gram, have made many Vietnamese angry and outraged. The victims of American actions are very numerous, indeed.

But even the Vietnamese who have never been injured or deprived because of Americans have caught the fever.

Anti-Americanism is strongly espoused by the Opposition deputies in the National Assembly, as is their campaign against the Government of President Thieu. They boast about it, as though at long last they were ready to make their own decisions, pay their own bills, accept their own risks.

There is the feeling here that President Thieu rather enjoys their attacks on American policy. His opposition says to the world what his political position prevents him from ever expressing. In fact, there are few Vietnamese who do not feel that the Americans really have gotten them into more trouble—forgetting their Government's call for help in 1965. A typical comment comes from a newspaper publisher and prominent National Assembly deputy: "I don't know what might have happened to us if the United States had not intervened but I do know they have made the war worse."

HOUSE OF REPRESENTATIVES—*Thursday, August 6, 1970*

The House met at 12 o'clock noon.

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

Be strong in the Lord and in the power of his might.—Ephesians 6: 10.

O God and Father of us all, we thank Thee for our homes and pray that Thou wilt bless all who live within our family circles. We are grateful for Thy mercies which daily attend our days, for food, clothing, and shelter, for the warmth of our affections and for the ties that bind us together.

Help us so to live each day and so to love one another that we may never be afraid or ashamed but always may our hearts be happy, our thoughts good, our words gentle, our deeds genuine, and our hands ready to help.

Daily renew our strength, replenish our love and restore our faith that we may face life bravely because we face it together. As we come to family reunion day this Sunday deepen our love for one another and for Thee that love may reign in every room in our hearts and rule in every room in our homes.

In Thy Holy Name we pray. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16915) entitled "An act making appropriations for the legislative branch for the fiscal year ending June 30, 1971, and for other purposes."

The message also announced that the Senate concurred in House amendments to Senate amendments numbered 23, 32, and 35 to the foregoing bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1076) entitled "An act to establish a pilot program in the Departments of the Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes."

APPOINTMENT OF MEMBERS TO THE NATIONAL PARKS CENTENNIAL COMMISSION

The SPEAKER. Pursuant to the provisions of section 2(a), Public Law 91–332, the Chair appoints as members of the National Parks Centennial Commission the following members on the part of the House: Mr. ROGERS of Colorado, Mr. OLSEN, Mr. SAYLOR, and Mr. SKUBITZ.

APPOINTMENT OF MEMBER TO THE BOARD OF VISITORS, U.S. COAST GUARD ACADEMY

The SPEAKER. Pursuant to the provisions of 14 United States Code 194(a), the Chair appoints as a member of the Board of Visitors to the U.S. Coast Guard Academy the gentleman from Connecticut (Mr. MONAGAN) to fill the existing vacancy thereon.

THE INVESTIGATION OF ASSOCIATE JUSTICE WILLIAM O. DOUGLAS

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

Mr. WYMAN. Mr. Speaker, in a public account of the first 60 days' activities of the House Judiciary Subcommittee chaired by the gentleman from New York (Mr. CELLER), charged with the investigation of certain allegations concerning activities of Associate Justice of the Supreme Court Douglas, for some reason failed to include an outline of recommended procedures submitted by me in May specifically in response to prior request by Chairman CELLER.

Inasmuch as the Celler subcommittee has now made this report public, I am including in the RECORD today in an extension of remarks a copy of this letter of May 6 in full.

To this day it appears that this subcommittee has failed to call a single witness, or to take a single word of testimony under oath.

Conceived in deceit in that the resolution that it is operating under was offered as a palpable subterfuge, to avoid House Resolution 922 and companion resolutions containing cosponsors this so-called investigation by the Celler subcommittee makes a mockery of the responsibilities of this House to meaningfully investigate impeachments.

Yesterday the chairman announced that there were going to be three phases to the investigation, and that phase I had been concluded.

This phase staging is a palpable stall, to protract and drag out this investigation of Justice Douglas until this House is out of session and it is too late to do anything about it in this 91st Congress.

Mr. Speaker, the charges that have been made are quite serious ones. I believe testimony should be taken under oath in a public hearing by an independently and objectively minded committee. I hope this body will act to see that this is done without further delay.

LEGISLATIVE REORGANIZATION ACT OF 1970

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

Mr. SCHWENGEL. Mr. Speaker, I rise to indicate my concern over the progress made to date with respect to the Legislative Reorganization Act of 1970. While I certainly do not want to prejudge the progress we will make next week, our record last week and this week was not good, considering the importance of this legislation.

The subcommittee chaired by the gentleman from California (Mr. SISK) and our colleague Mr. SMITH of California, have labored long and hard to bring this bill to the floor. The debate so far has been full, fair, and constructive. However, I would hope that we would not let the initiative for true reform be lost by dragging out our discussions over a prolonged period of time.

Mr. Speaker, it would be my hope that we will devote the major portion next week to the passage of meaningful congressional reform bill.

THE PRINCIPAL FIGURE IN THE BOOK "THE REAL MAJORITY"

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

Mr. WHALEN. Mr. Speaker, I am intrigued by the interest generated by the new book, "The Real Majority," coauthored by Richard Scammon and Ben Wattenberg.

Several noted pundits, including Stewart Alsop, Richard Harwood, Frank Mankiewicz, and Tom Braden, have referred to the principal figures in this book, a "47-year-old housewife from the outskirts of Dayton, Ohio, whose husband is a machinist."

Since this lady resides in my congressional district, I took the liberty of checking her political alliance. I am informed, Mr. Speaker, by the board of elections that she is not registered and therefore, not eligible to vote in the November 3 election.

CALL OF THE HOUSE

Mr. HALL. 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. 258]

Anderson, Ill.	Diggs	May
Anderson, Tenn.	Edwards, La.	Meskill
Andrews, Ala.	Erlenborn	Ottinger
Ashley	Evins, Tenn.	Passman
Baring	Fallon	Pollock
Bell, Calif.	Flynt	Powell
Blanton	Ford, William D.	Price, Tex.
Boggs	Foreman	Quillen
Bolling	Fulton, Tenn.	Rarick
Bray	Galifianakis	Reifel
Brock	Gilbert	Robison
Burleson, Tex.	Goldwater	Rostenkowski
Burton, Utah	Gray	Roudebush
Caffery	Hathaway	Roybal
Celler	Hébert	Ryan
Chisholm	Holifield	Scheuer
Clay	Ichord	Stafford
Collier	Jones, Tenn.	Symington
Conte	King	Taft
Conyers	Kleppe	Teague, Tex.
Cramer	Kuykendall	Tiernan
Cunningham	Long, La.	Tunney
Daddario	Long, Md.	Weicker
Dawson	Lujan	Whitten
Dent	McCarthy	Wold
		Wright

The SPEAKER. On this rollcall 354 Members have answered to their names, a quorum.

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

APPOINTMENT OF CONFEREES ON AMENDMENT TO TITLE VII OF THE PUBLIC HEALTH SERVICE ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3586) to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, ROGERS of Florida, SPRINGER, and NELSEN.

APPOINTMENT OF CONFEREES ON MENTAL RETARDATION BILL

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2846) an act to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes, with a House amendment thereto, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none and appoints the following conferees: Messrs. STAGGERS, JARMAN, ROGERS of Florida, SPRINGER, and NELSEN.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO HAVE UNTIL MIDNIGHT TO FILE REPORT ON H.R. 17333, INVESTMENT COMPANY AMENDMENTS ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce, have until midnight tonight to file a report on H.R. 17333, the Investment Company Amendments Act of 1970.

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

There was no objection.

ROGERS PRAISES FDA'S MOVE ON DRUG ABUSE

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

Mr. ROGERS of Florida. Mr. Speaker, during hearings on drug abuse legislation the Subcommittee on Public Health heard some alarming testimony on how diet pills have been channeled into the drug subculture.

Amphetamines, the main ingredient in diet pills, are one of the most abused drugs in our society today and unfortunately, are becoming more so each day.

The diet pills are produced legally because they serve a purpose according to many physicians. Amphetamines are used and are effective over a short term in the treatment of obesity, according to medical testimony.

But these pills have been used by millions of persons, both young and old, as pep pills. In fact, we have heard that more than half of the production of amphetamines is funneled off into the illegal drug market.

During these hearings, I asked the Food and Drug Administration to study the possibilities of limiting amphetamines to the accepted medical uses. These are for treatment of narcolepsy, hyperkinetic children, and short-term use for diet control. I also asked that the labeling be changed to warn of the potential danger of developing a dependency to amphetamines. I personally feel that if we are able to control amphetamines and channel them only to use in medically approved situations, we will be able to successfully eliminate part of this Nation's drug abuse problem.

I was pleased to see that Commissioner Charles Edwards has stated he plans to move against the illegal use of amphetamines by urging tighter control over the manufacture and distribution of amphetamines, by establishing new labeling, and by warning that amphetamines lose their effectiveness to cut appetites after a very short period.

I am also pleased that he has asked industry to join in this battle by voluntarily cutting back on production of amphetamines.

I think that the action taken by Dr. Edwards will prove most effective and I am pleased that FDA has taken a positive step in controlling this widespread problem. Commissioner Edwards has taken leadership of FDA in this matter in a positive way and should be highly commended by a grateful public.

PERMISSION FOR COMMITTEE ON DISTRICT OF COLUMBIA TO HAVE UNTIL MIDNIGHT AUGUST 7 TO FILE REPORTS

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight Friday, August 7, to file certain reports.

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

There was no objection.

CONFERENCE REPORT ON H.R. 17070, POSTAL REORGANIZATION

Mr. DULSKI. Mr. Speaker, I call up the conference report on the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 3, 1970.)

Mr. DULSKI (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers on the part of the House be dispensed with.

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

There was no objection.

The SPEAKER. The gentleman from New York is recognized for 1 hour.

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

Mr. Speaker, after 16 separate meetings and 2 weeks of strenuous and difficult negotiations, the committee of conference has compromised the differences between the House and the Senate on H.R. 17070, the Postal Reorganization Act.

The conference substitute was approved by the other body 3 days ago, on a rollcall vote of 57 to 7.

The conference report represents the very best agreement that possibly could have been worked out in the light of the extremely strong positions of the conferees for both Houses on the principal differences considered in the conference.

In my judgment, this final agreement is a reasonable one. Further, it represents a thoroughly practical and workable charter for the truly meaningful postal reform that the American public demands.

NEW LAW SETS THE STAGE

This law sets the stage for improving materially the efficiency of postal operations, improving the legitimate interests of all postal employees, and working to the general welfare of the Nation.

What this unprecedented legislation provides is the mechanism. The responsibility for making it work and providing improved postal service for our Nation will lie with the management and the postal employees in the new agency.

Improved mail service depends upon everyone up and down the line. That means not only the carriers, clerks, and other employees in the field but also top management at all levels—headquarters, regional, and local.

The opportunity is unprecedented for both employees and management. The eyes and ears of the Nation and the Congress will be focused on what these parties do with this opportunity.

ONE WAY TO GO—FORWARD

There should be only one way to go—and that is forward.

I will not dwell on our long and often tedious committee deliberations throughout both sessions of the 91st Congress. Suffice it to say that the final result, as embodied in the conference report, is a most worthy product of the best in our democratic process.

At the outset, it is important to make clear that the Senate version of the bill made no material changes in the majority of the fundamental policy decisions contained in the House-passed bill.

The amendment approved in the other body adopted the entire broad postal policy written in the House.

Except for the title "Board of Governors," the House provisions are retained for the creation, membership, procedures, powers, and duties of the governing body, chief operating officials, and Advisory Council of the new Postal Service.

DEALS WITH SHORTCOMINGS

As the Members will recall, the two greatest shortcomings that have hindered postal efficiency long have been recognized to be the lack of modern facilities and the failure of adequate financing in all elements of postal activities.

The Senate version incorporated the House provisions for modernization of facilities and equipment, including borrowing authority and budgetary policies, all substantially as written in the House.

The Senate version also conformed to the House provision for establishing a true revolving fund—called the Postal Service fund.

All revenues and other postal incomes will be placed in this fund and will be available for payment of expenses of the Postal Service free of limitations on appropriations and apportionment.

KEYSTONE TO MODERN SERVICE

While these provisions were not in conference, I cannot too strongly emphasize their importance as the keystone of a truly modern postal service.

Finally, it is to be recognized that this legislation deals generally with two broad aspects of postal affairs. One covers the operation and management of the postal establishment and the service it performs for the public. The other covers the rights and benefits of the 750,000 postal employees who do the actual work.

