years.

The general revolt against Soviet rule which broke out in Lithuania on June 22, 1941, was a complete repudiation of the Soviet lie that the Lithuanians had renounced their independence of their own free will.

It is most unfortunate that after the three-year Nazi occupation Lithuania could not be reconstituted as an independent state but fell again under Russian rule—a second and harsher Soviet occupation.

Too few Americans today know that this second cruel Soviet occupation resulted in an undeclared war between the Lithuanian people and the Soviet Union which demonstrated to the entire world the gallantry and independent spirit of the Lithuanians.

Although there is some question about the exact number, it is estimated that from 30,000 to 50,000 Luthuanian partisans lost their lives fighting the Soviet security forces.

Moscow had reason to be alarmed by the partisan movement in Lithuania. From 1945 to 1952, historians tell us, the partisans put to death about 4,000 Communist activists and killed about 100,000 MVD, NKVD and Soviet Army troops in battle.

I marvel at the spirit and tenacity of the partisans, fighting as they were against overwhelming odds. Despite those odds, I cannot believe that the spirit of the Lithuanian partisans is dead today. It still lives in the fierce nationalism that the Soviet Union will never be able to crush.

I am not surprised that Lithuanians consider themselves betrayed by the agreement entered into February 11, 1945, at Yalta by President Franklin D. Roosevelt, Prime Minister Winston Churchill and Joseph Stalin. There is no question that the Yalta Agreement appeared to seal the fate of all the nations of Central and Eastern Europe.

The Government of the United States had clearly closed its eyes to aggression by the Soviet Union after fighting a bloody war to cleanse the world of aggression by Nazi Germany and Japan.

However, the fact remains that the United States has never formally recognized Soviet

annexation of Lithuania, Latvia and Esthonia and has officially condemned "the devious processes" by which the Soviet Union "annihilated" the three Baltic Republics.

Although the western democracies were victorious in World War II, they did not win the peace. But it is a fact of historic importance that they have never recognized the validity of Russian occupation of the Baltic nations. And in this there is hope not only for Lithuanians, Latvians and Esthonians but for the entire world. It means that the concept of freedom still lives—that it can never be extinguished by force of arms or the brutal suppression of a people. It means that there comes a time when the forces of freedom rally to turn back the forces of darkness and oppression.

There are many potential captive nations in the world today—in Indochina, in the Mideast and in Latin America.

The United States is at war in Indochina—at war with the North Vietnamese but also at war with the Soviet Union by proxy.

In the Middle East we are engaged in a power struggle with the Soviet Union which gives its military support to the Arab states while gallant Israel strives valiantly to maintain its independence. The Soviet Union is seeking to replace the United States as the dominant power in the Mediterranean. The Russians are seeking to dominate the Mediterranean, undermine the southern flank of NATO, and spread Communist influence from the Indian Ocean to the South Atlantic.

At the same time the Soviet Union is underwriting the Communist regime of Fidel Castro in Cuba, from whence it hopes to export communism to the assorted nations of Latin America.

Some Americans yearn so desperately for peace that they close their eyes to the Captive Nations—both actual and potential. But the nightmare will not go away just because of the wishing.

The hard facts are that the Soviet Union today is still playing the game of world expansionism, the game of imperialist aggression—but is applying far more sophisticated procedures than in the crude days of World War II and the immediate postwar period.

And so now we have Cuba, and Israel, and Vietnam.

Why do I say we are at war with the Soviet Union by proxy in Vietnam? Because the Soviet Union is supplying the North Vietnamese and Viet Cong with 80 per cent of their weapons. Because the war in Vietnam could stop if the Soviet Union would stop supplying arms to Hanoi.

Yet we have thousands of students and other Americans shouting at our own government leaders, "Stop the war." Whose side is justice on? On the side of the United States and the Captive Nations or on the side of the Soviet Union and the North Vietnamese?

The protesters are said to be highly idealistic. They view Vietnam as a moral issue. They believe the war in Vietnam is wrong. Yes, the war in Vietnam is wrong, but the sins are on the other side. The Communists today are committing the same sin of genocide in Vietnam that they committed in Lithuania 30 years ago. What a bloodbath we would see in Vietnam if the United States were to precipitously withdraw all its troops there! And yet this is what the self-righteous moralists who yell "Stop the war" are demanding.

If the moralists on Vietnam want to be on the right side of an issue they should be demanding that Russia withdraw its troops from Lithuania, Latvia and Esthonia, free them from Soviet control, and return all of the living deportees to their homes from Soviet prison camps.

Who is in the right? Whose side is justice on? The Soviet Union recognized the independence and sovereignty of Lithuania by peace treaty in 1920 and confirmed this by other treaties in 1926 and 1939.

Instead of shouting "Stop the war" in Vietnam the moralists should be concerned that still another nation—South Vietnam—is in danger of becoming a Captive Nation. Instead of shouting "Stop the war" in Vietnam the moralists should be pounding at the Iron Curtain in an effort to free Lithuania, Latvia and Esthonia.

We know who the international criminals are. We know who brutally slew the freedom fighters in Hungary. We know who ruthlessly crushed the people of Czechoslovakia.

We must never tire of telling this story to the world. We must never give up in our fight to free the Baltic peoples. It is groups like the American Lithuanian Council that must provide the leadership. And I will certainly stand shoulder to shoulder with you in your struggle.

While the Soviet repression in Czechoslovakia was a demonstration of strength, it was also a confession of weakness—and this is the lesson we must carry forward in our continuing struggle for Baltic liberation today.

The Soviets' Czechoslovakian campaign pointed up the insecurity felt by the Russian leaders—an insecurity they feel regarding all of the Captive Nations.

The more we in America concentrate on the issues of the Captive Nations the more we exploit the insecurity the Soviet Union feels. The more we preach the doctrine of self-determination the more we stir the fires of nationalism in the Captive Nations.

The Soviet Union is a federal state in name only. The spirit of independence burns fiercely among the non-Russian nation-states within the Soviet system.

There is no solidarity in the Communist empire. The inner conflicts within the Communist camp are many. We have witnessed the deviations of the Yugoslav, Czechoslovak and Rumanian Communist parties from the Moscow line. These developments have repercussions with the Soviet Union. There is ferment in Russia itself against the Soviet dictatorship. Latent conflict continues to fester between the Soviet Union and Red China.

I do not despair for Lithuania. I shout with you, "Lithuania for the Lithuanians," and I believe the day will come when we will together toast a Free Lithuania.

There is a spirit of independence that burns in the hearts of all Lithuanians—in the hearts of free men everywhere. The Communist criminals may crush the bodies of their victims in slave labor camps but they will never succeed in blowing out the lamp of liberty.

Lithuania's national anthem urges her sons to draw strength from the past. All Americans can find strength in that past but let us also look to the future and make a firm and fervent pledge—that we will never rest until Lithuania is once again an independent nation, free of the Russian oppressor.

BILL INTRODUCED TO PROVIDE FOR TRADE SCHOOL IN EVERY COUNTY IN NATION

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

Mr. EVINS of Tennessee. Mr. Speaker, I have today introduced a bill to amend the Vocational Education Act of 1963 by requiring the location of a trade school or branch vocational trade school in each of the Nation's 3,050 counties where such facilities do not now exist.

This is an urgently needed bill as millions of students continue to drop out of high school each year and millions of others fail to continue their education after graduation from high school. In 1968, there were 2,734,000 high school dropouts and 1 million other students who decided to seek employment following graduation rather than attending a college or university.

At the same time the unemployment rate in the 16 to 21 age group continues at a high 15 percent—and millions of those employed are working in low-paying jobs, although they have the basic ability—if properly trained—to move into higher paying skilled jobs. In addition, many of those who are unemployed are on the welfare rolls—and this bill would have the effect of moving many of these young men and women from the welfare rolls to payrolls.

Through this bill the opportunity to learn a trade or skill will become available in every county in the Nation and vocational education will become much more available and accessible.

I have often said that a man, skilled in his trade, is just as useful as a man who uses only a telephone. We must, in our country, develop a keen sense of respect and appreciation for skilled labor—all crafts and trades—carpenters, electricians, painters, mechanics, brick masons, draftsmen, and craftsmen in all specialized technical fields. These positions must be dignified as being as important and useful as college educated professions.

The response to my announcement that I will introduce such legislation has been tremendous and overwhelmingly favorable. In this connection, a number of letters have been received supporting this legislation.

My newsletter, Capitol Comments, concerning this bill is placed in the RECORD herewith indicating the public interest and support for this legislation.

The newsletter follows:

BILL SCHEDULED FOR INTRODUCTION TO ASSURE BRANCH VOCATIONAL TRADE SCHOOL IN EVERY COUNTY IN NATION

(By JOE L. EVINS)

Your Representative soon will introduce in the House a bill to require the location of a branch vocational trade school in each of the Nation's 3050 counties which do not have such schools.

While great interest is continuing in higher education—colleges, universities and junior colleges—it has become increasingly apparent that vocational education must be greatly expanded to assist in training the 80 percent of our young people who do not attend college—to train adults who cannot find jobs—and retrain workers displaced by changes and advances in technology.

There is increasing concern over the continued high unemployment rate—now 14 percent—among our young people with nearly 1 million high school graduates annually deciding to seek employment rather than continue their education. Many others fail to graduate from high school. The Subcommittee on Education Appropriations said in a recent report:

"An improved and expanded vocational education system would go a long way toward resolving that national paradox of shortages of skilled workers in many technical fields, on the one hand, and high rates of unemployment among young people on the other."

The National Advisory Council on Voca-

tional Education in a recent report expressed the same concern and said that new approaches, new emphasis and new breakthroughs are needed in vocational education to educate our youth for employment and thereby reduce unemployment while at the same time assisting these young people in realizing their true potential. By assuring a branch trade school in every county in the United States, training would be made readily accessible and available.

The bill which your Representative will introduce will provide for cooperation between Federal, state and local educational departments and boards of education in surveying each county to determine the potential enrollment, the appropriate courses to be offered, and the size of the branch trade school required to serve the county. These branch schools would be coordinated with local high schools and with area vocational schools.