The new policy provisions for the management, operation, modernization, and financing of the postal establishment are, of necessity, more extensive than the provisions for employees.

With these management provisions, we are embarking on a completely uncharted course. They represent a radical departure from tradition and long-standing practice.

NEW DAY FOR EMPLOYEES

It is equally true that we are breaking with the past in terms of postal employee rights and benefits and the avenues through which they are protected and strengthened as needed.

I believe we all understand and appreciate the legitimate aims of the employees with greater certainty than is the case with respect to this sweeping reorganization of the Postal Service itself.

Therefore, I know it is a source of real satisfaction to my colleagues, as it is to me personally, that most of the House labor-management provisions were embodied in the Senate-passed bill.

Then the differences were resolved in conference so that the total package conforms in all material respects to the House version.

HOUSE VIEWS PREVAIL

The general powers and duties of the Postal Service and the citation of other statutes that will apply likewise conform generally to the House provisions.

The only exceptions are, first, the continuation of the traditional entitlement of the blind to operate vending stands; and second, the application, with necessary exceptions, of the public information requirements in title 5, United States Code.

The Senate also accepted House provisions to continue many existing laws, including:

Printing of illustrations of stamps;

Postal service at Armed Forces installations;

International postal and money order arrangements;

Cooperation with other Government agencies;

Private carriage of letters;

Debts and collections;

Transportation of international mail by air carrier;

Settlement of claims for damages;

Nonmailable matter, including master automobile keys;

False representations and lotteries;

Unlawful matter;

Prohibition of pandering advertisements;

Penalty and franked mail;

Free postage and other mailing privileges of members of the Armed Forces;

Mailing privileges of blind or physically handicapped persons; and

Size and weight limits on parcel post.

TRANSPORTATION PROVISIONS

In the field of postal transportation, the minor differences between the provisions in the House and Senate versions have been resolved relating to surface and water transportation.

A special word is in order, however, with respect to the differing versions governing transportation of mail by air.

I fully recognize and respect the jurisdiction of the Committee on Interstate and Foreign Commerce, and the responsibilities of the Civil Aeronautics Board, in the total field of air transportation. I think that this is fully demonstrated by the record.

However, as chairman of the Committee on Post Office and Civil Service I, too, have a clear and immediate responsibility.

OUR COMMITTEE HAS RESPONSIBILITY

This is a responsibility of the Postal Service and to the public it serves for the development of new policies, including correction of glaring deficiencies in provisions for mail transportation which now adversely affect service to the public.

It should be understood that the delays in mail service which cause the most complaints from the public do not occur in the post offices—they occur in transportation.

The air transportation provisions carefully written in our committee bill were replaced in the House with a provision that does nothing at all toward speeding mail service through full and meaningful use of our vast air transportation complex.

It would leave the Postal Service exactly where it stands today—in an unsatisfactory position.

NEEDED FURTHER OPTIONS

The Senate version gave some recognition, at least, to the very pressing needs of the Postal Service in this regard. It provides certain very limited additional avenues for the Postal Service to contract for air transportation—avenues that are sorely needed.

At the same time, it does not abridge or interfere either with the jurisdiction of congressional committees having overall air transportation jurisdiction, or with the responsibilities of the Civil Aeronautics Board.

It merely provides a minimum forward step toward improved mail transportation by air by reconciling the postal needs with the general congressional policy in the field of air transportation.

In summary, Mr. Speaker, the conference agreement is a sound and workable measure that will serve well the public interest.

WORKABLE AND TRUE REFORM

It is the end result of 18 months of most diligent endeavor by your Committee on Post Office and Civil Service—a period when there frankly were doubts at times whether we ever would produce a real postal reform bill.

The controversies many times were bitter, and usually were frustrating.

But today we have a postal reform bill.

I am proud to be the chief sponsor of this landmark legislation. It differs from my original concept, but I accept that as part of the orderly legislative process.

My aim from the outset has been to achieve postal reform. The conference substitute is indeed postal reform.

I think it is fair to say that while the bill pleases no one completely, it satisfies most everyone.

Mr. Speaker, I urge the adoption of the conference agreement.

Mr. CHARLES H. WILSON. Mr. Speaker, will the gentleman yield?

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

Mr. CHARLES H. WILSON. Mr. Speaker, I would like to compliment the chairman of the committee, the gentleman in the well (Mr DULSKI) for the outstanding job he has done in leading the House Committee on Post Office and Civil Service during the long time this bill has been under consideration. I think the patience of the gentleman from New York (Mr. DULSKI) and the work of the very capable staff that worked alongside of him in bringing this bill to the point that it is today, should be commended, and that theirs has been an outstanding achievement.

Mr. Speaker, I believe the fact that this bill was passed out of the committee by only one vote shows that neither the administration nor any of the large and powerful postal organizations were writing a bill that suited them, and them alone. I believe the committee exercised its authority as a legislative body in a proper and responsible way, and I agree with the chairman of the committee that we have here a landmark piece of legislation that is a good piece of legislation, and one that will give us a start in rectifying what wrongs may have been in the postal department in the past.

Again, Mr. Speaker, I commend the gentleman in the well, and hope that we can pass this legislation today by an overwhelming vote.

Mr. DULSKI. Mr. Speaker, I thank the gentleman for his remarks, and as chairman of the Committee on Post Office and Civil Service I can say that the gentleman from California has contributed greatly to the bill that we are passing here today.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman.

Mr. HECHLER of West Virginia. Mr. Speaker, I commend the charman for his leadership.

I would like to ask: How can we be sure that this Postal Rate Commission will be able to stand up for the public interest against the tremendous pressures which will be exerted, and not simply become a toothless tool of the third class mailers and others for whom rates are set, such as the Interstate Commerce Commission and many other Federal regulatory agencies have become?

Mr. DULSKI. As the gentleman knows, since he is very much interested in this legislation and proposed an amendment during floor debate, the independence of the new Rate Commission is greatly strengthened by the conference substitute.

We considered the provisions of both bills and took the best features of each. I can assure the gentleman that the President of the United States should appoint a Rate Commission that will look out for the best interests of the public.

Mr. HECHLER of West Virginia. I hope that the Committee on Post Office and Civil Service and the chairman intend to follow this up and make sure that the Rate Commission is indeed independent of outside pressure.

We in Congress know the nature and extent of pressures which are brought on Congress in connection with the fixing of postal rates. The third-class mailers offered to put a large plant in my district, employing large numbers of West Virginians, if I would stop working for higher rates on junk mail. Now that we have an independent Postal Rate Commission, you can just imagine the pressures which will be generated against the members and staff of that Commission in an attempt to get the kind of postal rates that special interests desired. In such a situation, the public interest will suffer, and most particularly those who mail personal, first class letters will be forced to shoulder the burden of rate increases.

This is why the situation demands that the Postal Rate Commission be composed of men of courage and integrity, who will refuse to talk with these special interest groups except in formal public hearings, and who will fight to protect the public interest.

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

Mr. DULSKI. I yield to the gentleman.

Mr. UDALL. Mr. Speaker, the gentleman from West Virginia raised a very important point about all these lobbying pressures about rates that come into focus on members of our committee and the Congress.

Now that we are going to have this transfer and depend on these rate commissioners, I am going to call on the President and I hope my friend from West Virginia and others will join me—I am going to call on the President to appoint men who will make a break with this tradition of the past and make sure that we have a model regulatory agency, and an agency that has rules about ex parte communications and an independence of attending industrial functions and full disclosures of finances and things of this sort so that we can have a model agency. Otherwise it will be going down the road that the gentleman has described.

Mr. HECHLER of West Virginia. I appreciate the remarks of the gentleman from Arizona. It is absolutely necessary that the steps he has outlined be carried out. We have seen many laudable attempts to protect the public interest founded on the rocks of administrative neglect. The coal miners of West Virginia had their hopes raised with the passage of the Federal Coal Mine Health and Safety Act of 1969, yet that act has not been enforced, and miners have gone to their deaths in uninspected mines which the law requires be inspected at least once every 5 working days. In countless other areas, the policies enunciated by Congress have been undercut as a result of powerful pressures successfully applied to the process of enforcement.

I therefore will join in a strong appeal to the President of the United States to appoint men of courage and integrity, and issue strict orders insuring that the members of the Postal Rate Commission operate in the public interest. This Commission must not be isolated from information, but must be insulated against pressure.

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

Mr DULSKI. I yield to the gentleman.

Mr. HAWKINS. Mr. Speaker, first I would like to commend the gentleman now in the well for an excellent report and for the work that he has done in this field.

It is my understanding that the Senate version did contain a provision which would make applicable to the employees the provisions of title VII of the Civil Rights Act and the President's Executive order prohibiting discrimination in employment.

Is that contained in the Senate version and, if so, is it contained in this conference version?

Mr. DULSKI. Do you mean in the conference report?

Mr. HAWKINS. Yes, is it in the conference report?

Mr. DULSKI. No, it is not.

Mr. HAWKINS. Was the Senate version retained?

Mr. DULSKI. No, it was not.

Mr. DANIELS of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman.

Mr. DANIELS of New Jersey. Mr. Speaker, I would like to say to the distinguished chairman of our committee and to the gentleman from California that as a conferee I requested the Senate to reconsider its position. The Senate reconsidered and receded and agreed to accept the House version which permits any charge or complaint of discrimination by virtue of age, sex, national origin and so forth to still be heard by the Civil Service Commission where as I pointed out the procedures with reference to the hearing of such complaints is much more adequate and affords much more protection to the person who is complaining.

Whereas, the Senate version of the bill was most restrictive.

As a matter of fact, as an additional benefit, by having such authority rest with the Civil Service Commission, is that at this point such complaints are usually processed by the Post Office Department rather than the Civil Service Commission within 6 months whereas a hearing under the Equal Employment Opportunity Commission would take at least 22 months.

Furthermore, if we adopted the procedure recommended by the Senate, all that the Equal Employment Opportunity Commission would do would be to have an informal hearing, and upon the conclusion of that hearing it would recom-

mend to the person who felt aggrieved, if he was right and the Commission agreed with him, to institute suit in the U.S. district court or the circuit court of appeals, I do not recall which one was recommended.

Whereas under the House version with the Civil Service Commission retaining authority and not only would they set an informal hearing, but if that claimant was found to be right by the Civil Service Commission, he would be advised to file a complaint and again informal hearings would be had and, after that, there would be a hearing before a referee who would recommend his findings to the Commission. Finally, the party would be advised to institute a suit.

I think due process was afforded in a much better way under the Civil Service administrative handling of the matter than would have been the case in referring the matter to the Equal Employment Opportunities Commission.

Mr. HAWKINS. Mr. Speaker, if the gentleman will yield further, I would not like to take this time to debate the merit or lack of merit, in my opinion, of a civil service type of hearing. I think the matter has thoroughly been gone into by a subcommittee of the Committee on Education and Labor. The full committee has reported out a bill which will transfer the duties of that commission to the Equal Employment Opportunities Commission, together with cease and desist, which would correct some of the elements discussed by the gentleman from New Jersey as to the deficiencies under existing law. I recognize that this is an issue which is somewhat certainly coincidental to the main thrust of this legislation, and this is not the time to try to decide that issue.

I would simply like to say at this time, however, that a bill will shortly be before this body which will provide for these employees a full and effective hearing before the Equal Employment Opportunities Commission, and when the bill to which I have referred, which is coauthored by the gentleman from New York (Mr. REID) and myself, is reported, I hope it will be considered on its merit when presented before the body. But at this time I would like to point out that I believe in receding from this particular provision we are, to some extent, giving to these employees a rather limited hearing, one which the Civil Service Commission itself has said there has been a lot of foot-dragging on by various agencies. I certainly hope that this will be corrected, and that in the near future this body will have an opportunity to work its will on this particular subject.

Mr. DULSKI. The chairman can be assured he will have my support.

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

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

Mr. HALL. Mr. Speaker, I appreciate the gentleman's yielding. In presenting the conference report, if I understood the gentleman correctly, he made a favorable statement on behalf of the House-passed position, and said that generally the provisions of the House bill had been retained. I appreciate the need for postal reform. I wonder if the gentleman could explain, in the statement of the managers on the part of the House, wherein it states that the difference between the House bill and the substitute agreed upon in conference that by actual count in 46 instances the House yielded as evidenced by statements therein by paragraph stating, "The conference substitute adopts the Senate provision," or "The conference substitute conforms to the Senate position," and only in 14 instances does it say the same about the House position. This would seem to me not to jibe with the general feeling of euphoria that the House position prevailed, if in the items in contention between the two bodies there was such a lopsided disagreement of 46 to 14. Would the gentleman comment on that and perhaps explain it for the Members?