Many believe that rather than adopting some form of guaranteed annual wage which would tend to dull individual initiative and incentive, the money would be better spent in vocational training to assure employment for many of those who might otherwise be on welfare rolls. In this way the appropriations to finance the branch trade schools would be an investment in the future of America. At the same time individual enterprise and initiative would be encouraged in the American tradition. In this way those who are trained and the American taxpayer would benefit.

Certainly the location of a trade school in every county would be a sound investment in America's future.

NORTH ATLANTIC AND NORTH PACIFIC FISHERIES LEGISLATION

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

Mr. GALLAGHER. Mr. Speaker, I am today introducing by request of the executive branch, legislation to amend the Northwest Atlantic Fisheries Act and the North Pacific Fisheries Act.

In so doing, I reserve my position on this legislation until the Subcommittee on International Organizations and Movements will have an opportunity to hold hearings and review this matter in detail.

A letter from the Honorable David M. Abshire, Assistant Secretary of State for Congressional Relations, to the Speaker of the House, dated May 28, 1970, explaining the purpose of the suggested amendments, and the text of the legislation to which I refer follow:

DEPARTMENT OF STATE,
Washington, D.C., May 28, 1970.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: There is enclosed a draft of a proposed 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".

It is requested that this bill be referred to the appropriate committee for consideration; its enactment is recommended.

Two Protocols to the International Convention for the Northwest Atlantic Fisheries have recently entered into force. The United States has ratified these Protocols. One provides for a new method for entry into force of regulations proposed by the International Commission for the Northwest Atlantic Fisheries, established by the Convention; the other grants authority to the Commission to propose regulations for international measures of control (enforcement) to insure uniform application of the fisheries conservation regulations through joint action. The Protocols require amendments to the Northwest Atlantic Fisheries Act, which is the implementing legislation for the Convention. The proposed changes in the North Pacific Fisheries Act are consequent to the changes in the aforementioned Act. The bill also proposes measures to facilitate United States representation to the Commission and to similar international fisheries commissions.

The Protocol on entry into force of regulations was initiated by the United States, and is designed to expedite the procedure for adoption of regulations proposed by the Commission. Under the previous procedure, each government participating in the Panel for the Convention subarea to which a proposal applied had to take affirmative action to signify its approval thereof before a proposal could enter into force. There have been long delays in the entry into force of some Commission proposals, apparently in large measures because of inertia in taking the required action, particularly on the part of countries whose fishermen are little affected one way or the other by the proposal in question. Under the new procedure a government is deemed to have approved a proposal unless it objects within a specified period. Adequate safeguards are included to protect the rights and interests of the contracting governments and their fishermen. The aims of the Convention will be achieved more fully through this more expeditious system of bringing necessary conservation proposals into force. The procedure will also apply to proposals relating to joint enforcement which may be made under the other Protocol.

The Northwest Atlantic Fisheries Act requires both the Secretary of State and the Secretary of the Interior to take positive action to accept a proposal on the part of the United States. The proposed amendment would require the Secretary of State to take appropriate action, with the concurrence of the Secretary of the Interior with regard to such proposals. The United States has never rejected a proposal, and, in fact, among the fourteen member governments, only one proposal has been subject to objection. The United States would have six months in which to act. The Secretary of the Interior would be required to inform the Secretary of State within five months as to what action he considers appropriate with regard to such proposals and the Secretary of the Department in which the Coast Guard is operating would be required to similarly inform the Secretary of State with regard to proposals relating to national and international measures of control.

The Protocol also provides for extended periods of objection if one party rejects the proposal during the six month period. The Secretaries would have a similar obligation to inform to Secretary of State within these periods concerning appropriate action in sufficient time to allow the Secretary of State to file an objection within the time allowed by the Protocal. With regard to the latter provision of the Protocol, it may be that the United States would find a proposal acceptable but would not wish to be bound by it if another party objected to it and relieved itself of any obligation to give effect to the proposal. Under the Protocol a proposal becomes effective for all governments, except those which have presented objections, at the end of the objection period, unless a majority of the governments concerned have objected in which case all governments are relieved of any obligation to give effect to the proposal. In the latter circumstance, any of the governments may agree among themselves to give effect to the proposal, which is also provided for in the legislation.

Since a very significant proportion of the fisheries in the Convention area are conducted in waters off the coasts of the United States, it is in our interest to secure prompt acceptance of necessary conservation proposals. In the past, numerous proposals which were necessary or desirable from the standpoint of United States interests were unduly delayed by inaction on the part of one or more of the other parties to the Convention. Thus the changes in the Convention are very much in our interests; we believe that the proposed changes in the legislation is a reasonable method of implementing them on behalf of the United States.

The Protocol on measures of control expressly permits the Commission to make proposals related to national or international measures of control to ensure the application of the Convention and the conservation regulations adopted thereunder. At present, each contracting government is required to enforce the terms of the Convention and the regulations adopted thereunder with respect to its own nationals. The Protocol permits a supplemental system of international inspection or enforcement to be adopted under the terms of regulations proposed by the Commission and approved by member governments. This will permit more efficient and uniform enforcement of Commission regulations designed to conserve the stocks of fish in the Convention area in the Northwest Atlantic, a significant part of which lies off the coasts of the United States.

Before proposing the Protocol to governments, the Commission discussed the question of enforcement at some length, and decided that enforcement of the Commission's regulations would be more uniform and efficient if some form of international inspection or enforcement system were adopted. Consideration was given to amending the Convention to specify the form of international inspection or enforcement, as is done for example in the International North Pacific Fisheries Convention. It was concluded, however, that some flexibility would be preferable. Thus the Protocol authorizes the Commission to adopt such proposals without specifying their nature. Proposals will not enter into force until approved by the Contracting Parties under the procedure discussed above. Accordingly, it is not possible to be specific in the amendments to the Northwest Atlantic Fisheries Act concerning the international enforcement activities which may be undertaken by the United States with respect to foreign fishing vessels in the Convention area or by other parties with respect to American fishing vessels in the Convention area, as it is for example in the case of the North Pacific Fisheries Act where international enforcement procedures are spelled out in the Convention. Rather, it will be necessary to implement enforcement proposals which enter into force for the United States by regulation.

International enforcement has been discussed extensively with the concerned segments of the fishing industry in the Northwest Atlantic, and we have found them to be strong advocates of such a program. In view of the magnitude of the foreign fishing activities in the area, they consider it to be essential that American enforcement authorities have an opportunity to ensure that foreign fishermen adhere to the same strict standards that we require of the American fishermen. They realize full well that this can only be undertaken on a reciprocal basis.

The proposed amendments would empower the Secretary of the Department in which the Coast Guard is operating, with the concurrence of the Secretary of State, to issue the necessary regulations to implement the enforcement proposals which enter into force with respect to the United States and to cooperate with officials of other parties to the Convention in implementing such proposals. Proposed section 7(d) would give

a legislative basis for foreign enforcement officers taking action with respect to American vessels pursuant to such proposals, within certain limitations which are specified in the section. Other limitations also might be specified in the Secretary's regulations, and, of course, the proposals negotiated in the Commission with the participation of the United States, including industry advisers, might also contain limitations on such activities. In fact, they are expected to do so, on the basis of the preliminary consideration the Commission has given to proposals it might make under this authority.

Proposed section 7(e) would give a legislative basis for American enforcement officers to take action with respect to foreign vessels pursuant to such proposals. The Northwest Atlantic Fisheries Act permits the Secretary of the Interior to designate officers of the States of the United States to enforce its provisions. International enforcement authority, however, would be limited to officers of the Fish and Wildlife Service and the Coast Guard, since it is understood that other parties to the Convention believe that such activities will only be undertaken by National officers. Such officers may be directed to appear in foreign courts to assist in their proceedings if necessary when they have encountered a violation in the course of their international enforcement activities, according to proposed section 7(f).

Proposed section 9(c) would make it unlawful to prevent any duly authorized international inspector from boarding a vessel and making his inspection, or to interfere with his activities, conducted pursuant to an enforcement proposal effective for the United States. This is based on a provision of the North Pacific Fisheries Act. Proposed section 10(b) would provide penalties for violating this provision. Such a provision is essential to ensure that individual fishermen do not frustrate international enforcement procedures which are accepted by the United States, although we do not anticipate difficulties in this regard.

Section 12 of the North Pacific Fisheries Act incorporates in haec verba sections 7(a) and (b), 9, 10, and 11 of the Northwest Atlantic Fisheries Act. Some of these sections would be amended in accordance with the above proposals. It is deemed desirable not to amend the Northwest Atlantic Fisheries Act with exceptions for the North Pacific Fisheries Act incorporated therein, but to insert the pertinent provisions in the North Pacific Fisheries Act itself, including those provisions of the Northwest Atlantic Fisheries Act applicable to it which are not being amended in order that the North Pacific Fisheries Act may stand alone with appropriate provisions for regulating its fisheries. The changes proposed do not amend the substance of the provisions of the Nortwest Atlantic Fisheries Act which are incorporated in the North Pacific Fisheries Act in any way, although a few minor modifications of language are proposed to accommodate the changes in the language of the latter Act and to clarify the provisions relating to violation of court order. Some renumbering of sections is proposed in order that the provisions may be incorporated in the most appropriate places.

Title III of the proposed legislation also suggests procedures for facilitating United States representation on the various international fisheries commissions. United States Commissioners are appointed by the President in accordance with implementing legislation, including the two Acts cited above. At times United States Commissioners may not be present at commission meetings for various reasons, including vacancies, illness, and other obligations during the periods involved. This is especially true with respect to meetings of committees of the various commissions, which may require technical representation. Other parties to these Conventions are generally represented at all meetings by commissioners, however, because they have a greater tendency to appoint technical commissioners and because they usually do not require presidential level action on appointments. Thus they may designate a commissioner for a single meeting.

The proposed legislation would allow the Secretary of State to designate Alternate Commissioners to attend meetings at which he finds the United States would not be represented by the full number of Commissioners to which it is entitled. Such designations would be for the meeting in question only, and would be solely for the purpose of ensuring that the United States has appropriate representation at such meetings without having to seek approval of the President concerning a temporary situation. The President's authority to make permanent appointments of Commissioners would be unimpaired, of course. This authority would extend to all present international fisheries commissions except one, and to any similar bodies which may be established in the future.

The one exception is the International Pacific Salmon Fisheries Commission, since the convention which established it provides that Commissioners must be appointed by the President. No other such convention contains such a limitation, and it is believed that the proposed legislation will permit the United States to carry out its obligations under these conventions in a more efficient and satisfactory manner.

The next Annual Meeting of the Commission will be held during the first week of June 1970. That Meeting is expected to propose international measures of control. Accordingly, it would be advantageous to the United States if the proposed legislation were enacted prior to the time in which the United States must accept or reject proposals from this year's Meeting in order that the United States might best carry out its obligation under the Protocols.

The Bureau of the Budget advises that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

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

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

TITLE I—

AMENDMENT OF THE NORTHWEST ATLANTIC FISHERIES ACT OF 1950 AS AMENDED

SEC. 101. (a) Section 1(a) of the amending Act of July 24, 1968 (Public Law 90-420) is repealed.

(b) Section 2(a) of the Northwest Atlantic Fisheries Act of 1950 is amended by changing the period to a comma and adding the following words: "and any amendments thereto which have entered or may enter into force for the United States including, but not limited to, the 1956 protocol, the 1961 declaration of understanding, the 1963 protocol, and the 1965 protocols".

SEC. 102. Section 2(c) of the Act is amended by changing the period to a comma and adding the following words; "or to the jurisdiction of other parties to the convention with respect to international measures of control in force for such parties."

SEC. 103. Section 2(e) of the Act is amended by deleting the words "subject to the jurisdiction of the United States," by changing the period to a comma, and by adding the following words: "subject to the jurisdiction of the United States, or to the jurisdiction of other parties to the convention with respect to international measures of control in force for such parties."

SEC. 104. A new subsection (i) is added to section 2 of the Act to read as follows:

"(i) International measures of control: The term 'international measures of control' means any proposal of the Commission which has entered into force with respect to the United States with regard to measures of control on the high seas which may be undertaken for the purposes of insuring the application of the convention and the measures in force thereunder by the United States with respect to persons or vessels of some or all other parties to the convention and by other parties to the convention with respect to persons or vessels of the United States."

SEC. 105. A new subsection (j) is added to section 2 of the Act to read as follows:

"(j) National measures of control: The term 'national measures of control' means any proposal of the Commission which has entered into force for the United States with regard to measures of control on the high seas which may be undertaken for the purposes of insuring the application of the convention and the measures in force thereunder by the United States with respect to persons or vessels subject to its jurisdiction, and any other actions which may be undertaken by the United States for the purposes of insuring the application of the convention and the measures in force thereunder to persons or vessels subject to its jurisdiction pursuant to the provisions of this Act."

SEC. 106. Subsection (b) of section 6 of the Act is amended to read:

"(b) The Secretary of State, with the concurrence of the Secretary of the Interior, is authorized to take appropriate action on behalf of the United States with regard to proposals received from the Commission pursuant to article VIII of the convention. The Secretary of the Interior shall inform the Secretary of State as to what action he considers appropriate within five months of the date on the notification of the proposal by the Depositary Government, and again within the first forty days of the additional sixty day period provided by the convention if a rejection is presented by another party to the convention, or within twenty days after receipt of a rejection received within the additional sixty day period, whichever date shall be the later. The Secretary of the Department in which the United States Coast Guard is operating shall similarly inform the Secretary of State as to whether he considers that any such proposal relating to international measures of control or national measures of control should be rejected."

SEC. 107. A new subsection (c) is added to section 6 of the Act to read as follows:

"(c) In the event that a proposal of the Commission does not come into effect because of a number of objections in accordance with the provisions of paragraph 7 of article VIII, the Secretary of State, with the concurrence of the Secretary of the Interior and the Secretary of the Department in which the Coast Guard is operating, may nevertheless assent to giving effect to it on an agreed date by agreement with one or more of the parties to the convention, as provided for in that paragraph."

SEC. 108. Section 7(b) of the Act is amended by adding the following: "The Secretary of the Department in which the Coast Guard is operating is authorized and directed to adopt such regulations in consultation with the Secretary of the Interior as may be necessary to provide for national measures of control, and, with the concurrence of the Secretary of State, for interna-

tional measures of control and to cooperate with the duly authorized enforcement officials of the Government of any party to the convention."

SEC. 109. (a) A new subsection (d) is added to section 7 of the Act to read as follows:

"(d) Except as herein otherwise provided, the duly authorized officials of any party to the convention shall have the same powers as Federal law-enforcement officers to enforce the provisions of the convention, or of this Act, or of the regulations of the Secretaries of the Interior and the Department in which the Coast Guard is operating, with respect to persons or vessels of the United States, pursuant to and to the extent authorized by international measures of control, and such officials are authorized to function as Federal law-enforcement officers for the purposes of this Act. Such powers shall include, only if and to the extent authorized in international measures of control, arrest of any person or search of any vessel subject to the jurisdiction of the United States, execution of any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of this Act, and seizure of any property. Unless such enforcement is authorized by the international measure of control or by agreement of the United States, such duly authorized officials shall not exercise these powers in that portion of the convention area in which the United States exercises the same exclusive rights in respect to fisheries as it has in the territorial sea except with regard to vessels of their own flag which may be entitled within such zone, by agreement with the United States, to (1) engage in the fisheries, or to (2) engage in activities in support of a foreign fishery fleet, or to (3) engage in the taking of any Continental Shelf fishery resource which appertains to the United States."

(b) A new subsection (e) is added to section 7 of the Act to read as follows:

"(e) Any duly authorized enforcement officer or employee of the Fish and Wildlife Service of the Department of the Interior and any Coast Guard officer may be designated by the Secretary of the Department in which the Coast Guard is operating to enforce international measures of control on behalf of the United States with regard to persons or vessels of any other party to the convention to which the measure is applicable, in any portion of the convention area except such portions in which any other government exercises the same exclusive rights in respect to fisheries as it has in its territorial sea unless such enforcement is authorized by the international measures of control or by agreement with the Government concerned."

(c) A new subsection (f) is added to section 7 of the Act to read as follows:

"(f) Any person designated to enforce international measures of control pursuant to subsection (e) of this section may be directed to attend as witness and to produce such available records and files or duly certified copies thereof as may be necessary to the prosecution in any country party to the convention of any violation of the provisions of the convention or any law or regulation of that country for the enforcement thereof when requested by the appropriate authorities of such country."

SEC. 110. A new subsection (c) is added to section 9 of the Act to read as follows:

"(c) It shall be unlawful for the master or owner or any person in charge of any vessel subject to the jurisdiction of the United States to refuse to permit any person authorized to enforce the provisions of this Act and any regulations adopted pursuant thereto, including in the convention area the duly authorized officials of any party to the convention authorized to undertake international measures of control, to board such vessel or inspect its equipment, books, documents, or other articles or question the persons on board in accordance with the provisions of the Convention, this Act, regulations adopted pursuant thereto, international measures of control, and national measures of control, or to obstruct such officials in the execution of such duties."

SEC. 111. (a) Section 10 of the Act is redesignated as subsection (a) thereof. Redesignated subsection (a) is further amended as follows:

(1) Delete the words "any provision" and substitute "subsections (a) or (b) of section 9".

(2) Insert the words "by the Secretary of the Interior" after the word "adopted".

(b) A new subsection (b) is added to section 10 of the Act to read as follows:

"(b) Any person violating subsection (c) of section 9 of this Act or any regulations adopted pursuant to this Act by the Secretary of the Department in which the Coast Guard is operating, upon conviction, shall be fined for a first offense not more than $1,000 and be imprisoned for not more than six months or both and for a subsequent offense committed within five years not more than $10,000 and be imprisoned for not more than one year or both."

TITLE II—AMENDMENT OF THE NORTH PACIFIC FISHERIES ACT OF 1954 AS AMENDED

SEC. 201. Section 7 of the Act is redesignated as section 8 and a new section 7 inserted as follows:

"SEC. 7. The Secretary of the Interior is authorized and directed to administer and enforce, through the Fish and Wildlife Service, all the provisions of the Convention, this Act, and regulations issued pursuant thereto, except to the extent otherwise provided for in this Act. In carrying out such functions he is authorized and directed to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and this Act, and, with the concurrence of the Secretary of State, he may cooperate with the duly authorized officials of the Government of any party to the Convention: *Provided, however,* That he shall adopt such regulations on consultation with the United States Section and they shall apply only to stocks of fish in the Convention area north of the parallel of north latitude of 48 degrees and 30 minutes: *And provided further,* That no such regulations shall apply in the Convention area south of the 49th parallel of north latitude with respect to sockeye salmon (Oncorhynchus nerka) or pink salmon (Oncorhynchus gorbuscha)."

SEC. 202. Section 8 of the Act is redesignated as section 9. Subsections "(a)", "(b)", "(c)", and "(d)" of that section are redesignated subsections "(b)", "(c)", "(d)", and "(e)" respectively, references therein to "subsection (a)" are changed to "subsection (b)" and a new subsection (a) inserted as follows:

"(a) Enforcement activities under the provisions of this Act relating to vessels engaged in fishing and subject to the jurisdiction of the United States shall be primarily the responsibility of the United States Coast Guard, in cooperation with the Fish and Wildlife Service."

SEC. 203. Section 9 of the Act is redesignated as subsection (f) of section 9.

SEC. 204. Subsections "(a)", "(b)" "(c)", "(d)", and "(e)" of section 10 of the Act are redesignated as subsections "(b)", "(c)", "(d)", "(e)", and "(f)" respectively, references to "subsection (a)" in redesignated subsection (c) are changed to "subsection (b)", and a new subsection (a) inserted as follows:

"(a) It shall be unlawful for any person subject to the jurisdiction of the United States to engage in fishing in violation of any regulation adopted pursuant to this Act or of any order of a court issued pursuant to section 11 of this Act, to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of any such regulations, or order, to fail to make, keep, submit or furnish any record or report required of him by such regulation, or to refuse to permit any officer authorized to enforce such regulations to inspect such record or report at any reasonable time."

(b) A new subsection (g) is added to section 10 of this Act as follows:

"(g) It shall be unlawful for any person or vessel subject to the jurisdiction of the United States to do any act prohibited or fail to do any act required by any regulation adopted pursuant to this Act."