Mr. DERWINSKI. Mr. Speaker, will the Chairman yield to me to point this out to my dear friend from Missouri?

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

Mr. DERWINSKI. What we did, may I advise the gentleman, was to yield to the Senate on all the little matters and we maintained the major items in effect—right-to-work, for example, which the gentleman was concerned about. So the 46 to 14 numerical count does not give the true picture. We were gracious to the Senators on the little things, and on the very major items, the guts of postal reform, why, we heroically upheld the House position.

Mr. HALL. If the gentleman will yield further, the beautifully turned out and properly attired gentleman from Illinois reassures me. I only wish that his sartorial elegance could be borne out by fact.

I am wondering, Mr. Speaker, if he is referring to such items, which I do appreciate, as retaining the right to reform?

Mr. DULSKI. To what page of the report is the gentleman referring?

Mr. HALL. Right now I am reading from page 79, the next to the last paragraph, where it states:

> The conference substitute adopts the Senate provision with an amendment eliminating Members of Congress from membership on the board.

I realize, Mr. Speaker, there may have been good and adequate reasons for that, but I have great difficulty in reading the statement of the managers on the part of the House and making that "gee" with the fact that, for example, there is no right of veto, which I consider a constitutional requirement of Congress for postal rate determination by the Postal Rate Board.

If we are going to take all the Members of Congress off the Advisory Council or the Postal Rate Board and wipe out—by yielding, and saying that no such is contained in the conference report—the right of appeal to Congress or the right of final determination over and above any Postal Rate Board or indeed, the Postal Service which we have always had since we threw tea into Boston Harbor and fought King George because of the Stamp Act, in the first place; I do not see how we retain any of our constitutional prerogatives, let alone the right of this body vis-a-vis the other body in Congress.

Mr. DULSKI. Mr. Speaker, let me answer the distinguished gentleman from Missouri. When the conference took up this matter, we agreed to require a unanimous vote of the Board of Governors to override postal rates recommended by the Rate Commission. The conferees felt that they have insured complete independence for the Postal Rate Commission, subject only to judicial review or, after commission reconsideration at the request of the governors, such modification as is directed by unanimous written action of the governors.

So we felt that we are not only keeping out politics, but we also have insured the independence of the Rate Commission which we expect to be composed of experts.

I think it is a good compromise. As for the points of difference, I did not count all of them. They were many small items. Maybe someone did keep track of them, I did not. I thought the entire gist of H.R. 17070, as approved by the House, was pretty well retained in the final bill.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's explanation. I did keep track and I have had the advantage of the gentleman's own report of the conference.

As far as keeping politics out of it is concerned, I think this is commendable, unless that becomes a matter of inverse politics. Then I think that is damnable instead of commendable. I still wonder, with the Advisory Council looking over their shoulders, if we have not, in fact delegated the authority, which I think is unconstitutional.

Mr. Speaker, I thank the gentleman for yielding.

Mr. DULSKI. Mr. Speaker, I yield such time as he may consume to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I and deeply grateful to the gentleman from New York, the chairman of the Committee on Post Office and Civil Service, for yielding to me at this time.

Mr. Speaker, I support this conference report and urge its prompt adoption.

I also wish to commend the chairman and the members of the Committee on Post Office and Civil Service for what I consider to be one of the truly great accomplishments of this Congress. The postal reform bill, which we send to the President today, will stand as a landmark in the history of the U.S. postal service.

This legislation is the product of sincere, dedicated, bipartisan effort. Those efforts began with general studies in the last administration and moved ahead with President Nixon's specific legislative proposals of May 1969 and April 16, 1970.

Today we reach the end of a journey of tremendous legislative accomplishment by sending the postal reform bill to the President for his signature.

While the final conference agreement before the House represents a fine compromise between the work of the House and the work of the Senate, it basically embodies all the recommendations of

President Nixon resulting from the unprecedented negotiations between the administration and the postal unions after the end of the March postal work stoppage. This includes, of course, the 8-percent additional pay raise for all Post Office Department employees.

Shortly after he was inaugurated, President Nixon pledged that his administration would move to abolish the political patronage system which has plagued the Post Office Department for nearly two centuries. That was accomplished by administrative action of the Postmaster General early last year. Under the provisions of this legislation there will be a permanent barrier against any resurgence of partisan politics in the Postal Service.

The Post Office Department is to be reorganized as an independent establishment in the executive branch and is purposely insulated from direct control by the President, the Office of Management and Budget, and the Congress.

The new postal system is intended to be self-supporting. It will have continuity of top management, with all the management tools and flexibility needed to properly manage. It will have appropriate controls over its expenses and its revenues. It will have a workable means of raising the necessary funds for facilities and capital improvements.

The new Postal Service will herald a new era of dignity and respect for postal employees who will be able to sit down at the bargaining table with management and bargain collectively over pay, fringe benefits, and the conditions of their employment.

The end result of this massive reorganization of the antiquated Post Office Department can only be as the President anticipated—"a truly superior mail service."

I am proud to have been a cosponsor of this legislation.

Again, Mr. Speaker, I emphasize that this legislation which comes to us today for final approval after many, many months of long, tedious efforts by the committee will stand as a monumental legislative achievement of the 91st Congress.

Mr. DULSKI. I thank the distinguished minority leader for his kind remarks.

Mr. Speaker, I yield 5 minutes to the gentleman from Montana (Mr. OLSEN).

Mr. OLSEN. Mr. Speaker, for many months reorganization of the Post Office has been building a head of steam—like a locomotive throbbing, in place, at the station. Shortly, the train, with the grand hopes of all of us who have worked these past months assembling postal reorganization, will pull out of the station speeding the new package of postal reform down the track.

But by giving the go signal today, we should not imagine our job in Congress is done. It will be imperative we man the switches along the way to keep the postal express on schedule and headed down the track that will lead to better public service.

Congress being alert at the switches is all the more imperative when one views the vast powers and prerogatives being granted to the engineers of this new independent executive agency.

Consider, as has already been spoken here, that the congressional caution light of postal rates veto is switched off. The power to raise up to $10 billion in bonded indebtedness, guaranteed by the credit of the United States, is being invested in the postal service. Congress has also relinquished its oversight on wages, benefits, and working conditions for nearly 800,000 postal workers. Remember, every leadership in the Post Office Department in recent times—in the last 30 years—has opposed wage increases. The Congress has had to improve wages, and twice by overriding Presidential vetoes.

Political influence, for good or bad, though removed from the service, could now be replaced by business cronyism, and both the ordinary patron and business users of the mail may find themselves in an unhappy plight if the new agency runs its railroad like some I have seen where the paying passenger is ignored and the freight shipper gouged.

The warning whistle has been sounded many times during past months of debate. It was sounded as recently as last Monday on the Senate floor by Senator YARBOROUGH. He had printed in the RECORD the 5-year plan of operation for the new postal service. In essence it calls for a reduction in employees, wages, and service to the tune of $1 billion a year.

I say to those of you from rural areas—as I am from—that it takes few brains to figure where service will first be reduced, unless we form a vigilant guard against such erosion.

Now, then, with all that criticism, I want to say that essentially I agree with the postal reform and reorganization, and I salute the fine job done by the committee chairman, Mr. DULSKI, and my other colleagues on both sides of the aisle.

I cannot send this legislation on its way without a warning to the new operative heads that if its service is not foremost in their operation as it has been for nearly 200 years then the Congress will take back the powers it has given them.

I sincerely feel that the best parts of this legislation are the overdue increased benefits to employees and the ability to raise money for new buildings and mechanization.

It also protects preferred rates for the next 10 years for religious organizations, charities, libraries, educational and scientific institutions, labor and veterans' organizations, country newspapers and other worthy groups. If additional protection is needed I am convinced that we can look at this provision again in the next 10 years to come and rewrite it according to the needs of the time.

An unfortunate omisison from the postal legislation is the improvement of provisions for transportation of mail. However, as you all know our good friend from West Virginia, HARLEY STAGGERS, the chairman of the Committee on Interstate and Foreign Commerce, promised an early consideration of the needs of the Post Office on this subject and that promise is a great relief to me. When I first came to the Congress I could get my newspaper from Montana in 3 days but now it takes 5 days. That newspaper is not in the hands of the Post Office Department more than 4 hours, but it is in the hands of the transportation service for 4 or 5 days.

Mr. Speaker, I have always supported legislation to improve the mail service. The creation of the Research and Engineering Bureau, as a matter of fact, was the result of one of my bills. So I support this measure today, but with an honest and sincere appraisal of its faults, its dangers, and the need for Congress to man the switch handles that will control the future track of the Postal Service.

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the distinguished minority member of our committee, Mr. CORBETT.

Mr. CORBETT. Thank you, Mr. Speaker.

Mr. Speaker, this bill, when it becomes law, and I am sure it will, is going to change the control of the Post Office as it has been for 181 years. This is a tremendously important step.

As the gentleman from Montana pointed out, I think there are many danger signs that ought to be emphasized. This reorganization bill will almost undoubtedly result in higher rates and/or decreased services. It could be drastic. If the eventual goal of reaching a break-even point is to be reached, the governors of the Post Office are going to have to make some very radical changes. Likewise they are going to have to prove, and prove quickly, that they can manage the Post Office better than it is now being managed or their bonds are going to be awfully hard to sell. However, with all of that there has been an insistent demand for postal reform. It is in response to that demand that all of this work both in committee and in conference happened. I believe that the report embodies as good a piece of legislation as we could come up with at this time. Again it is certain that for many, many years there will be revisions and amendments proposed to the bill we are passing here today. As I understand it the Postmaster General has already announced that he wants to have certain amendments introduced. The chairman of the committee, Mr. DULSKI, performed an admirable job. The conference was long and laborious and sometimes quite frustrating. At times it looked as though we would be hopelessly deadlocked. We have finally hammered out this legislation here. I signed the report, Mr. Speaker, and I have to recommend its passage but I do share the concern of many that this is not going to complete the job. We are going to have to be back at it time after time. Where we have made mistakes or placed our trust falsely we are going to have to change it.

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

Mr. CORBETT. I will be happy to yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, I appreciate the gentleman yielding, as I would like to explain why I am going to vote against this conference report.

As pointed out in separate views in the House report on the bill as it passed originally, almost unlimited authority was given to the new Postal Service without legislative oversight by the Congress.

The conference report has now gone further in that now we have completely given up our veto power over postal rates. As the bill passed the House, the Congress had the right by a majority vote to override any change in postal rates. That right has now been removed in the report and, if the cost of first-class mail goes from 6 cents to 10 cents or even 15 cents, or if the service deteriorates, there is nothing we can do about it except to amend or repeal this bill. I think it is much better not to pass legislation than to later attempt to repeal it.

Mr. Speaker, those who vote in favor of this bill may have difficulty in explaining to constituents later why they can do nothing about increases in rates or elimination of service. Let me add that roughly one-fourth of all civil service employees will lose the protection of the merit system with the passage of this bill. This protection, that has built up slowly, will be eliminated with a single bill.

In my opinion, all Government agencies and officials should be responsible to the people or their elected representatives. That is not true of this new creation.

Mr. Speaker, again I thank the gentleman for yielding and urge the defeat of the conference report.

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Speaker, there is no need to say that I was sadly disappointed and disillusioned when a provision which had been voted upon the floor of the House overwhelmingly, and on which I was assured that if it came to a record vote would have been defeated so badly that the committee decided they would not take a record vote on it—and we argued the point on our side that not only was it an invasion of the jurisdiction of the Committee on Interstate and Foreign Commerce, but it is an abrogation of the laws which were brought forth in 1938 to correct the very evils that these gentlemen have put back in the bill.

I said that crime and corruption and payments of all kind were then in effect, and they had to pass a bill to stop this, and this full committee then goes right back over to the Senate and puts it back in again. And they can make contracts without bidding, and that is against any law we have in the statute books.

There is no competition. They can make a contract under the table. They can do as they want. I say it is wrong that they can bid on anything they wish in that manner.

Since this was taken out of the bill, the House conferees should not have allowed it to come back into the bill. But it is in the bill.

Now, I am not going to try to recommit it, but I do want to say that if this is allowed to continue in this House, that from now on the different committees just might as well say, "Well, I am legislating today, but some other committee will legislate on these same fields," and I just think it is wrong.