SEC. 205. (a) The reference to "subsections (a), (b), or (c)" in subsection (a) of section 11 of the Act is changed to "subsections (b), (c), or (d)."

(b) The reference to "subsection (d)" in subsection (b) of section 11 of the Act is changed to "subsection (e)".

(c) The reference to "subsection (e)" in subsection (c) of section 11 of the Act is changed to "subsection (f)".

(d) Subsection (d) of section 11 of the Act is amended to read:

"(d) Any person violating any other provision of this Act or any regulation adopted pursuant to this Act upon conviction, shall be fined for a first offense not more than $500 and for a subsequent offense committed within five years not more than $1,000 and for such subsequent offense the court may order forfeited, in whole or in part, the fish taken by such person, or the fishing gear involved in such fishing, or both, or the monetary value thereof. Such forfeited fish or fishing gear shall be disposed of in accordance with the direction of the court."

SEC. 206. Section 12 of the Act is amended to read:

"SEC. 12 (a) Any duly authorized enforcement officer or employee of the Fish and Wildlife Service of the Department of the Interior; any Coast Guard officer; any United States marshal or deputy United States marshal; any customs officer; and any other person authorized to enforce the provisions of the Convention, this Act, and the regulations issued pursuant thereto, shall have power without warrant or other process to arrest any person subject to the jurisdiction of the United States committing in his presence or view a violation of the Convention or of this Act, or of the regulations issued pursuant thereto and to take such person immediately for examination before a justice or judge or any other official designated in section 3041 of title 18 of the United States Code; and shall have power, without warrant or other process, to search any vessel subject to the jurisdiction of the United States when he has reasonable cause to believe that such vessel is engaging in fishing in violation of the provisions of the Convention or this Act, or the regulations issued pursuant thereto. Any person authorized to enforce the provisions of the Convention, this Act, or the regulations issued pursuant thereto shall have power to execute any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of this Act, and shall have power with a search warrant to search any vessel, vehicle, person, or place at any time. The judges of the United States district courts and the United States Magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. Any person authorized to enforce the provisions of the Convention, this Act, or the regulations issued pursuant thereto may, except in the case of a first offense, seize, whenever and wherever lawfully found, all fish taken or retained, and all fishing gear involved in fishing, contrary to the provisions of the Convention or this Act or to regulations issued pursuant thereto. Any

property so seized shall not be disposed of except pursuant to the order of a court of competent jurisdiction or the provisions of subsection (b) of this section, or, if perishable, in the manner prescribed by regulations of the Secretary of the Interior.

"(b) Notwithstanding the provisions of section 2464 of title 28, United States Code, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any property seized if the process has been levied, on receiving from the claimant of the property a bond or stipulation for double the value of the property with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the property seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as deteminned by the court."

TITLE III—ALTERNATE COMMISSIONERS

SEC. 301. In order to ensure appropriate representation at meetings of International Fisheries Commissions, the Secretary of State, in consultations with the Secretary of the Interior, may designate from time to time Alternate United States Commissioners to the International Commissioners to the International Commission for the Northwest Atlantic Fisheries, the International North Pacific Fisheries Commission, the North Pacific Fur Seal Commission, the Inter-American Tropical Tuna Commission, the International Pacific Halibut Commission, the Great Lakes Fishery Commission, the International Whaling Commission, the Commission for the Conservation of Shrimp in the Eastern Gulf of Mexico, the International Commission for the Conservation of Atlantic Tunas, and any similar commission established pursuant to a convention between the United States and other Governments. Alternate United States Commissioners may exercise, at any meeting of the respective Commission or of the United States Section thereof, all powers and duties of a United States Commissioner in the absence of a duly designated Commissioner for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of duly designated United States Commissioners that will not be present. In the event that there are Deputy United States Commissioners pursuant to the convention or statute, such Deputy United States Commissioners shall have precedence over any Alternate Commissioners so designated pursuant to this Act.

SEC. 302. Alternate United States Commissioners shall receive no compensation for their services. They may be paid travel expenses and per diem in lieu of subsistence at the rates authorized by section 5703 of title 5, United States Code when engaged in the performance of their duties.

SEC. 303. Service of any individual as an Alternate United States Commissioner designated pursuant to section 301 of this Act if he is not a regular Government employee shall be considered service as a special Government employee pursuant to section 202 of title 18, United States Code.

LEGISLATION AIMED AT CREATING A FIRM NATIONAL COMMITMENT TO CURE AND CONTROL CANCER IN THIS DECADE

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

Mr. GALLAGHER. Mr. Speaker, I rise today to reintroduce my legislation aimed at creating a firm national commitment to cure and control cancer in this decade.

Since the initial introduction of my bill on April 9—House Resolution 906, 907—I have been pleased to acquire more than 40 additional cosponsors of the legislation. Thus, today the bill is presented to this body with 85 sponsors.

The distinguished Members of this House who join with me on the resolution represent all geographical sections of the Nation, and all political persuasions. Such broad, bipartisan cosponsorship encourages me to believe that this resolution may find success in the Congress.

Additional developments also provide encouragement in this direction.

Today, Mr. Speaker, I am priviliged to release publicly the names of more than 600 prominent physicians, scientists, and medical educators from around the United States who endorse my legislation, express their conviction that cancer can be cured with the level of funding and magnitude of commitment authorized under the legislation, and who urge their colleagues and fellow citizens to join in support for the legislation.

Mr. Speaker, these 600 courageous men and women who represent many of the most distinguished and dedicated people in the field of medical research. They also represent most of our Nation's major cancer research foundations and programs.

To all of them, the American people owe a heavy debt; for these men and women fight on the front lines in a war against the deadliest enemy of all mankind: cancer.

Words of gratitude alone are insufficient to repay the debt which we owe these people. They have worked wonders with limited resources. They have found answers to a disease which Sir Winston Churchill once characterized as a riddle wrapped in an enigma.

And because of their dedicated, vigorous efforts—because of their excellent skills and training, the only obstacle which now stands between cancer and cure is money.

Today, 85 Members of this House resolve that this obstacle will be removed.

Mr. Speaker, our bill authorizes appropriations of no less than $650 million over the next 10 years to find a cure and control for cancer. This would represent an increase of well over $400 million over current spending for cancer research.

Our bill also requires that $250 million of the new appropriations be expended to construct five new cancer research institutes in the United States during the first 2 years of the program.

The current level of funding puts many of our research programs in serious jeopardy; some of these programs have already been forced to discontinue operations or drastically curtail experiments. Moreover, the current funding level hinders our ability to attract the best medical minds from our universities into the field of research. To be sure, dedicated researchers do not expect to receive the same financial remuneration for their work as they would from private industry. But they must at least expect sufficient resources to enable them to carry on their work with full vigor. This expectation is disappointing at the present time.

The pattern is not only intolerable, it is dangerous.

For this year alone, cancer will kill more than 320,000 Americans. Since January 1, 1970, 900 Americans have perished each day from cancer. Put another way, since the initial introduction of my bill on April 9, over 60,000 Americans have died because of cancer.

This pattern is simply inexcusable.

Let me expand on that point. The administration has requested $3.6 billion in the fiscal year 1971 budget for the space program. It has also requested additional millions for the supersonic transport. And yet, in the midst of these luxurious requests, we are informed that there are not enough dollars in the Treasury to wage a wide war against disease. If there is logic in this argument, it escapes me completely.

I, for one, do not know of any living person who has suffered or died because we have not yet reached Mars.

And I do not know of any child who has been robbed of life because we have failed to crash commercially through the sound barrier.

Thus, I have previously announced, and do so again today, that I will not vote for one additional dime to be spent on the space program or on the supersonic transport until we have moved down the road to a cancer cure commitment.

I can do no less and still follow the dictates of conscience.

Now, while the price tag on our program is not inexpensive, it is still rather small when compared to the price paid in lives from permitting cancer to continue.

Yet even measured in terms of dollars, cancer takes a heavy economic toll itself. In 1969, cancer actually cost the United States—in reduced earnings, medical assistance, insurance premiums, and so forth—over $12 billion.

Indeed, the income tax alone paid by people who could be working and earning instead of wasting away from cancer would pay the costs of our cancer cure program within a few short years.

And with a gross national product of over $900 billion, with Americans spending more than $30 billion each year on comic books, amusements, sports events, records, flowers, and magazines, and with a Defense Department budget exceeding $77 billion—the expenditure of only $650 million per year to cure cancer seems very, very small.

Mr. Speaker, our bill affects the welfare of every single human being. Cancer knows no racial, religious, ethnic, or class demarcations. It strikes with equal, random ferocity at young and old, rich and poor. I do not believe that we can afford to spend less than is required to conquer this vicious enemy.

Mr. Speaker, let me say here that under our bill, to be considered adequate, a "cure" for cancer must mean a pro-

cedure or medication that will offer better than a 95-percent chance of complete obliteration of the cancer process, including metastases, without detriment to the patient. This means that a patient should be able to live and work in a normal manner without any serious lessening of his life expectancy; it also means that the cure will be similarly effective for all forms of cancer.

This is our basic goal; and it can be accomplished.

But to do so, Congress must take the lead now. The American people are not satisfied to wait one moment longer; each hour that goes by, another 30 Americans lose their lives to cancer.

On February 5, Mr. Speaker, I dispatched a special letter to the White House urging the Executive to support a national cancer cure program. To the present date, I have received no definitive response to that letter.

Yet while we wait, cancer continues.

I am confident that the Members of this body and of the other body sense the spirit of our people on this vital issue.

Those who have joined with me today are proof that the Legislature stands ready to act.

And with public support, with the continued support of the medical-scientific communities, I am certain that we will succeed.

Thus, we formally take up the challenge today, and pledge that no effort will be spared until our goals are attained.

H. RES. ——

Whereas cancer takes the lives of more than three hundred thousand Americans each year; and

Whereas the death rate from cancer is steadily increasing as our population grows; and

Whereas more than one million Americans are currently under treatment for this dread disease; and

Whereas it is clearly in the best interests of mankind that this disease be cured and controlled; and

Whereas prominent medical authorities have indicated that cancer can be cured and controlled if the necessary funds are made available; and

Whereas current appropriations are inadequate to accomplish this task; and

Whereas it is both necessary and desirable that a national commitment be immediately undertaken to achieve a cure and control for cancer within this decade: It is hereby

Resolved, That it is the sense of the House of Representatives that no less than $650,000,000 be appropriated annually over the next ten fiscal years for the national cancer research program; and, be it further

Resolved, That no less than $250,000,000 of this appropriation be utilized to construct five new cancer research institutes in the United States during the first two years of the new appropriations.