I furthermore wish to say to you that on that very day when this was done, a Member of the House said to me, "This will be put back in the bill." I am not indicting anybody; if the shoe fits, they can wear it. He said that this would be put back in the bill. And he offered to bet me any amount of money—and I am looking to see if that gentleman is here right now, but he is not. He was here a minute ago.

He said he would bet me any amount of money that this would be back in the bill. He said, "I know, I overheard a conversation."

Well, if that is the kind of thing we do here when the House votes overwhelmingly that it should throw something out and then it comes back here in the same way, then I say—what is going to happen in the next few years is the same—crime and corruption and bribery and so forth is going to take effect.

During the consideration of the postal reform bill by the Committee of the Whole House, the House adopted an amendment to the transportation of mail by air section which was designed to preserve the jurisdiction of the House Interstate and Foreign Commerce Committee over the transportation of mail by air and to continue the present regulatory system under the control of the Civil Aeronautics Board. I stated then that the crucial issue was the preservation of the air transport system and the protection and safety of the citizens who travel the airways. Any chipping away of the Civil Aeronautics Board's authority, any division of responsibility, must ultimately have a detrimental effect on air safety and the air transport system. We have a great stake in air safety and the preservation of the air transport system. The Members of this body overwhelmingly agreed with this position and rejected the provisions which would have divided the Board's responsibility over air transportation regulation with the Postmaster General.

I was shocked to learn that a majority of the House conferees ignored the wishes of this House and refused to work for the House position. Not only that, they went even farther and made every possible effort to give the Postmaster General even more power over air transportation than the Senate had approved.

This situation leads me to raise the question of whether we have omitted an important step in our House procedural changes. If this House rejects a provision of a bill on the grounds it was not considered by the proper committee, how can the House be properly represented in conference by the committee which put the provision in the bill in the first place? If the House conferees make no effort to sustain the position of the House, we obviously need a change in our rules so that the House is represented as to those issues on which it took a decisive jurisdictional position by conferees from the other committee affected. We have precedent for that and I think we should have followed it in this case. Obviously the House did not do that because it expected its conferees to go out and represent the House—not the Postmaster General or the Senate.

The postal reform bill, now almost a reality, contains language very similar to that rejected by the House. This language would give the Postmaster General contracting authority with some limitations; would, in effect, make a substantial change in the Federal Aviation Act of 1958; and would infringe on the jurisdiction over the transportation of mail by air vested in the House Interstate and Foreign Commerce Committee 32 years ago, which committee has guided the air transport industry well. I see no reason to parcel out jurisdiction or fragment responsibility. Division of responsibility and a lack of central control is what led to the enactment of the Civil Aeronautics Act of 1938 and its reenactment as of 1958. This House may think it is taking a forward step in postal reform but I can assure you it is taking a backward step in the regulation of air transportation.

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

Mr. STAGGERS. I yield to the gentleman.

Mr. MOSS. Mr. Speaker, I want to join my distinguished chairman in protesting not only the invasion of the jurisdiction of the Committee on Interstate and Foreign Commerce, but also the great mischief that is being done by permitting rates to exist in the air transport industry as a result of the authority given to the Postmaster General here to enter into contracts, as has been indicated, without any bidding procedures, without the appropriate hearings on the merit of the rates that are proposed.

This can damage an industry that is of the utmost importance to this Nation—an industry which at this moment is in difficulties and it could damage it greatly.

I think this is a perfect example of the fact that if this House is going to permit through conference what it will not permit under its own rules, the taking of the jurisdiction, then the committee having jurisdiction with that compensatory matter should be permitted to have conferees join in the conference so that there is adequate representation and expertise laid on the line in the deliberations.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman.

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

Mr. STAGGERS. I yield to the gentleman.

Mr. PICKLE. Mr. Speaker, I want to remind the House that when this bill was brought before us recently it contained a provision that would allow the Postmaster General to negotiate and that was put in without checking with the Committee on Interstate and Foreign Commerce, obviously, obscuring our jurisdiction because of the fact that another subcommittee of our own committee held some hearings on the bill pertaining to rates. We had before us representatives of both the CAB and of the Postmaster.

We specifically asked the Post Office—Did you have a problem either as to the scheduling of rates or the mail? He said "No—no."

We asked the chairman of the CAB if they had filed any protests with him complaining about the outrageous treatment as a result of the poor treatment and handling of mail. The chairman said, "No—no. They have had no protests."

Obviously, this bill was designed to give the Postmaster General this kind of authority.

The SPEAKER pro tempore. The time of the gentleman from West Virginia has expired.

Mr. STAGGERS. Could the gentleman from New York yield me some additional time?

Mr. DULSKI. Mr. Speaker, the time is all allotted and I am sorry I cannot yield further to the gentleman.

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS), a member of our committee.

Mr. GROSS. Mr. Speaker, I am pleased to say that I can point to one good feature of this conference report. And that, I am sure, happened quite by accident.

The House bill, in repealing and completely rewriting title 39 of the United States Code, with nearly 200 pages of complicated legalistic jargon, managed to end the whole thing with a preposition. The conference substitute corrected the grammatical error. Somewhere, I am sure, some strict constructionist will find solace in this accomplishment.

Otherwise, Mr. Speaker, if there was any possible way for 14 conferees, arguing around the conference table in 16 long, tedious sessions, to make a bad piece of legislation even worse, the conferees found a way to achieve this remarkable objective.

I have been involved in the complex problems of the Post Office Department for a long time. As I stated on the House floor when this bill was originally before us in June, I have sponsored and supported legislation intended to solve the most acute problem areas in the Department, to make it more responsive to the needs of the American people, and to permit it to keep pace with technological progress.

However, I simply cannot in good conscience support the so-called "total reform" concept that is here being finally rammed down the collective throats of the American people, and which, under the guise of "reform", will so seriously alter the concept of postal service that I predict the wrath of the American taxpayers will rise up in the years ahead to force future Congresses to put the pieces back together again.

Here we have what is unquestionably the most vital of all services rendered to the people by their Government being removed completely from any control by the people or by their elected representatives.

The new Postmaster General—the absolute czar of the new postal service, the operating head in whom all power and authority vests—will hold a position unique in the annals of American Government.

For the first time ever we will have a bureaucratic head of a major Government service, appointed by and serving at the pleasure of a politically-oriented parttime commission of nine persons. No elected representative of the American people, either in the executive or legislative branches, will have any authority over the appointment or the removal of this agency head. This, I suppose, is "total reform." But how "total" and how irresponsible can you get?

Mr. Speaker, as the Members of this body well know, it is generally an unpopular, uphill fight to oppose anything that comes here wrapped up in a package labeled "reform." Yet, I would like to trudge uphill, at least a short way, to point out to the Members a few of the items they will be buying if they approve this "total" reform package.

For many years we have heard over and over that the really serious problem in the Post Office Department is the fact that it is riddled through and through with politics and political influence. The original bill, proposed by the administration, took care of this problem with a few short paragraphs of well-sounding but meaningless phraseology.

I offered in committee, and the committee accepted, a specific and detailed prohibition against all political recommendations involving not only original appointments, but all other personnel actions in the postal service, including transfers, promotions, assignments, designations, and so forth.

My language was carefully drafted so that there could be no loopholes whatsoever. The applicant was specifically prohibited, under threat of disqualification, from seeking such recommendations; the postal service was prohibited from accepting any; and every politician in the country was prohibited from making any.

So what happened in conference? Incredibly enough, Mr. Speaker, the conferees voted to water down the strict prohibitions against political influence contained in the House bill. They voted to write back into law, specifically applying to the new postal service, the identical provisions of existing law which not only permit, but which encourage, the political "advisor system" under which postal employees have lived and worked for over a hundred years.

This conference agreement, which I anticipate the President will sign while heralding the end of political control of the postal service, contains a very clearly worded section permitting any applicant for a position in the postal service or for promotion, transfer, assignment, and so forth, to go out and actually solicit recommendations, and another section which permits and encourages anyone so solicited to send such recommendations provided they are concerned only with the applicant's "residence and character."

Lest anyone have any doubts whatsoever, Mr. Speaker, it is this so-called "residence and character" provision now in section 3303 of title 5, United States Code, which was the foundation upon which political influence flourished in the postal service for all these decades.

In essence then, the conferees, by their actions, despite any disclaimers to the contrary, have taken care to make sure that political recommendations, for what they may be worth, are permitted in the new postal service.

In this connection, I might also point out, Mr. Speaker, that quite significantly, the strict antinepotism amendment which we enacted in 1967 to apply governmentwide, to all agencies, bureaus, and personnel, including Members of Congress, does not apply to this new postal service. I suggest that the clean, fresh breeze that was to waft in with the advent of this new postal service will turn out to be as polluted as ever with politics, cronyism, personal patronage, and nepotism.

The Members of this body should also know that this conference substitute completely and quite effectively abolishes any congressional control whatsoever over postal rates—either permanent or temporary. As the bill passed the House, every postal rate increase proposal had to be sent to the Congress and could become final after 90 days only if either House by majority vote had not disapproved. This last vestige of congressional control over postal rate taxes is gone from this final bill.

And, I might remind my colleagues that if the Congress had not controlled postal rates this year we would already have a 10-cent first-class stamp as proposed by the administration in April.

The present Postmaster General, Mr. Blount, testified earlier before our committee that a postal rate increase was essentially a tax increase and had the same effect on the economy and on the taxpayers as a tax increase.

How then can this Congress possibly justify delegating to an unresponsive bureaucratic machinery the authority to levy postal rate taxes upon the American people? I suppose the answer, again, is that it can be justified if it is done in the name of reform.

One additional item in this hodgepodge package of reform needs to be unraveled. Let us look at how the conferees treated the problem of the deficit-ridden Post Office which the reformers have listed as the second most acute problem after politics.

It is quite simple. The conferees decided to provide a $1 billion per year automatic siphon from the Federal Treasury. We will, if you please, Mr. Speaker, be getting rid of the deficit in the Post Office, in addition to raising rates, through an annual appropriation for public service in the amount of $800 million, plus a so-called revenue foregone appropriation of about $200 million—a nice fat, comfortable subsidy by any standard. It does not take a lot of acumen to figure out that the new postal service can be self-sustaining—completely free of deficit—as long as it has a pipeline out the backdoor pumping up money from the public well.

Mr. Speaker, it is probably fitting that with the dog days of summer upon us, we here and now take the postal service from the American people, from the Congress, and from all reasonable controls, and launch it free of politics, free of debt,

free of controls, and, certainly, free of service obligations to work its will on our American society.

Mr. Speaker, if the Senate had not already acted on this conference report I would offer a motion to recommit with instructions that the conferees go back into session and report legislation that would restore the language which the House previously approved, giving either body of Congress the authority to reject postal rate increases if a majority of either the House or Senate was dissatisfied.

What would be the situation if an agency in the executive branch of Government wrote the tax laws, completely bypassing the Ways and Means Committee and every other committee of the House and Senate, and with Congress powerless to do anything about the taxes thus levied by the Executive?

Postal rates are no less than other taxes, levied upon the American people.

In conclusion, Mr. Speaker, I am convinced beyond any doubt that this so-called reform legislation will result in less postal service to the American public and at a much higher cost.

I am unalterably opposed to the conference report.

Mr. DULSKI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I am somewhat at a disadvantage following the gentleman from Iowa, because this microphone is still smoking from the vehemence of his poetry. However, I wish to emphasize to the Members that the distinguished gentleman from Iowa is known for his imagination and, therefore, his description of the bill is a bit different from my interpretation.

I believe this bill is monumental reform in the truest sense of the word. I believe this bill is the most impressive domestic legislation this Congress has enacted. What it really does is provide for a self-financing, efficient postal service with modern management and labor relations, with the dead hand or the live hand of politics removed. It has the support of the postal unions. It has the support of the postal department. It has the support of outstanding citizens who have worked for years for postal reform. Even Larry O'Brien has put aside partisanship to support this bill.

We have something here which is worthy of congressional support.

I agree that the gentleman from Iowa has properly alerted us to possible pitfalls. Under the provisions of the bill we will maintain legislative oversight, and of course jurisdiction, and it will be necessary for our committee to make refinement in this new postal service structure as experience and developments demonstrate the need.

I trust the Members will properly disregard the criticism of the Interstate and Foreign Commerce Committee members who are apparently more interested in their committee jurisdiction than they are in having the public receive better mail service. Our committee has quite properly relinquished a great degree of its jurisdiction in the interest of better mail service for the American public.

The point that has not been stressed too often is the failure of Congress to adequately provide for the facilities and equipments needed to move the mail. Therefore, we had to provide for the self-financing of the Postal Service. I am confident that the improvement in service will be recognized by the public and the necessary adjustments in rates will be in proper proportion to improved service.