LIST OF COSPONSORS

Mr. Gallagher, Mr. Addabo, 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. Chisolm, Mr. Don H. Clausen, Mr. Clay, Mr. Cordovo, Mr. Daddario, Mr. Daniels of New Jersey, and Mr. Davis of Georgia.

Mr. Dingell, Mr. Donahue, 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, 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.

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, Mr. Price of Illinois, and Mr. Pryor.

Mr. Rees, Mr. Roe, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Ryan, Mr. St Germain, Mr. Sandman, Mr. Stokes, Mr. Tunney, Mr. Wilson of California, Mr. Wright, and Mr. Yates.

STATEMENT OF SUPPORT FOR GALLAGHER RESOLUTION

We the undersigned members of the medical and scientific communities express our strong support for the resolution sponsored by Congressman Cornelius E. Gallagher (H. Res. 906) calling for a firm national commitment to cure and control cancer within this decade.

We further express our conviction that with the level of funding and the magnitude of commitment authorized under the Gallagher resolution, cancer can be cured and controlled.

We believe, along with those who have joined in support of H. Res. 906, that there is no excuse for permitting cancer to continue its killing pace with the great resources available for the fight. It is high time to use these resources and conquer this tragic disease.

We who have been working for years against this common enemy of mankind urge our colleagues and our fellow citizens to endorse H. Res. 906 and help us win this battle.

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Leo T. Samuels, M.D., Biology Chemistry, University of Utah.

Eugene G. Sander, Dept. of Biochemistry, University of Florida.

Dr. Barbara H. Sanford, Dept. of Pathology, Massachusetts General Hospital.

Daniel V. Santi, Dept. of Chemistry, University of California.

Professor Alan C. Sartorelli, Dept. of Pharmacology, Yale University.

Dr. Anthony J. Sbarra, Dept. of Pathology and Medical Research, Saint Margaret's Hospital.

Mr. Joseph V. Scaletti, Dept. of Microbiology, University of New Mexico.

Violet M. Scherone, M.A., Waldemar Medical Research Foundation, Inc.

Dr. Eric Scholar, PhD, Division of Biological and Medical Sciences, Brown University.

Robert Schrek, M.D., Dept. of Pathology, Northwestern University.

Dr. Arnold Schwartz, Division of Myocardial Biology, Baylor College of Medicine.

Dr. Martin A. Schwartz, Assistant Professor of Chemistry, Florida State University.

Robert S. Schwartz, Dept. of Medicine, Hematology, New England Medical Center Hospital.

Dr. Martin P. Schweizer, PhD, International Chemical and Nuclear Corp.

Boyer W. Scinner, M.D., The University of Tennessee Medical Units.

Alastair I. Scott, Dept. of Chemistry, Yale University.

Dr. Jesse F. Scott, Massachusetts General Hospital.

Ron Seale, Dept. of Biological Sciences, Purdue University.

Segfried Seeber, Dept. of Pharmacology, Baylor College of Medicine.

Dr. Alfred W. Senft, M.D., PhD, Division of Biological and Medical Sciences, Brown University.

Gerald Seta, Dept. of Pathology, University of Hawaii.

Dr. Herbert Shapiro, Dept. of Anatomy, University of Tennessee Medical Units.

Mrs. Paul Sharon, Silver Box County Unit, American Cancer Society.

Dr. Eli Shefter, Dept. of Pharmaceutics, State University of New York at Buffalo.

Dr. Judson D. Sheridan, Dept. of Zoology, University of Minnesota.

Dr. Hirotoshi Shibatta, Baylor College of Medicine.

Mun Fook Shinn, Dept. of Pathology, University of Hawaii.

Dr. Tetsuo Shiota, Dept. of Microbiology, University of Alabama.

Herchel Sidransky, M.D., University of Pittsburgh.

Dr. M. M. Sigel, Dept. of Microbiology, University of Miami.

Dr. Alvin Silverstein, National Collegiate Association for the Conquest of Cancer.

Murray N. Silverstein, M.D., Dept. of Internal Medicine, Mayo Foundation.

Walter N. Sim, Assistant Professor of Physiology, Mount Sinai School of Medicine.

Dr. Edward H. Simon, Dept. of Biological Sciences, Purdue University.

Russell O. Sinnhuber, Food Science and Technology, Oregon State University.

Jesse E. Sisken, Dept. of Cell Biology, University of Kentucky.

Walter H. Sloone, M.D., The University of Tennessee, Medical Units.

Dr. Edgar E. Smith, PhD., Dept of Surgery, Boston University.

Frank S. Smith, M.D., Baylor College of Medicine.

James J. Smith, M.D., Marquette School of Medicine.

Dr. Thomas W. Sneider, Baylor College of Medicine.

Ruy Soeiro, M.D., Dept. of Cell Biology, Yeshiva University, Albert Einstein College of Medicine.

Dr. A. J. Solo, Dept. of Medicinal Chemistry, State University of New York.

Dr. Albert H. Soloway, Professor and Chairman of Medicinal Chemistry, Northeastern University.

Joseph Song, M.D., Mercy Hospital.

Dr. Louis A. Sordahl, Division of Myocardial Biology, Baylor College of Medicine.

Dr. Charles M. Sparacuio, Staff Scientist,

The Worcester Foundation for Experimental Biology, Ind.

William H. Spohn, Dept. of Pharmacology, Baylor College of Medicine.

Gunther S. Stant, Harvard Medical School, Dept. of Neurobiology.

Dr. W. C. Starbuck, Baylor College of Medicine.

Richard J. Steckel, M.D., Dept. of Radiology, University of California.

Dr. William J. Stekiel, Marquette School of Medicine, Inc.

Mrs. Margit Stepp, University of Hawaii, Dept. of Pathology.

Malvin L. Stern, Syracuse University.

Calvin L. Stevens, Dept. of Chemistry, Wayne State University.

Dr. Leroy C. Stevens, Ph. D., Senior Staff Scientist, Jackson Laboratory.

Karen Stone, Dept. of Pharmacy, Baylor College of Medicine.

Clifford Straekley, M.D., President Oahu Unit, American Cancer Society.

Dr. J. E. Strassner, Baylor College of Medicine.

Cyril S. Stulberg, Dept. of Microbiology, Child Research Center of Michigan.

Dr. Daniel Swern, Chemistry Dept., Fels Research Institute.

Dr. Tatsuya Takano, Baylor College of Medicine.

Robert W. Talley, M.D., Dept. of Medicine, Henry Ford Hospital.

Raymond Tanner, University of Tennessee Medical Units.

Charles W. Taylor, Baylor College of Medicine.

Professor Edward C. Taylor, Dept. of Chemistry, Princeton University.

Dr. Howard J. Teas, Dept. of Biology, University of Miami.

George W. Teebor, M.D., Dept. of Pathology, New York University.

Charles Terner, Dept. of Biology, Boston University.

L. Gilbert Thatcher, M.D., Dept. of Pediatrics, Marquette School of Medicine.

Edward Donnall Thomas, M.D., Professor; Medicine Head, Division of Oncology, University of Washington.

Eolin G. Thomas, Jr., M.D., Dept. of Surgery; School of Medicine, University of North Carolina.

William G. Thurman, M.D., Dept. of Pediatrics, University of Virginia.

Dr. Howard Tiechelmann, Dept. of Chemistry, Roswell Park Memorial Institute.

Lee J. Todd, Dept. of Chemistry, Indiana University.

Dr. Sei Tokuda, PhD., Dept. of Microbiology, University of New Mexico.

Dr. Donald H. Traurig, Dept. of Anatomy, University of Kentucky.

Frank E. Trobaugh, Jr., Dept. of Hematology, St. Luke's Hospital.

Walter Troll, Environmental Medicine, New York University Medical Center.

William E. Truch, Dept. of Chemistry, Purdue University.

Dr. K. C. Tsou, Associate Professor of Chemistry, University of Pennsylvania.

Joseph J. Turchi, M.D., Pathology and Medicine, Misericordia Hospital.

Assistant Professor Joseph G. Turcotte, Dept. of Pharmacy, University of Rhode Island.

Richard B. Turner, Dept. of Chemistry, Rice University.

Dr. Kenyon S. Twedell, Dept. of Biology, University of Notre Dame.

Mrs. Kazit Uamel, Dept. of Pathology, University of Hawaii.

George Ungar, M.D., Professor of Pharmacology, Baylor College of Medicine.

Nalin J. Unakar, Associate Professor of Biological Sciences, Michigan State University.

Paul Urone, Dept. of Chemistry, University of Colorado.

W. L. Valik, M.D., Professor of Surgery, University of Kansas Medical Center.

Dr. Benjamin L. Van Douren, Institute Environmental Medicine, New York University.

Mrs. Rita Varnado, University of Tennessee Medical Units.

Professor Donald W. Visser, Dept. of Biochemistry, University of Southern California.

Dr. Joseph J. Vitale, Tufts University School of Medicine, Mallory Institute of Pathology.

Dr. Howard H. Vogel, Jr., PhD, Dept. of Radiology, University of Tennessee.

Mary L. Voorhees, M.D., Dept. of Pediatrics, University of New York.

Mrs. Mary Ann Wade, The University of Tenn. Medical Units.

Dr. H. M. Walborsky, Chemistry Department, The Florida State University.

Dr. Roland Walker, Professor of Biology, Rensselaer Polytechnic Institute.

Donald F. Hoelzl Wallach, M.D., Massachusetts General Hospital.

Kenneth N. Walton, M.D., Professor of Surgery, Dept. of Urology, Emory University Clinic.

Louis R. Wasserman, M.D., Dept. of Hematology, Mount Sinai School of Medicine.

Sidney Weinhouse, Ph. D., Director, Fels Research Institute, Temple University.

Gerald D. Weinstein, Dept. of Dermatology, University of Miami.

Abraham White, Dept. of Biochemistry, Albert Einstein College of Medicine, Yeshiva University.

Dr. Emil H. White, Dept. of Chemistry, Johns Hopkins University.

Dr. John E. Whitney, University of Arkansas, Medical Center.

Dr. Jan Wikman, Ph. D., Baylor College of Medicine.

George F. Wilgram, M.D., Dermatologic Genetics Lab, New England Medical Center Hospital.

Dr. Robert E. Willette, Ph. D., School of Pharmacy, University of Connecticut.

Charles B. Wilson, M.D., Dept. of Surgery, University of California.

Dr. Irwin B. Wilson, Dept. of Chemistry, University of Colorado.

R. Keith Wilson, Baylor College of Medicine.

H. Rodney Withers, Dept. of Radiology, University of Texas.

Dr. Carl A. Woke, Ph. D., Dept. of Biology, American University.

Professor John L. Wong, Dept. of Chemistry, University of Louisville.

Summer Wood, Jr., M.D., Dept. of Pathology, Johns Hopkins University.

Dr. William G. Wood, PhD, Division of Myocardial Biology, Baylor College of Medicine.

Dr. Ray Wu, Professor of Biochemistry and Molecular Biology, Cornell University.

Hong Y. Yang, Dept. of Pathology, University of Hawaii.

J. W. Yarbro, M.D., Albert Chandler Medical Center, University of Kentucky.

David S. Yohn, M.D., PhD, M.P.H., The Ohio State University, Dept. of Veterinary Pathology Building.

Eugene Youagihara, Dept. of Pathology, University of Hawaii.

Mrs. Victoria Young, Dept. of Pathology, University of Hawaii.

Sigmund F. Zakrzewski, Experimental Therapy Dept., Roswell Park Memorial Institute.

Norman Zamcheck, Gastrointestinal Research Lab, Boston Dept. Health and Hospitals, Boston City Hospital.

Marvin Zelen, Dept. of Mathematics, State University at Buffalo.

Frederick E. Ziegler, Dept. of Chemistry, Yale University.

Dr. Thomas P. Zimmerman, PhD, Brown University.

Aaron R. Rausen, M.D., Associate Professor Pediatrics, Mount Sinai School of Medicine of the City University of New York, Chief Pediatrician, Mount Sinai Services, City Hospital Center at Elmhurst, Chief of Pediatric Hematology, Mount Sinai Hospital, New York.

THE 45TH ANNIVERSARY OF GENEVA PROTOCOL ON CHEMICAL AND BIOLOGICAL WARFARE

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

Mr. ZABLOCKI. Mr. Speaker, today marks the 45th anniversary of the signing of the 1925 Geneva Protocol on Chemical and Bacteriological Warfare—a landmark treaty in the history of arms control.

Unlike national holidays which are celebrated with appropriate ceremonies and great public demonstrations, this anniversary will be noted quietly around the world by a relative few.

Yet, it is no less important for it marks a date in history when nations came together to pledge not to use against other parties to the protocol asphyxiating, poisonous gases, or all analogous liquids, materials or devices, or bacteriological methods of warfare.

As the result of this treaty, to which some 84 nations now have adhered, the world has been spared the use of poison gases in warfare that left so many dead and maimed in World War I. Despite the intensity of the fighting and the lack of moral restraints by the enemy in World War II, no gas was used. This forbearance may directly be traced to the protocol.

On the occasion of the signing in Geneva on June 17, 1925, the United States was one of the nations which participated. Subsequently, however, the Senate failed to approve its ratification.

Since that time 45 years have slipped by, and still the United States has not adhered to the Geneva protocol. This failure has caused our Nation to be the target of criticism from friend and foe alike. It has stymied our efforts to gain new international agreements prohibiting the use of biological and chemical weapons.

Last November the President expressed his intention to resubmit to the Senate for its approval the Geneva Protocol of 1925—a move which was widely hailed in Congress and by the press and public.

To date, however, he has failed to send the protocol and time is growing short for Senate consideration of the treaty.

This time factor was pointed out recently in a report on "Chemical-Biological Warfare: U.S. Policies and International Effects" issued by the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments, of which I am chairman.

After extensive hearings on CBW and subsequent study, the subcommittee unanimously recommended on May 16 that the President should as soon as possible fulfill his announced intention by submitting the Geneva protocol to the Senate for its advice and consent to ratification.

Since that time another month has gone by and still the President has failed to act, without any explanation as to the

cause for this delay. This is indeed unfortunate.

On this 45th anniversary of the protocol signing, therefore, I urge that no further delay be allowed in the submission of the protocol to the Senate. The time is now to match deeds with words.

In order to acquaint my colleagues further with the work of the subcommittee on CBW, I ask permission to include at this point the findings, conclusions, and recommendations which it made in its May 16 report:

FINDINGS AND CONCLUSIONS

After having given careful consideration and review to the information, expert opinions and informed judgments provided to the subcommittee during weeks of hearings on aspects of U.S. chemical-biological warfare policies and their international effects, we have arrived at a number of findings and conclusions.

First, because of the obvious dangers to America's strategic position in the proliferation of biological and chemical weapons, it is in the national interest of the United States to adhere to existing international agreements aimed at CBW control and to seek new multilateral pacts which would ban the development, production and stockpiling of CB agents. Moreover, to the extent that such weapons, particularly those employing biologicals, threaten the existence of human life on earth or raise fears of extinction, our Nation has a duty to mankind to help obtain their effective prohibition.

Second, the President deserves commendation for his leadership in announcing his intention to resubmit the Geneva Protocol to the Senate for its advice and consent to ratification, and for his unilateral renunciation of any future use by the United States of biological weapons, including toxins. It was a historic gesture which reasserted America's dedication to arms control. Praise is also due those in Congress, of both political parties, whose energetic activities helped create the climate for the President's initiative.

Third, the continued, large-scale use of chemical agents in Vietnam by the United States creates troublesome political problems. Those problems are virtually certain to be central to Senate consideration of the protocol, if it is submitted as expected with an interpretation that the treaty's prohibitions do not cover the use in war of tear gas or chemical herbicides. To the extent that approval of such an interpretation would constitute endorsement of current CW activities, it could provoke opposition. Opponents would include (1) those who believe that CS employment in Vietnam goes significantly beyond the restricted usage justified by U.S. officials at the time the decision was made; (2) those who feel that current evidence about the toxicity of some herbicides to man and nature requires more thorough investigation; (3) those who believe the Geneva Protocol prohibits the use of tear gas and herbicides in warfare; and (4) those who are sensitive to international concerns that American activities have eroded barriers against CBW erected after World War I. On that last point, it is possible that other signatory nations would not accept the United States as a party to the protocol if they find that the U.S. interpretation strikes into the heart of the treaty and masks what they would consider to be essentially a reservation. This dilemma may seriously complicate Senate consideration of the protocol and is a legitimate cause for concern.

The difficulty might be resolved if the United States were to take a position, or make an interpretation, that the use of tear gas and herbicides in warfare is an open question, given the apparent ambiguity of the protocol on the subject. Our stance could be that the problem of tear gas and herbicides is not a moral issue, but rather an important technical and legal question which relates to the prevention of proliferation and escalation of chemical-biological capabilities. Since the question is an open one, current chemical warfare activities in Vietnam cannot be considered illegitimate or in violation of the protocol. We then could go on to declare our willingness as a nation to abide by whatever uniform and workable rule which we and the other signatories to the protocol eventually could decide upon. Such an approach, it appears, could speed approval of the protocol itself and reduce significantly the possibilities of international repercussions over the U.S. interpretation of the treaty. Moreover, as U.S. combat activities wane in Vietnam, it might be possible to scale down substantially CW operations as testimony to our good faith.

Fourth, the United States should take maximum advantage of its unilateral renunciation of biological weapons to urge other countries to take similar actions and to achieve international agreement on a treaty such as the British draft convention which would effectively outlaw the development, production stockpiling and use of biological agents and toxins for warfare purposes. Further, the Arms Control and Disarmament Agency should continue to emphasize research which may someday make possible a similar ban on chemical weapons.

Fifth, personnel and facilities at Pine Bluff, Ark., and Fort Detrick, Md., constitute valuable resources for our Nation in the stepped-up campaign against environmental pollution, ecological hazards, and dangers to human beings from chemicals and bacteria. Beyond national benefits to be obtained from turning those facilities to peaceful pursuits, our Nation stands to gain worldwide repute by making available internationally the knowledge and techniques developed there.

RECOMMENDATIONS

On the basis of its findings and conclusions, the subcommittee makes these recommendations:

(1) The President, as soon as possible, should fulfill his announced intention by submitting the Geneva Protocol of 1925 to the Senate for its advice and consent to ratification. It has now been 5 months since the President said he would take that action, and if the protocol is to be given adequate consideration during the current Congress, it must be sent up at an early date.

(2) The Senate should speedily approve the protocol and the single reservation proposed by the President, thereby giving congressional endorsement to the unilateral and complete renunciation of biological warfare by the United States.

(3) The question of the use of tear gas and herbicides in warfare should be left open in any formal or informal interpretation of the protocol made by the executive branch or the Senate, and once the United States becomes a party to the treaty it should seek agreement with the other parties on a uniform interpretation of the scope of the protocol, either through a special international conference among the parties or through established international juridical procedures.

(4) The United States should continue its present policy of supporting arms control efforts which, proceeding on a step-by-step basis, seek a treaty totally banning biological weapons, rather than attempting now to achieve a ban on both biological and chemical weapons in the same agreement.

(5) Every possible effort should be made to retain former BW facilities and personnel, turning them to the solution of environmental problems for the benefit of all Americans and, indeed, all mankind.

DR. OSCAR JAMES CAMPBELL, JR.

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

Mr. RYAN. Mr. Speaker, on June 1, Oscar James Campbell, Jr., Shakespearean scholar and professor emeritus of English at Columbia University, died at the age of 90.

Dr. Campbell's career was a brilliant one. He received his bachelor's degree, master's, and doctorate from Harvard University. He spent a year abroad, taught briefly at Annapolis, and then became an instructor of English at the University of Wisconsin. He taught at the University of Michigan as professor of English from 1921 until 1936, when he joined the faculty at Columbia University, where he became chairman of the English department and spent the rest of his academic career.