May I again reemphasize the key points of the bill?

The Postal Reorganization Act establishes the "U.S. Postal Service" as a self-financed establishment within the executive branch of Government.

An 11-member Board of Governors is given all authority of the Postal Service. Nine Governors are appointed by the President with the advice and consent of the Senate. Not more than five Governors may be from the same political party. The Governors select the Postmaster General who will be the operating head of the Postal Service, and who will also serve on the Board. These 10 Board members elect a Deputy Postmaster General, who also serves on the Board. The nine Presidentially-appointed Governors serve 9-year terms. The Postmaster General and the Deputy Postmaster General serve at the pleasure of the Presidentially-appointed Governors.

The new Postal Service will become operative within 1 year from the date enactment of the act.

All employees of the Post Office Department are transferred to the new Postal Service, which will be known as the Postal Career Service. Current employees of the Post Office Department are also eligible for promotion or transfer to positions in other agencies of the executive branch for which they are qualified.

Political recommendations or influence is prohibited for any appointment, promotion, transfer, or designation in the new Postal Service. This includes appointment of postmasters and rural carriers. Such personnel actions will be based on merit and qualification.

Collective bargaining procedures, as in private industry, will prevail in the Postal Service in setting wages, hours of work, and other fringe benefits. Labor-management relations in the Postal Service will be subject to the National Labor Relations Act, with certain exceptions. Postal Service employees will be covered by the strike ban provisions of Federal employees and will continue under full coverage of the civil service retirement system. Postal employees will be free to join or to refrain from joining a labor organization.

When the postal service is operative, the National Labor Relations Board shall decide in each case the appropriate unit for collective bargaining, and the successful organization shall receive exclusive recognition. During the transitional period, the Post Office Department will begin collective bargaining with labor organizations currently holding "national exclusive" recognition.

Supervisory and other managerial organizations may consult and participate directly with the Postal Service in planning and development of policies and programs. Supervisory organizations will not have collective bargaining nor the right of veto on any decisions. One item to be negotiated during the transition is the "compression" factor, whereby a postal employee will be able to reach the top of his pay grade within 8 years instead of 21. An 8-percent pay increase, for all Post Office Department employees, is authorized, retroactive to April 16, 1970.

An independent Postal Rate Commission is established, composed of five Rate Commissioners appointed by the President, but not subject to Senate confirmation.

The Postal Service will initiate rate changes and request a decision by the Rate Commission. After conducting hearings and full review, the Rate Commission will issue a decision to the Board of Governors of the Postal Service.

Any differences in rate decisions will be settled by judicial review or by reconsideration. The Board of Governors by a unanimous vote may modify decisions of the Rate Commission, taking into account postal policy and the need for sufficient revenue.

Temporary rates may be installed under the following procedure. If the Rate Commission has not acted by the 90th day after it has received a request for changes, the Board may place into effect temporary changes in rates, fees, or service classifications. However, any temporary change may not exceed an increase of one-third of the existing rate and shall not be effective longer than 30 days after the Rate Commission transmits its decision to the Board of Governors.

The special consideration now given nonprofit organizations in rates will continue. Rates for nonprofit organizations could be raised in increments over a 10-year period, but the rate at the end of that period could not exceed the "demonstrably related" cost, or the out-of-pocket cost to the Postal Service of processing, transportation, and delivery. Overhead costs would not be charges to these mailings.

Free mail for the blind and handicapped will continue under this legislation and the costs for these services will be appropriated by the Congress.

Public service appropriations to the Postal Service for the first 8 years will equal 10 percent of the amount appropriated to the Post Office Department for fiscal year 1971—$800 million. This appropriation is intended to meet the requirement that the Postal Service maintain service in rural areas and other areas where post office and other services provided by the Postal Service are not self-sustaining. At the end of the 8 years, this appropriation will be reduced by 1 percent a year until it reaches 5 percent of the 1971 figure, and at that time the Postal Service shall decide whether it can further reduce or eliminate the appropriation.

Long-term borrowing authority is given the Postal Service for modernization and development of postal facilities. The bill authorizes the borrowing of money either from the Secretary of Treasury or upon the open market in an amount not to exceed $10 billion out-

standing in bonds at any one time. This borrowing authority is subject to an annual limitation upon the net increase in debt of $1.5 billion for capital improvements and one-half billion dollars for operating expenses. The Postal Service may require the Secretary of the Treasury to purchase obligations of the Postal Service up to $2 billion.

The bill provides that the postal service should refrain from expending funds or engaging in any practice which restricts the use of new equipment or devices, or to enter into any such agreements, other than an agreement under the collective bargaining provisions of the bill.

This is sound legislation. This is the result of 18 months hard work by a committee that maintained a truly bipartisan approach.

I am confident the Members of the House will approve this conference report by an overwhelming vote.

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

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

Mr. HOGAN. I should like to associate myself with the remarks of the gentleman in the well.

Mr. Speaker, as a member of the House Post Office and Civil Service Committee, I have become aware of the need for sweeping reforms in postal policies and operations. The committee held extensive hearings. These were followed by long hours and lengthy consideration by members of the committee.

The major problems of the existing and very antiquated postal service were found to result in a chronic deficit operation while the quality of service has deteriorated and costs to the American public has continued to increase. On the internal side, working conditions are poor and sometimes primitive, and career prospects are bleak, resulting in extremely low morale among the employees. Hopefully the legislation embodied in the conference report before us today will correct these conditions.

In summation, I feel the committee under the chairmanship of the distinguished gentleman from New York (Mr. DULSKI), has done an outstanding job on this legislation, which, if enacted into law, will provide the necessary basis for a vastly improved and modernized postal service which is of vital importance to the continued growth and well-being of our Nation and its economy.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

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

Mr. STEIGER of Wisconsin. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I appreciate the distinguished gentleman from Illinois yielding to me, and want to associate myself with his remarks and urge adoption of the conference report.

This conference report is monumental in scope and purpose. The new Postal Service represents a significant reform of Government. Better service and better conditions for employees will not happen overnight. But the time to begin is now and is found in the bill before us now.

We will have for the first time the removal of politics from the Post Office—a goal for which I have worked since coming to the Congress. We will have labor management negotiations for the first time so that employees will have an opportunity to bargain collectively. We will have the needed funds for capital improvements in the Post Office. All of this will come from adoption of the conference report.

The action today is historic, and I commend the members of the conference committee, President Nixon, Postmaster General Blount and former Postmaster General O'Brien, for their leadership and initiative.

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

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

Mr. McCLORY. Mr. Speaker, I want to associate myself with the remarks of the gentleman in the well.

Mr. Speaker, I have reviewed carefully the conference report which resolves the differences between the House and Senate versions of the Postal Reorganization Act. In my opinion, this reform of the postal service should result in benefits for all of the citizens of the Nation. Indeed, this reform of the Post Office Department seeks to pattern the postal service after our highly successful business and industrial operations.

The removal of political influence from the appointment of post office personnel should, in itself, contribute to the stability and improved quality of the postal service operations. Authority as well as responsibility is lodged in a Board of Governors which appears to be quite comparable to a corporate Board of Directors.

Mr. Speaker, I expect to see many innovations and improvements in the delivery of mail and in the ancillary activities of the postal service. Final passage today of the Postal Reorganization Act fulfills another promise of President Nixon and of this administration. It seems appropriate to observe that this is another example of the broad policies of reform which this administration is following both with respect to our domestic and foreign affairs.

Mr. Speaker, the approval of this conference report represents a landmark legislative accomplishment of which the 91st Congress can be justifiably proud. I want particularly to compliment my colleague from Illinois (Mr. DERWINSKI) for his constant and constructive support of the principles which are embodied in this new law. While this measure is receiving overwhelming bipartisan support and reflects both Republican and Democratic initiatives, it should be recorded particularly that this administration has produced both the wisdom and the courage to carry this legislative change to full fruition.

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

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

Mr. HAYS. Will the gentleman leave his remarks in the record?

Mr. DERWINSKI. Yes.

Mr. HAYS. I just want to know, because I will be around when the gentleman has to eat them.

Mr. DERWINSKI. The gentleman is a youthful Member. He has been here for many years and I appreciate his support and confidence.

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

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

Mr. DINGELL. I should like to commend my friend from Iowa (Mr. GROSS) for having made an outstanding presentation against this bill.

Mr. DULSKI. Mr. Speaker, I yield the remainder of our time to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Speaker, we near the end today of a long road.

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

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

Mr. HENDERSON. I urge the adoption of the conference report and I commend the gentleman in the well for his outstanding work on this legislation for a long period of time.

I thank the gentleman for yielding.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

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

Mr. SMITH of Iowa. I understand that this bill leaves the Postal Service as a little island in the whole Federal Government exempt from the antinepotism law.

Mr. UDALL. Yes; this was a staff error. We caught it only the last day in conference.

I join with the gentleman from Iowa (Mr. GROSS) in deploring this. I pledge my cooperation in seeing to it that this situation is corrected at the earliest possible moment.

The gentleman from Iowa who has just spoken was the author of that amendment originally, and largely responsible for it being in Federal law. I regret very much that this is not to apply to the new Postal Service.

Mr. Speaker, we near the end of a long road, today. There are cynics and skeptics who believe that this new postal organization will fail. No one can say it will not. But I have high hopes.

I believe we have done a really responsible thing. I do not know whether this new system will work, but I know the old system was not working. I felt it was time that the American people and the Congress tried something else.

It has been suggested by my friend from Iowa (Mr. GROSS) that we will have higher rates. Let us face it. We will have higher rates under this new system. We would have had higher rates under the old system.

I hope, as we go down the road through the years and as this begins to work, we will judge its performance and its rates against what might have occurred had we not passed this bill. The fact is that in meeting our responsibility we were going to have to adjust rates.

We voted for a $1 billion pay raise this year, and earlier, for postal em-

ployees, and the money has to come from somewhere.

I expect some great things out of this bill, and I believe that will come about.

Let me hit three or four of the highlights.

Seven hundred and fifty thousand postal employees will no longer have to come hat-in-hand to this Congress every year in what some have called "collective begging." They will now have collective bargaining. They will be able to bargain with all the dignity, honor, and power they have as other labor organizations do. This year there will be collective bargaining under this bill, which will reduce from 21 years to 8 years the time it takes a clerk or a carrier to get to top pay.

I have a telegram here which I believe all Members received, on behalf of the seven national postal unions representing 700,000 postal employees, saying that the passage of this bill is necessary. They oppose all amendments. They urge that the conference report be adopted.

Despite the cynics and the skeptics—and this is the second important thing, as we start down this road—we are going to remove the evil influence of politics from the Post Office Department. No longer will Members be involved in appointments, promotions, and hiring. No longer will we see the kinds of situations in which the Postmaster General is one of the key political advisers of the President. We will have a professional, with a long-range contract, whose only goal will be the best possible postal service.

No longer will the Postal Department, when this bill becomes law, come last in the battle of the budget for funds for modernization, for capitalization, and for research.

The Postal Service will be able to raise up to $10 billion to get the kind of modern plants it needs to do the job. Never again will the Congress and its committees ever have to wrestle with these terrible conditions of rate settings, with the lobbyists in the halls, while we are trying to protect the public interest. We set up guidelines and say what our rate system ought to be and then we will leave to the professionals the job of coming up with the numbers so that each class of mail will have to pay its own way.

Mr. Speaker, I strongly urge my colleagues to support this conference report. I want to say to my good friends on the Committee on Interstate and Foreign Commerce, the men who spoke from that committee, who are some of the best Members in this House, that we have not done much in this bill for the Committee on Interstate and Foreign Commerce to get excited about. We took out the nonscheduled airlines, which was a major objection they had. In the second place, the Postmaster General has said that he cannot use this provision. So we should not be alarmed or defeat the conference report because of this.

Mr. Speaker, some 15 months ago I introduced a bill which would have changed the Post Office Department into a nonprofit Government Corporation. At that time I stated that it would probably take at least 2 or more years before the proposal would become law.

Yet here we are and this House has before it, for final approval, a bill which substantially reforms the Post Office Department much as I originally proposed.

I feel a certain amount of pride at this point because, on January 3, 1969, Congressmen HAMILTON, WALDIE, and myself, introduced H.R. 1382, the first postal reform bill having the kinds of changes we have before us today.

This moment must also be viewed historically. The Post Office Department is the oldest Cabinet position of them all. Benjamin Franklin was our first Postmaster General going all the way back to 1774. So we are truly making a historic change here today. A fundamental structure of American Government is abolished and a new Postal Service will take its place.

Let me highlight just a few of the remarkable and I think wholesome changes we will have brought when this bill becomes law:

The 750,000 postal employees will no longer have to come hat in hand to Congress in annual collective begging. They will have the dignity and power other labor unions have across the bargaining table. And the first round of unprecedented Federal employee collective bargaining this year is mandated to end the ridiculous step advancement system which requires a man a minimum of 21 years to reach top pay as clerk or carrier. One worker of every six employed today is employed by State, Federal, or local government. This legislation may well point the way for resolution of public employee disputes in future years.

With one stroke we will have virtually removed 750,000 fine Americans from political influences on hiring and promotion. We will have removed Senators and U.S. Representatives and all kind of political party officials from the pressures of political friends seeking appointments and advancement in the postal service. No longer will it be possible for a Postmaster General to be as in past generations, the major political adviser to the President.

No longer will the postal service, desperate for capital to modernize, expand and research new methods, have to come in last at the budget table. Its managers can issue bonds for the kind of huge new construction program which I anticipate over the next decade or so. The postal service will be able to sell properly situated downtown marble monuments and build new, efficient properly located facilities.

Never again, hopefully, will Congress and its committees have the impossible job of setting postal rates under the relentless pressures of the lobbyists for the big mail users, a process in which the public interest in fair rates and each class paying its own way, often was overshadowed. In this bill we have outlined the principles on which a fair rate structure is to be built; we have delegated to impartial professionals in a new postal rate commission the job of coming up with the right rates to meet those congressional guidelines and standards.

As a Member of this House who has been closely involved in this entire effort, I feel it is important that we understand exactly what is being accomplished by our vote today. This is too important a moment to simply agree to pass this bill on to the President without reflecting, in some detail, exactly what the managers of this bill have tried to accomplish.

You have before you the statement of the House managers in which appear the major provisions of the bill the conferees decided upon. Let me share with you as part of the legislative history, some of my views, bearing directly on the intent of this legislation.

We began by agreeing that the principal problem facing the Post Office Department was one of no control. There is now no real control over the costs incurred by the Department, especially in the area of labor costs, and there is little control over the price charged for the services rendered. A major goal of the conferees was to establish in postal management the requisite tools to accomplish these aims.

Therefore, the first step was to establish a structure which could begin to regain control over the operations of this huge establishment of 750,000 employees.

Thus we established a Board of Governors and authorized them to run the Postal Service and to appoint the necessary executive officers to perform the daily functions of the Service. At the same time, by specifically noting in our discussions that the Postmaster General could also chair the Board of Governors, we provided that the responsibilities lie with the Postmaster General as the primary operating head of the service.

We noted in our discussions that the Board consists of part-time employees whose duty it is to provide overall policy guidance except in that special case of rate-setting, where the authority of the Governors is paramount.

Both bills originally presented to the conferees envisioned that the Presidentially appointed Governors would serve on a part-time basis. Since they are expressly permitted to engage in outside employment as other special Government employees may do, their compensation was set as a combination of a yearly retainer of $10,000 and a fee of $300 for each meeting they attended up to a limitation of 30 meetings per year—60 during the first 2 years.

We created this new structure with explicit directions that they engage in collective bargaining with recognized employee organizations, while retaining special guarantees for our veterans who work for the Postal Service.

The long-standing preference eligible rights, guaranteed by law, cannot be changed by any collective bargaining. Therefore, it was decided that when the Postal Service administers an examination to fill a position, preference eligibles will receive the five and ten point credits now provided by law in the case of Civil Service examinations for entrance into the competitive service. In addition, we continued the guarantee that veterans who are preference eligible will retain the special reemployment rights and appeal rights they now have.

The collective bargaining we speak of in this section is historic. It sets a new standard for Federal employ-labor rela-

tions which should reap benefits for employee and employer alike. We have established a system which should allow the employees to enter this new era with renewed vigor and a determination to make the Postal Service one of the finest careers a man can aspire toward.

Let me emphasize that the success or failure of this new Service will depend to a large extent on the good will of the employees. They must work hand-in-hand with the management team to accomplish the common goals.

This teamwork is especially essential for the supervisory and managerial workforce. As an integral part of the management team, they must work closely with the Postmaster General to accomplish the needed reforms all agree must occur. We have, for the first time, given management the tools they need to create an effective supervisory force. The supervisors will now be able to supervise and working, with management, the Service will be much improved.

That is why the conferees unequivocally decided that the supervisors, as part of management, had no need for any form of collective bargaining. What they did need was specific language which guaranteed to their recognized professional organization, the ability to consult with management prior to any personnel decisions which might affect their members. The important thing to recognize is that the supervisors can now look to management and really know they are part of that side of employee-employer relations. In this way, both the Postal Service and the employees will be benefited.

Let me observe that there has been great speculation about the future of postal unions under this new authority. I am convinced that it is in the best interest of the Postal Service to ultimately have one large union representing all employees subject to collective bargaining.

While the Senate had provisions in its bill to allow only national craft recognition, the House allowed the National Labor Relations Board to decide the appropriate unit. In the conference, the House version prevailed. Some have interpreted this to mean that we believe the NLRB should decide on local units as appropriate units for purposes of collective bargaining. Nothing could be more mistaken. What the conferees meant is that the NLRB should apply those guidelines normally applied in the private sector and decide the appropriate unit on that basis. They should not look to the fact that the House prevailed in this area as any indictor of preference for national or local units, craft or otherwise.

During the conference there was a great deal of discussion of the personnel section of this legislation and there seemed to be unanimity of feeling that this was the key to success for the new Postal Service. If employee-management relations can get off to a good start, from the very beginning, there will be an attitude of good will that cannot but help in other areas of postal operations. It is my hope that both sides will go into the first collective bargaining sessions with this in mind.

The second major section of the bill dealt with the transportation of the mail. The Post Office Department has historically been hampered in their ability to move the mail due to general lack of contract authority at rates less than those set by the independent regulatory agencies.

The House bill originally gave the Postal Service the needed flexibility in the area of surface transportation. We have been fortunate to continue that flexibility in this final version. However, we were unable to substantially broaden the Postal Service's authority in the area of air transportation. One basic reason was the insistence that the CAB could be responsive to the needs of the Service if only they were requested to act.

I would hope that the Postal Service, working with the CAB, can provide the necessary air service to move the mail as expeditiously as possible. At the same time, I would hope the CAB would not saddle the Postal Service with outrageous and exorbitant rates that would have to be paid in order to get the necessary service. Working together, with both sides acting in good faith, there is a possibility that the American citizenry will finally get the kind of service they deserve. I will be watching this phase of the new Postal Service carefully and will not hesitate to suggest additional legislation if the Postal Service continues to be hampered by lack of flexibility and control in the area of air transportation of mail.

A vital part of this bill, which goes to the very heart of postal reform, is the method of setting new postal rates. In the bill before you, we establish a Postal Rate Commission composed of five men appointed, without Senate confirmation, by the President.

From the very beginning, there was widespread agreement between House and Senate conferees that Congress should lay down broad policy guidelines and that we leave the application of those policies to full-time, professional rate commissioners. It was emphasized that Congress must be taken out of the ratemaking procedure once and for all. The reason for this is clear: Fixing postal rates under intense lobbying pressures, as done in the past, produces neither fair and adequate rates, nor does much to strengthen the role of Congress.

The key point, of course, is not just to rid Congress of this ratemaking process but to also create a mechanism that will prevent future injustices from occurring at the Rate Commissioner's level.

It would be just as harmful to move the arena of unethical influence over postal rates from the Congress and then allow those same influences to permeate the Rate Commission structure.

Therefore, as a general statement, I would hope the President would urge and require that his appointed Rate Commissioners be covered by, adopt and enforce for their employees, a stringent model code of ethics that could ultimately cover the entire range of administrative and regulatory agencies.

This model code would require complete financial disclosure prior to appointment and thereafter on a regular basis. All ex parte contacts would be limited and complete public records kept of those that did occur; any meetings, conventions, et cetera attended by employees and Commissioners would be strictly monitored and most importantly, all votes taken by the Commissioners would be made public.

Above all else, the President must make sure that his appointees to this Commission not only be clean and above suspicion in all respects, but that they avoid the appearance of improper qualifications or behavior during their term of office.

These kind of regulations may seem unduly harsh, but, in the light of recent disclosures at the Interstate Commerce Commission and elsewhere, they seem even more necessary.

The Rate Commission we establish by this bill is designed to provide the expertise and hearings necessary to present to the Board of Governors the best possible set of recommended rates in line with the policy guidelines established by this bill.

So that the Members understand exactly how postal rates would be changed, let me outline a typical rate procedure for you.

First of all, the Board of Governors of the Postal Service would review their needs in terms of finances, services, marketability of their product, et cetera, and then present to the Rate Commissioners their recommendations for a rate change.

This recommendation could be broad-based dealing with changes in many different classes of mail, or it could be a small, single-shot rate change, which would affect only a single, specialized class of mail.

Upon receipt of this proposal by the Postal Service, the Rate Commission would promptly begin hearings on the request, allowing those persons interested in the proposal ample time to make their views known.

The Rate Commission would then submit their initial recommendation back to the Board of Governors for approval. The Board could accept each individual rate recommendation or it could selectively accept one and reject another.

If it rejected some of the recommendations of the Rate Commission, they would be returned for further action by the Commission. It could hold further hearings or make adjustments in its initial recommendations.

At some point soon after, the Rate Commission must send back to the Board its final recommendations. The Board then would either place them in effect or, by unanimous written action, modify the Rate Commission's final recommendations. Under these procedures the final authority for rate changes will be vested in the Board of Governors of the Postal Service.

I emphasize this point because there has been some confusion about the power of the Board of Governors to modify rates recommended by the Rate Commission. Because this is a matter in which the House modified its original position, I would like to clarify the meaning of the modification provision which is included in the conference version.

The bill originally passed by the House would have authorized the Board of Governors to modify a recommendation by a majority vote, consistent with the record before the Rate Commission and the requirements of the act.

The conference report, however, permits modification only upon the written concurrence of all of the Governors holding office and only if the Governors expressly find that—in the words of the act—

> The rates recommended by the Commission are not adequate to provide sufficient total revenues so that total estimated income and appropriations will equal as nearly as practicable estimated total costs.

Although this modification power is by no means what had originally been included in the House bill, it is a significant power which is important to the Postal Service. Should the Governors all find—in the exercise of their independent discretion—that the revenues which are likely to be produced from a recommendation of the Rate Commission are not sufficient to meet estimated costs—in any particular class or all classes totaled together—after appropriations have been taken into account, they may make a change.

During the conference there was considerable debate between House and Senate conferees about the modification question. We agreed to the Senate language only on the understanding that it provides a meaningful opportunity for all the Governors to change a recommendation which, in the sound exercise of their judgment, they find produces insufficient revenue.

This finding does not require the Governors to prove that the recommendation produces insufficient revenue—something which would be impossible for them to do before the rates have actually been placed into effect for a period of time. Instead it requires a reasonable finding, supportable and an appropriate exercise of discretion by the Governors, that the recommendation is likely not to produce the required revenue.

Proceeding on with our typical rate case—if, after the Board of Governors had placed the new, permanent, rates into effect, some mailer felt these were unjust, he could appeal them to the U.S. Court of Appeals. After complete judicial review, the courts could decide the rates were OK and they would stay in effect. If, on the other hand, the court found the rates illegal, they would send the whole matter back to either the Board or Commission for further action.

One other feature of this procedure is the authority of the Postal Service to set into effect temporary rates. These rates can go into effect 90 days after the proposal is sent down by the Board to the Commission for action. The purpose of a temporary rate is to encourage the Commission and the witnesses before the Commission to expedite the proceedings and not create unnecessary delays.

It also allows the Postal Service to get the necessary operating revenues as soon as possible. This rate is a temporary one which cannot exceed one third of the permanent rate then in effect for the class and no court is authorized to suspend this temporary rate in any way, shape, or form.

It is hoped that the Rate Commission will act judiciously and expedite all rate hearings so that no temporary rate has to remain in effect very long. But the rate may remain in effect until the Commission produces recommendations and if that takes a long time, the temporary rate stays in effect. This authority of the Board in setting both temporary and permanent rates is important when we recall that one of our original goals was to provide meaningful controls in the hands of management as to the price of the services that they render to the American public.

In order to guarantee that these charges would be based on fair and equitable standards for each class of mail, be it for the ordinary citizen or for the big commercial mailer, we insisted that each would pay at least the "demonstrably related costs."