Dr. Campbell authored and edited numerous books on English drama and Shakespeare. His most noted work is the "Reader's Encyclopedia of Shakespeare." His most recent book, just published, is entitled, "The Sonnets, Songs, and Poems of Shakespeare."

In addition to his passion for drama—especially Shakespeare, Dr. Campbell had many other active interests, which included music, sports, and political involvement. He was an enthusiastic supporter of Adlai Stevenson's candidacy for President. In 1956, he was active in the Morningside-Columbia Committee for Stevenson.

Thereafter, he served as a member of the Advisory Council of the Riverside Democrats, the first reform Democratic club on the west side of Manhattan to defeat old line Tammany and was elected with the support of the Riverside Democrats to the New York County Democratic Committee.

Dr. Campbell's willingness to participate directly in grass roots politics and to involve his prestige not only contributed significantly to the reform Democratic movement in New York but also served as an example of how distinguished scholars and academicians could effectively influence practical politics—an example which is being followed today on the campuses of America.

Dr. Campbell served on Pulitzer Prize juries several times, and he was involved with other committees concerned with promoting drama and the arts.

A man of great versatility and intellect, Dr. Campbell's contribution to Columbia, to the Nation, and to the world of scholarship will be greatly missed.

I am inserting in the RECORD, the obituary which appeared in the June 2 New York Times.

[From the New York Times, June 2, 1970]

DR. OSCAR JAMES CAMPBELL JR., SHAKESPEARE SCHOLAR, IS DEAD

NEW ORLEANS, June 1.—Dr. Oscar James Campbell Jr., a Shakespearean scholar and

professor emeritus of English at Columbia University, died at his daughter's home here this afternoon after a long illness. He was 90 years old.

Dr. Campbell, a former chairman of the English department at Columbia, was the author and editor of a number of books on English literature and Shakespeare, notably "The Reader's Encyclopedia of Shakespeare."

A DEVOTED SCHOLAR

As a scholar in love with his subject, Dr. Campbell's enduring enthusiasm and straightforward enjoyment were recalled by many associates, including Alfred Rothschild, with whom he worked on a paperback series of Shakespeare.

Once, Mr. Rothschild recounted, he and Dr. Campbell were discussing "something in connection with 'Hamlet'" and Mr. Rothschild "raised some technical points in connection with our method of marginal glossing [commentary]. Professor Campbell did not immediately respond, but kept his eye on the page in front of him. Suddenly he looked up at me and said almost with an air of discovery, 'You know, this is such a good play.'"

Mr. Rothschild continued: "After all these years . . . after a lifetime devoted to Shakespeare . . . his love-affair with Shakespeare was still flamingly alive."

The love affair may have begun during his years as a graduate student at Harvard, when he studied with Prof. George L. Kittredge, the noted Shakespearean scholar.

Dr. Campbell used to recall with self-amusement that he and his wife lived across the street from Dr. Kittredge in Cambridge, Mass., when he was working for his Ph.D. in English—and that he stayed up long hours into the night studying, trying to keep his study light burning as late as that in Dr. Kittredge's window. Later, he learned from the professor's wife that Dr. Kittredge was always sound asleep by 8 p.m., having nodded off in his study, with the lights burning.

From Harvard, where he received his bachelor's degree in 1903, his master's in 1907, and his doctorate in 1910, Dr. Campbell spent a year in Europe as the first recipient of the university's Sheldon Traveling Fellowship. He visited universities at Copenhagen—he also became an authority on Ludwig Holberg, an 18th-century Danish playwright—Berlin, Paris, London and Oxford before returning to the United States in 1911 to teach briefly at Annapolis, then to become an instructor in English at the University of Wisconsin.

NO RETIREMENT AT 80

He left Wisconsin, where he had risen to associate professor's rank, in 1921, to go to the University of Michigan as a professor of English. Dr. Campbell, who was born in Cleveland, Aug. 16, 1879, had spent two undergraduate years at Michigan before going to Harvard, and he remained on the faculty until 1936, when he moved to Columbia University. The Morningside Heights campus was to be his academic home for more than 30 years.

In 1947, Dr. Campbell was named chairman of the university's English department; in 1950 he became professor emeritus, a title he retained until his death. He continued to be active in his specialty—and kept an office at Columbia—until he left New York in 1966 for his daughter's home in New Orleans because of his failing health.

When he became 80, Dr. Campbell was dropped from "Who's Who in America," only to be reinstated when it was learned that he was by no means retired. On the contrary, he was about to complete what he regarded as the most important work of his life, the 1,014-page "Reader's Encyclopedia of Shakespeare," which was published in 1966.

Dr. Campbell's 1965 comment on his exclusion and subsequent reinstatement was: "The only place I got senile was in my feet. Maybe I am in my head, but I don't know it."

His latest book—"The Sonnets, Songs & Poems of Shakespeare" described as "edited with introduction, running commentary, glosses and notes by Oscar James Campbell"—had just been published.

In it he advanced his arguments in favor of identifying the young man to whom Sakespeare wrote many of his 154 sonnets as William Herbert, Earl of Pembroke.

In reviewing a lengthy book that attempted to prove that Edward de Vere, the 17th Earl of Oxford, was the true author of the works attributed to Shakespeare, he wrote:

"As one finishes this enormous tome, one asks in wonder what has impelled these authors, persons of some literary gifts, to devote countless hours of time and energy to this sleeveless enterprise."

Dr. Campbell's own views were not always accepted without question. In his commentary on the songs and sonnets, for example, he put forward a political explanation for one of the most-discussed of the sonnets, number 107, leading a reviewer to ask, after conceding that this explanation was better than most: "But why, oh why, do we need one at all?"

But the encyclopedia was the book he had been waiting to write. Thomas Lask, reviewing it for The New York Times, called it "a weighty compendium" but "nevertheless easy to pick up and hard to put down."

He noted that the hefty volume—on which Edward G. Quinn was associate editor—contained information ranging "from the minuscule to the comprehensive; from the name of a servant in the house of Montague . . . to a full dress consideration of each of the plays in the canon."

ACTIVE OUTSIDE UNIVERSITY

The drama, Shakespeare above all, was the central preoccupation of Dr. Campbell's life—he found time also in his crowded academic career to provide the scholarly editing on the Bantam paperback Shakespeare series, to write a number of other books and to serve as a visiting professor at Harvard and Yale. But he was also involved with the world outside the classroom and the library.

"Each year I see almost every play and musical appearing on Broadway," he wrote in the 50th anniversary report of his class at Harvard. "Athletics," he added, "now largely for me a spectator sport in baseball and football, continues to be the salutary infantility that every grown man should retain."

He was an active Democrat and was a leader of a group of 95 Columbia faculty members who organized a committee to support the presidential candidacy of the late Gov. Adlai E. Stevenson—and in opposition to that of Dwight D. Eisenhower, then president-on-leave of the university. He was also active in, and one-time president of, the Manhattan chapter of the American Association for the United Nations.

Music was another of Dr. Campbell's enthusiasms, one that he shared with his wife, the former Emily Lyon Fuller, whom he married in 1907. Mrs. Campbell, who gave up a possible career as a pianist when she married, died in 1964.

Dr. Campbell served on several Pultizer Prize juries; as chairman of the university's arts center advisory committee, and as an adviser on a State Department-American National Theater and Academy project involving American performing artists abroad.

He was awarded an honorary doctorate by the University of Wisconsin and was a fellow of the American Academy of Arts and Sciences, a former president of the National Council of Teachers of English and on the executive council of the Modern Language Association of America.

Dr. Campbell leaves two daughters, Mrs. Robert L. Goodale of Boston and Mrs. George W. Meyer, with whom he was living at his death; and a son, Robert F. Campbell, dean of Clark University, Worcester, Mass. He is survived also by seven grandchildren and three great-grandchildren.

PRESIDENTIAL PROGRAM CAN BEGIN ECONOMIC GROWTH AND STABILITY

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

Mr. WIDNALL. Mr. Speaker, today the President announced a three-prong program which will, in my opinion, insure an early end to the rising inflation we have endured for more than 4 years. It is only fair to recall that President Nixon began his campaign against inflation the day he assumed office, by continuing economic policies to cool the overheated economy. Now he has begun a three-pronged attack on the rising prices and wages that continue to fuel inflation despite the economic slowdown.

To my mind, the major prong of this attack is the implementation of the program contained in the joint resolution I introduced in the House on June 3, and Senator JAVITS introduced in the Senate. The President indicated that he has instructed the Council of Economic Advisers to publish a monthly "inflation alert," to spotlight significant wage and price increases and objectively analyze their impact on the price level. When I introduced House Joint Resolution 1248, I made the point that this highlighting of inflationary price and wage decisions in major industries would bring public opinion to bear on irresponsible behavior by business firms and unions. I am most gratified to see the President institute the Widnall-Javits program.

A second prong of the President's new anti-inflationary program is the establishment of a Regulations and Purchasing Review Board, charged with reviewing Government actions, procurement and regulations which promote rising costs and prices or obstruct a return to price stability. This is quite similar to a proposal made by the minority member of the Joint Economic Committee in their views on the 1970 Joint Economic Report, published in March. I applaud the administration for implementing this program. Finally, the President will appoint a National Commission on Productivity to chart the way toward greater economic productivity and a healthy rate of economic growth.

Mr. Speaker, the President demonstrated today his sincere desire for a return to the economic growth and stability which has been missing for more than 4 years. It is my hope that the Congress will be able to demonstrate a similar determination to bring the economy back on its rightful course.

TAKE PRIDE IN AMERICA

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

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith, and confidence in ourselves as individuals and as a nation. There are more washing machines in the United States than any other nation. In 1966 there were 4,559,000 washing machines in the United States, compared to 3,869,000 in the Soviet Union.

SPECIAL ORDERS GRANTED

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

Mr. WALDIE, for 30 minutes, Thursday, June 18, to revise and extend his remarks and include extraneous material.

(The following Member (at the request of Mr. MAYNE), to revise and extend his remarks and to include extraneous matter:)

Mr. HALPERN, for 5 minutes, today.