This phrase, while finally deleted in the final bill, was used throughout the conference to express the feeling that each class of mail pay those direct or indirect costs attributable to it.

We agreed that the principle of the House bill be included in the final version of the legislation. This would establish a "floor" for each class of mail equal to costs called "demonstrably related costs" in the House version and "attributable costs" in the final version. Such costs consist of those costs, both direct and indirect, which vary over the short term in response to changes in volume of a particular class of which, even though fixed rather than variable, are the consequence of providing the specific class or service involved. The committee felt that such costs were capable of objective determination and proof either by empirical observation or deductive analysis. In addition to this threshold requirement, the legislation provides for a judgmental assignment of some part of the remaining costs. The judgment as to what portion of institutional costs should be borne by each class is to be made in the light of the criteria in the bill.

I have dwelt at length on this section because I believe it goes to the heart of what we are trying to do by giving management some responsibility and prerogatives.

It is true we have created an independent establishment within the executive branch and named it the Postal Rate Commission, but at the same time, there is an explicit intermingling of the Commission's function with that of the Postal Service. While it is not a total relationship as envisioned in the House-passed bill, it is enough of a relationship to maintain the necessary management prerogatives as to setting postal rates, which was the cornerstone of the House section on postal rate setting.

Another fundamental concern which was expressed in the House-passed bill was the notion that, at some point, the Postal Service ought to modernize enough to no longer need a subsidy from the General Treasury. We agreed that some moneys were needed during the transition from an entity dependent on subsidies to one that would be self-sufficient. Therefore, we wrote in a 7 year declining subsidy.

The Senate, on the other hand, insisted on a permanent subsidy of approximately a billion dollars per year.

In the final version, the principle of the House version prevailed. We specifically extended the transition time to 13 years, but said that at the end of that time, the Postal Service can reduce the appropriation to zero.

It was my intent, in approving of that compromise, that the Postal Service ultimately stop coming to Congress for annual appropriations and create a self-sufficient enterprise. In fact, I would hope that, as time goes on, the Postal Service might not even need all the money we have authorized during the next 13 years and might so notify the Appropriations Committees of the Congress.

Before leaving this discussion of specifics, let me mention three other minor, but important areas, decided in conference.

UNIFORM RATES FOR SEALED MAIL

The legislation provides, in section 3623(d), that the rate for classes of letter mail sealed against inspection should be "uniform throughout the United States, its territories, and possessions." The principal purpose here is to insure the nondiscriminatory injunction of section 403(c), so that no city or place in the United States or in its territories or possessions, should be required to pay more for the delivery of its mail to other citizens in the United States just because of its remoteness or distance from the continental United States or its centers of population.

The language is not intended to prohibit imposition of a variable surcharge for special handling. Neither is it intended to prohibit rates based upon distances where transportation is a significant factor, as in parcel post—which is not under present law sealed against inspection—or in air parcel post or heavy first-class pieces entitled to air parcel post rates as provided in former section 4253(b) of title 39, even though such mail is presently sealed against inspection. A distinction is drawn between the requirement for uniformity in section 3623(d) and the provision in section 3683, where it is specifically provided that the rates for books and similar material shall not vary with the distance transported.

INDEPENDENT AUDIT OF POSTAL SERVICE

Section 1202(d)(2) of the House bill required the Postal Service to include with its reports to Congress a profit-and-loss statement with a certificate made by competitively selected independent public accountants as to whether the statement fairly presents the results of operations and whether it shows the costs and revenues of the various kinds of service in accordance with generally accepted accounting principles.

Section 2108(e) of the Senate bill requires an annual certification by certified public accountants of the accuracy of financial statements used in determining and establishing postal rates. The conferees adopted the language of the Senate provision with an amendment requir-

ing the certification to be made as to the statement covering the transactions of fiscal year 1972 and each succeeding year. The requirement for competitive selection of the certified public accounting firm was eliminated, but the nature of the certification required was substantially the same under both bills, and the Senate language was accepted as the simpler formulation.

APPLICABILITY OF EXECUTIVE ORDER 11478

During consideration of this conference report by the Senate there was considerable discussion about whether Executive Order 11478 on Equal Employment Opportunity in the Federal Government would apply to the new Postal Service. Because the matter of the application of Executive orders is one which may prove to be important in the future, I want to take this opportunity to clarify the legislative intention in this regard.

Section 410 of title 39 of the United States Code as revised by the Reorganization Act makes inapplicable to the Postal Service all Federal laws in the area of personnel except those which the act specifically makes applicable. One provision of existing law which is specifically made applicable, however, is section 7151 of title 5 of the United States Code, which reads as follows:

It is the policy of the United States to insure equal employment opportunities for employees without discrimination because of race, color, religion, sex, or national origin. The President shall use his existing authority to carry out this policy.

This general nondiscrimination policy therefore applies to the Postal Service as well as to all other agencies of the Federal Government.

The question considered during the Senate debate was whether an Executive order adopted under this applicable provision of law would apply to the Postal Service. To answer this question, one must turn again to section 410 of the act which states that no regulation issued under certain chapters and sections of title 5—which include the provision quoted above—shall apply to the Postal Service "unless expressly made applicable.

This language was written into the bill for a very definite purpose. Although we considered it important to include the Postal Service in the coverage of various provisions of general law governing personnel matters, we wanted to make sure that regulations—other than those adopted by the Postal Service itself—would not apply to the Postal Service by inadvertance. In other words, we wanted to preserve as great a degree of independence for the Postal Service as possible, while retaining the full possibility that existing regulations could be amended by those issuing them in the first instance to cover the Postal Service if such amendment were thought to be in the public interest.

In adopting this statutory and regulatory framework we of course assumed that some regulations—whether in the form of Executive orders of the President or issuances by the Civil Service Commission—would be amended to cover the Postal Service. Principal among these of course is the Executive order dealing with equal employment opportunity. While it would be the responsibility of the Postal Service to implement the policy of non-discrimination even in the absence of the Executive order, it is our full expectation that the President will act expeditiously to insure that this Executive order is in fact amended so that employment in the Postal Service will continue to be covered by its provisions.

Mr. Speaker, as one who has been deeply involved in postal reform I submit that we have produced a really meaningful bill. During the coming years, I am sure modifications will be necessary, omissions will be discovered and corrected, but the Post Office and Civil Service Committee will still be in business to oversee the new operation and to resolve these problems.

In conclusion, I want to thank my chairman, Congressman DULSKI, for his yeoman effort in guiding this legislation through the conference committee. He has been completely honest and sincere in his approach, completely fair even when he personally disagreed, and the American people owe him a debt of gratitude for helping so much to achieve real postal reform.

Mr. SEBELIUS. Mr. Speaker, I want to take this opportunity to commend the members of the conference committee for their work on the postal reform bill. Two provisions of major importance that were not written into both the House or Senate versions of postal reform legislation are now part of this bill.

I am referring specifically to the section which guarantees each postal employee the right to join or not join a union and to the section dealing with the use of the postal service to distribute pornographic material. The bill to modernize our postal system and improve postal service is now complete with these two sections intact.

I feel it is most appropriate that with this legislation to reform and improve our postal service we also protect the rights of our postal workers and the rights of individual citizens and their families across our Nation.

As stated in this legislation, any person may now on his own behalf or on the behalf of his children, file a statement through his local postmaster that he desires not to receive sexually oriented advertisements through the mails. No person shall mail or cause to be mailed any sexually oriented advertisements to any individual whose name and address has been on this list for more than 30 days.

The guidelines for filing this statement will soon be available to all citizens just as soon as this bill becomes law and the Post Office Department establishes the necessary procedure.

In addition, the smut dealer can no longer hide behind a cloak of secrecy. Any person who mails sexually oriented advertisements is required to place on the envelope his name, address and such mark or notice as the Postal Service may prescribe.

It seems to me that with this legislation, the Congress has enacted a measure of real significance to every American family. We need to undertake a full-scale educational campaign to develop public awareness regarding each individual's right to protect himself and his family from the flow of unsolicited pornographic material.

I urge my colleagues to support this legislation and join me in developing a public awareness that will protect American homes against unsolicited pornographic material.

Mr. ANDERSON of California. Mr. Speaker, after careful analysis of the postal reform conference report, I have concluded that it has only one worthwhile and necessary provision that justifies an affirmative vote—the 8-percent increase in pay for postal workers. I strongly endorse the pay-raise provision. I feel that, because of the economic plight of the postal workers and their urgent need for this increase, I must vote for the so-called Postal Reform Act, but I do so with great reservation.

While I strongly endorse the pay increase for postal employees and, in addition, while I realize the need to improve the postal system, I feel that these are two separate issues and should be dealt with separately. While I favor an 8-percent pay raise for postal workers in order to bring them up to at least a decent standard of living, I am opposed to the provisions in this act which will further remove the post office from the people it was established to serve.

This act creates an 11-member Board of Governors who are encharged with the responsibility of running the postal service. The 11-member Board—nine of which are appointed by the President for 9-year terms of office with the two remaining Governors being appointed by the Board—will be so far removed from public scrutiny that they will be capable of operating a dictatorship of sorts. This creation is not reform, but, instead, is a completely undemocratic, and unresponsive organization which will answer to no one for their actions.

In addition to the Board of Governors, the Postal Reform Act creates an independent Postal Rate Commission. This five-member Commission, each appointed by the President for a 6-year term of office, will be confirmed by no one, and, like the Board of Governors, they will be responsible only to themselves. Their sole responsibility will be to raise money for the operation of the Post Office. How will they produce the revenue? Obviously, they will increase the price of stamps. But will they increase the rates for junk mail? I doubt it—the burden for putting the Post Office on a pay-as-you-go basis will fall on the user of first-class postage.

Mr. Speaker, I feel that the Post Office—the oldest Department in Government, created by the first Congress—was established to serve the public. Its purpose has been to deliver mail rapidly and at a minimal cost to the user. Under the new Postal Reform Act, the emphasis has now been changed—the newly created Postal Service is now charged with the responsibility of delivering mail without losing money.

I, too, am alarmed at the tremendous deficit that is incurred by the Post Office each year, but I contend that if we increased the rates for those classes of mail that do not pay their own way, then we would cut the Post Office deficit substantially. Presently, first-class postage

pays nearly twice the cost of handling and delivery. The second-class mail pays only one-half the cost of handling and delivery. If we are going to place the post office on an economical basis, let us have each class of mail pay only its cost of handling and delivery; let us not have first-class mail subsidizing the second and third classes of mail.

Mr. Speaker, the first "reform" to be made by the new Postal Service will be a "reform" of the first-class rates. The administration has already recommended an increase in the cost of first-class postage from 6 cents to 10 cents—later revised to 8 cents. Mr. Speaker, I do not agree that raising first-class rates—rates which already cover nearly twice the costs of handling and delivery—is "reform." I, for one, am bitterly opposed to such an increase.

My second objection to the new postal service is the lack of control, the lack of accountability. Mr. Speaker, I favor removing the Post Office from politics. I have long felt that employment and advancement should be based on what a person knows, not who he knows. Long ago we did just that by placing the Post Office under the civil service provisions. But, under the Postal Reform Act, who controls the Post Office? Certainly not elected officials, for Congress has turned over its control of postal matters to a select group of handpicked bureaucrats who are responsible to no one but themselves and the special interest groups that lobby for their appointments.

Once the rate commissioners establish rates, they can only be overruled by the Board of Governors and then only by a unanimous vote. Congress has no say in the matter.

In order to save money and operate at a profit, the Postal Service will surely consider eliminating the following services:

First. The discontinuation of 6-day mail delivery and Saturday window service.

Second. The discontinuation of mail delivery to individual addressees at such locations as colleges, and trailer courts.

Third. The replacement of fourth-class post offices with contract offices.

Fourth. The discontinuation of air transportation for first-class mail to points within 750 miles.

Fifth. The cutting back of wages and jobs for postal workers.

Mr. Speaker, I support measures which will improve mail service; and I support the pay increase for postal employees. However, Mr. Speaker, I am opposed to the procedure by which the low pay of the postal workers is used as a vehicle, to ram through a bill which is certainly not "reform" and will surely remove the Postal Service from the control of the people.

Mr. CRANE. Mr. Speaker, I commend my distinguished colleagues who represented the House of Representatives in the conference on the bill, H.R. 17070.