(The following Members (at the request of Mr. ALEXANDER), to revise and extend their remarks and to include extraneous matter:)

Mr. GONZALEZ, today, for 10 minutes.
Mr. FARBSTEIN, today, for 20 minutes.
Mr. GRIFFIN, today, for 10 minutes.
Mr. REUSS, today, for 30 minutes.
Mr. ST GERMAIN, today, for 20 minutes.
Mr. ROSENTHAL, on June 18, for 30 minutes.

EXTENSION OF REMARKS

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

Mr. EVINS of Tennessee and to include extraneous matter.

Mr. ZABLOCKI in two instances and to include extraneous matter.

Mr. SISK to revise and extend his remarks made in the Committee of the Whole today on the Henderson amendment.

Mr. KLEPPE, following the remarks of Mr. DERWINSKI in the Committee of the Whole today on the Henderson amendment.

Mr. UDALL to revise and extend his remarks made in debate in Committee of the Whole and to include a table.

Mr. ANDERSON of Illinois to revise and extend his remarks in the RECORD following the remarks of the gentleman from Illinois (Mr. MICHEL).

Mr. PHILBIN in five instances and to include extraneous matter.

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

Mr. SCHERLE.
Mr. BRAY in three instances.
Mr. ANDERSON of Illinois in three instances.
Mr. ESCH.
Mr. STEIGER of Wisconsin in two instances.
Mr. WYMAN in two instances.
Mr. ADAIR.
Mr. DUNCAN in two instances.
Mr. ZWACH.
Mr. MARTIN.
Mr. BOB WILSON.
Mr. WYLIE.
Mr. HUNT.
Mr. CRAMER in two instances.
Mr. MINSHALL.
Mr. LANGEN.
Mr. DON H. CLAUSEN in two instances.
Mr. BROTZMAN.
Mr. MORSE.
Mr. MCCLOSKEY.
Mr. BROYHILL of Virginia.
Mr. RUTH.
Mr. WINN.
Mr. PRICE of Texas in two instances.

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

Mrs. MINK in two instances.
Mr. CASEY.
Mr. MATSUNAGA in two instances.
Mr. ABERNETHY.
Mr. MARSH in two instances.
Mr. BINGHAM in two instances.
Mr. ANDERSON of California in two instances.
Mr. ANNUNZIO in two instances.
Mr. RARICK in two instances.
Mrs. SULLIVAN in two instances.
Mr. PODELL.
Mr. FRASER.
Mr. JONES of Tennessee.
Mr. PICKLE in five instances.
Mr. BROWN of California in five instances.
Mr. PRYOR of Arkansas.
Mr. BYRNE of Pennsylvania.
Mr. ALEXANDER.
Mr. MONAGAN in two instances.
Mr. FOUNTAIN in two instances.
Mr. KLUCZYNSKI in two instances.
Mr. PREYER of North Carolina.
Mr. DINGELL in five instances.
Mr. GONZALEZ in two instances.
Mr. MOORHEAD.
Mrs. CHISHOLM.
Mr. DULSKI in six instances.
Mr. GALLAGHER in two instances.
Mr. FRIEDEL in two instances.
Mr. PATMAN in two instances.
Mr. HAGAN in two instances.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5554. An act to provide a special milk program for children; and

H.R. 14810. 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.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 5554. To provide a special milk program for children; and

H.R. 14810. 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.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 6 o'clock and 33 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 18, 1970, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2134. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2135. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SISK: Committee on Rules. H.R. 17654. A bill to improve the operation of the legislative branch of the Federal Government, and for other purposes; with amendments (Rept. No. 91–1215). Referred to the Committee on the Whole House on the State of the Union.

Mr. DELANEY: Committee on Rules. House resolution 1092. Resolution for consideration of H.R. 8673, a bill to protect consumers by providing a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver, and for other purposes (Rept. No. 91–1216). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House resolution 1093. Resolution for consideration of H.R. 17654, a bill to improve the operation of the legislative branch of the Federal Government, and for other purposes (Rept. No. 91–1217). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 1094. Resolution for consideration of H.R. 17495, a bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for

other purposes (Rept. No. 91-1218). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ABBITT:

H.R. 18090. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. ABERNETHY (by request):

H.R. 18091. A bill to amend the District of Columbia Redevelopment Act of 1945, as amended, to provide for the reimbursement of public utilities in the District of Columbia for certain costs resulting from urban renewal; to provide for reimbursement of public utilities in the District of Columbia for certain costs resulting from Federal-aid system programs; and to amend section 5 of the act approved June 11, 1878, 20 Stat. 107, as amended, (sec. 7-605, D.C. Code), and for other purposes; to the Committee on the District of Columbia.

By Mr. COLLINS:

H.R. 18092. A bill to amend title 18 of the United States Code to provide a penalty for persons who interfere with the conduct of judicial proceedings, and for other purposes; to the Committee on the Judiciary.

By Mr. EVINS of Tennessee:

H.R. 18093. A bill to amend the Vocational Education Act of 1963 to provide for the establishment and operation of a vocational school in every county of the United States; to the Committee on Education and Labor.

By Mr. HANSEN of Idaho:

H.R. 18094. A bill relating to manpower requirements, resources, development, utilization, and evaluation, and for other purposes; to the Committee on Education and Labor.

By Mr. HAWKINS (for himself, Mr. BURTON of California, Mr. DANIELS of New Jersey, Mr. WILLIAM D. FORD, Mr. GAYDOS, Mr. HATHAWAY, Mr. MEEDS, and Mr. O'HARA):

H.R. 18095. A bill to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. McCLURE:

H.R. 18096. A bill to preserve the domestic gold mining industry and to increase the domestic production of gold; to the Committee on Ways and Means.

By Mr. OTTINGER:

H.R. 18097. A bill to amend title 10, United States Code, to provide for an American War Correspondents Hero Award medal to be awarded to the next of kin of journalists who lose their lives as a direct result of injuries or disease incurred while covering armed conflicts; to the Committee on Armed Services.

H.R. 18098. A bill to amend the Internal Revenue Code of 1954 to require court orders before individual income tax returns are opened to inspection by officers and employees of the Federal Government other than those directly charged with the administration of the tax laws; to the Committee on Ways and Means.

By Mr. PASSMAN:

H.R. 18099. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. WEICKER:

H.R. 18100. A bill 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.

By Mr. PUCINSKI:

H.R. 18101. A bill Manpower Development and Training Act of 1970; to the Committee on Education and Labor.

By Mr. CLAY:

H.R. 18102. A bill to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland rivers and waterways; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL:

H.R. 18103. A bill to amend the Hazardous Substances Act to provide for more effective protection against the hazards caused by economic poisons; to the Committee on Interstate and Foreign Commerce.

By Mr. FALLON:

H.R. 18104. A bill to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority; to the Committee on Public Works.

By Mr. HARRINGTON:

H.R. 18105. A bill to amend the Federal Power Act to further promote the reliability, abundance, economy, and efficiency of bulk electric power supplies through regional and interregional coordination; to encourage the installation and use of improved extra-high-voltage facilities; to preserve the environment and conserve natural resources; to establish the National Council on the Environment; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KLEPPE:

H.R. 18106. A bill to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971; to the Committee on Agriculture.

By Mr. LANGEN:

H.R. 18107. A bill to provide for annual adjustments in monthly monetary benefits administered by the Veterans' Administration, according to changes in the Consumer Price Index; to the Committee on Veterans' Affairs.

By Mr. McCARTHY:

H.R. 18108. A bill to amend the Defense Production Act of 1950, and for other purposes; to the Committee on Banking and Currency.

By Mr. MOSS:

H.R. 18109. A bill to provide greater financial protection for customers of registered brokers and dealers and members of national securities exchanges; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS of Florida (for himself, and Messrs. JARMAN, SATTERFIELD, KYROS, PREYER of North Carolina, NELSEN, CARTER, SKUBITZ, and HASTINGS):

H.R. 18110. A bill to amend the Public Health Service Act to extend the programs of assistance to the States and localities for comprehensive health planning; to the Committee on Interstate and Foreign Commerce.

By Mr. ST GERMAIN:

H.R. 18111. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMPSON of Georgia:

H.R. 18112. A bill to prohibit the importation of certain used tractors and agricultural machinery; to the Committee on Ways and Means.

By Mr. BOLAND:

H.J. Res. 1262. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week"; to the Committee on the Judiciary.

By Mr. HARSHA:

H.J. Res. 1263. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week"; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H. Con. Res. 662. Concurrent resolution expressing the sense of Congress that the United States should sell Israel jet aircraft necessary for Israel's defense; to the Committee on Foreign Affairs.

By Mr. McCLOSKEY:

H. Con. Res. 663. Concurrent resolution expressing the sense of the Congress with respect to an appropriate conservation pledge; to the Committee on Interior and Insular Affairs.

By Mr. BELL of California:

H. Res. 1095. Resolution urging withdrawal of Russian personnel from the Middle East; to the Committee on Foreign Affairs.

By Mr. McDONALD of Michigan:

H. Res. 1096. Resolution to limit military expenditures in South Vietnam; to the Committee on Foreign Affairs.

By Mr. OLSEN (for himself, Mr. FRASER, Mr. MEEDS, and Mr. RIEGLE):

H. Res. 1097. Resolution no termination of tribal council; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FOREMAN:

H.R. 18113. A bill for the relief of Glover Packing Co.; to the Committee on the Judiciary.

By Mr. HARRINGTON:

H.R. 18114. A bill for the relief of Maria C. Rocha; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 18115. A bill for the relief of Victor L. Jones; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

407. The SPEAKER presented a memorial of the Legislature of the State of Illinois, relative to designating the chairman of the Illinois Commission on Intergovernmental Cooperation as the State official with authority to request Federal grants, which was referred to the Committee on Government Operations.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

512. By Mr. CRAMER: Petition of the city council of the city of Bradenton, Fla., and interested citizens of Manatee County, Fla., in opposition to forced busing of schoolchildren in order to achieve racial balancing; to the Committee on Education and Labor.

513. By Mr. RYAN: Petition consisting of 2,812 signatures petitioning the Congress of the United States to initiate immediately the investigatory procedures requisite to the impeachment of the President, Richard M. Nixon, and Vice President, Spiro T. Agnew, circulated by the New Democratic Assembly of the 67th Assembly District of New York; to the Committee on the Judiciary.