I believe that this legislation will mark a significant improvement in the operation and function of the postal service of the United States. At this time, I would particularly call the attention of my colleagues to section 7 of the pending bill. This section provides for a 2-year study of those portions of titles 39 and 18 of the United States Code which deal with the private carriage of first-class mail. The text of section 7 follows:

STUDY OF PRIVATE CARRIAGE OF MAIL

SEC. 7. The Congress finds that advances in communications technology, data processing, and the needs of mail users require a complete study and thorough reevaluation of the restrictions on the private carriage of letters and packets contained in chapter 6 of title 39, United States Code (as enacted by section 2 of this Act), and sections 1694–1696 of title 18, United States Code, and the regulations established and administered under these laws. The Board of Governors of the United States Postal Service shall submit to the President and the Congress within 2 years after the effective date of this section a report and recommendation for the modernization of these provisions of law, and such regulations and administrative practices.

As my colleagues may recall, on March 26 I introduced a bill, H.R. 16691, which would repeal these sections of the United States Code. My remarks in support of this legislation appear on page 9516 of the CONGRESSIONAL RECORD of March 26, 1970.

This bill was offered as an amendment to the present bill (H.R. 17070) on June 18 by the gentleman from Kentucky (Mr. CARTER), the gentleman from Tennessee (Mr. DUNCAN), my colleague from Illinois (Mr. MIKVA) and myself. Our amendment was not successful.

Section 7 of the pending bill will provide an opportunity for a thorough investigation of the question of the private carriage of first-class mail. When the opportunity presents itself, I will offer to testify on this subject, and I ask that a letter which I have sent to the Postmaster General be inserted in the RECORD at this point:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 6, 1970.

Hon. WINTON M. BLOUNT,
Postmaster General,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: I commend you for your perseverance in seeking meaningful reform of the postal service. I believe that Section 7 of H.R. 17070 is particularly significant. This section, as you will recall, pro ides for a two-year investigation by the Board of Governors of the United States Postal Service of the restrictions on the private carriage of letters.

This question was the subject of my bill, H.R. 16691, which your department has previously commented on.

When the new Board of Governors begins their study of this question, I will be most pleased to offer any assistance which I might be able to provide in pursuing your "complete study and thorough reevaluation" of these provisions of existing law.

Thank you for your continued courtesies, and I look forward to working with you in this area in the future.

Sincerely,

PHILIP M. CRANE,
Member of Congress.

H.R. 17070 is a step toward meaningful postal reform, and one of the main reasons that it is, is because of the provisions of section 7.

Again, I commend my colleagues, the Members from the other body and the administration for wisely including this provision in the postal reform bill. I am confident that this opportunity will be utilized to thoroughly investigate the very important question of competition for first-class mail, and to render a meaningful report back to the Congress.

Mr. FUQUA. Mr. Speaker. There is no question that there are many things wrong with the postal system of this Nation. Today we are voting on a postal reorganizational bill which is supposed to get at the heart of these problems—and let me say that this measure will not scratch the surface.

There is one thing I know for certain, the postage rate is going up and the American people will pay more for less service.

What has been needed all along has been for modern management and modernization demanded by the administration through the office of the Postmaster General. I think a great deal is promised by this new system, and I think is will deliver very little.

Frankly, I believe that the Congress, the President and the management of the postal system have been responsible—and a part of that fault lies with the apathy of the American people. We have allowed archaic work rules and methods to hold sway in 1970—methods which might have been adequate in 1940, but probably not since then.

We have not provided an incentive program for postal employees. I am totally in favor of a program where there can be advancement within the ranks and I think that there needs to be pay incentives for young men in the postal service to strive to achieve and succeed. The pay rates have often been such that a man could remain in a job with little responsibility and come close to the salary range of the man upon whose shoulder the real workload was placed.

Our rate structure has certainly left much to be desired. I could not count the number of times I have complained bitterly about the rate for "junk mail" which is carried at a portion of its cost while the average citizen has to pay his or her way with first class service.

Yes, there are some real problems in the Postal Service.

No, this measure will not solve them.

We are sweeping the problem under the rug and it is going to come back to haunt us. It may well be that we will be faced with some other proposal in the not too distant future of like magnitude.

I predict that this reorganization will simply mean increased cost without increased efficiency. It is my opinion that it may well prove a detriment to the men and women of the Postal Service.

It is my feeling that this measure does not meet the problem. It is for that reason that I cast my vote against its approval.

Mr. ANDERSON of Illinois. Mr. Speaker, I want to extend my firm support for the postal reorganization bill that has emerged from conference deliberation. The conferees are to be commended on their painstaking effort in reconciling the many differences between the two versions of this historic and complex piece of legislation. Of course, there are a few changes, for instance, on the size and duration of the Government subsidy to the new postal corporation, the procedure for rate changes, judicial review, the pro-

vision for a congressional veto, and others; but basically the bill remains the sound and long overdue measure for the reorganization and modernization of our archaic postal system approved by this body in June. We were aware for more years than it is comfortable to admit that it was a scandal and an outrage that the most industrialized and affluent Nation in the world could muster no better than an inefficient relic of the 19th century for handling the mail. Now that we have at last liberated the postal service from the inertia of tradition, patronage, and politics, we can look forward to the kind of modern postal service the Nation so desperately needs and deserves.

I am particularly pleased that the conference retained the so-called Henderson-Gross amendment to the House bill. It would have been ironic indeed if we had removed political interference and meddling from the system only to open the door to arbitrary interventions in the management of the new corporation by labor leaders, made inordinately powerful by the compulsory union membership. By giving every employee the right to choose whether or not to join a union, we have avoided setting a bad precedent for the Government service, and have gone a long way toward insuring that the postal unions do not stray beyond their proper and constructive role of representing their membership in negotiation over wages and conditions of work.

I would be remiss, however, if I did not express my strongest disappointment over the fact that the conference committee cut the very heart of an amendment I introduced during the House consideration of the Postal Reform Act. My amendment provided that the new postal corporation shall not enter into any collective-bargaining agreement which restricts the introduction of new techniques or devices which may reduce the cost or improve the quality of the postal service. The aim of this amendment was to insure that nothing stood in the way of the adoption of the most modern and efficient technological improvements. The conference bill includes the language of my amendment but exempts collective-bargaining agreements. But that is about like saying that everyone shall obey traffic laws except those driving autos. This exemption destroys the very purpose of the amendment which was to avoid the union featherbedding and resistance to technological innovation that is having such adverse effects on the railroad, construction, and other industries. Why in this day and age we must continue to tolerate these kinds of practices I simply fail to understand? I want to register my strongest dissent to the shortsightedness on the part of the conference committee regarding this matter.

Mr. RANDALL. Mr. Speaker, at this point about the best some of us can say is that we will see, what we will see, what we will see. If such a statement calls for interpretation it means that only time will tell how long the American people will put up with the kind of postal establishment which will become a reality upon adoption of this conference report.

Having made such a comment almost any listener would be entitled to inquire why a bill that contained so little that was desirable and so much to be desired would pass by such a substantial majority when approved by the House on June 18, and why this conference report will face such a little bit of opposition today?

Clearly, the answer lies in the fact that most Members are intently interested in seeing that justice be done promptly by providing equitable pay for that sizable army of letter carriers and clerks who have served faithfully and with dedication to their duties. Because of the many pronounced threats of a Presidential veto this bill is the only vehicle by which these patient and long-suffering postal employees can receive their sorely needed and much deserved 8-percent pay increase which is justifiably made retroactive to April 17, 1970.

In commenting on H.R. 17070 at the time of its passage on June 18, 1970, I pointed out that the Congress could have just as well proceeded along the lines of H.R. 4 which would have provided for complete modernization of postal facilities. This bill would have allowed the Department to take advantage of applications of automation and to go ahead with research to try to develop devices which would read addresses like a human being. The same bill would have made it possible to fund improvements by the issuance of bonds rather than from annual appropriations.

But no, then and now the great majority of the Congress seemed intent upon turning our entire postal operation over to some unelected appointees which I now predict may very well become unresponsive appointive officials so far as carrying on the time-honored concept that the Post Office Department is a service institution rather than a commercial operation.

While I am apprehensive of these appointees changing the entire structure from a service operation to a business institution I am downright frightened as to the future of our postal rates. H.R. 17070 may have been imperfect as we sent it to the Senate. As far as postal rates are concerned as we rush headlong to adopt the conference report today, H.R. 17070 is a really bad bill. Before conference, at least one body of the Congress had an exercise of the right of veto over exorbitant postage rate increases even if it did take a two-third vote. As we proceed to adopt the conference report today even that veto power has been relinquished and turned over lock, stock and barrel to a rate commission.

Why then is there no enthusiasm and why is it with the greatest of reluctance that we accept this conference report and let it become law? As I mentioned above, it is the last train available to carry the deserved postal pay increases. Many Members will support this conference report because back in their minds is the recollection of the thousands and thousands of letters they received from those who insisted that there must be some kind of postal corporation or some independent establishment or some other new front created carrying a beautifully descriptive name to replace the old Post Office Department.

Well-meaning and good-intentioned businessmen noted that because of the vast increase in the volume of mail the service has slowed down. They were willing to try almost anything. I am sure it would be a worthwhile effort for all of us to keep a record of our constituents who had written in so adamantly in favor of some kind of new postal authority. After this new concept of an independent postal establishment is in operation for a while I predict it will be an interesting exercise to listen to the reaction of these very same constituents and compare their new complaints with their former views particularly after the Board of nine appointees decides to change the Post Office from an institution of service to a commercial organization either by curtailing service or by raising the postal rates sky high which, under the provisions of this conference report, Congress will be helpless to forestall.

For the foregoing reasons I am entering into the RECORD today my doubts and misgivings about this new postal establishment which I submit is too important to the American people to be left to a board of appointees no matter who they may be. As I said on June 18, when we passed the bill, I predict that after H.R. 17070 is put into operation, it will either be repealed or repealed in part not too long thereafter. The only way I can find it possible to vote for this conference report is with the knowledge that what we do today is not irrevocable. Thank goodness, that what the Congress does it may later undo.

Mr. DULSKI. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the "ayes" appeared to have it.

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken and there were—yeas 338, nays 29, answered "present" 1, not voting 62, as follows:

[Roll No. 259]

YEAS—338

Abbitt	Blatnik	Camp
Adair	Boggs	Carey
Adams	Boland	Casey
Addabbo	Bow	Cederberg
Albert	Brademas	Celler
Alexander	Brasco	Chamberlain
Anderson, Calif.	Brinkley	Chappell
	Broomfield	Chisholm
Andrews, Ala.	Brotzman	Clancy
Andrews, N. Dak.	Brown, Calif.	Clark
	Brown, Mich.	Clausen, Don H.
Annunzio	Brown, Ohio	
Arends	Broyhill, N.C.	Clawson, Del
Ashley	Broyhill, Va.	Cleveland
Aspinall	Buchanan	Cohelan
Ayres	Burke, Fla.	Collins
Barrett	Burke, Mass.	Colmer
Beall, Md.	Burlison, Mo.	Conable
Belcher	Burton, Calif.	Conte
Bennett	Burton, Utah	Corbett
Betts	Bush	Corman
Bevill	Button	Coughlin
Biaggi	Byrne, Pa.	Cowger
Biester	Byrnes, Wis.	Crane
Bingham	Cabell	Culver

Daniel, Va.	Johnson, Calif.	Quie
Daniels, N.J.	Johnson, Pa.	Railsback
Davis, Ga.	Jonas	Randall
Davis, Wis.	Jones, Ala.	Rees
de la Garza	Jones, N.C.	Reid, Ill.
Delaney	Karth	Reid, N.Y.
Dellenback	Kastenmeier	Reuss
Denney	Kee	Rhodes
Dennis	Keith	Riegle
Derwinski	Kluczynski	Rivers
Devine	Koch	Rodino
Dickinson	Kyl	Roe
Donohue	Kyros	Rogers, Colo.
Dorn	Landrum	Rogers, Fla.
Dowdy	Langen	Rooney, N.Y.
Downing	Latta	Rooney, Pa.
Dulski	Lennon	Rosenthal
Duncan	Lloyd	Roth
Dwyer	Long, Md.	Roybal
Eckhardt	Lowenstein	Ruppe
Edmondson	Lukens	Ruth
Edwards, Ala.	McClory	St Germain
Edwards, Calif.	McCloskey	Sandman
Eilberg	McClure	Satterfield
Esch	McCulloch	Schadeberg
Eshleman	McDade	Scheuer
Evans, Colo.	McDonald, Mich.	Schneebeli
Farbstein	McEwen	Schwengel
Fascell	McFall	Sebelius
Feighan	McKneally	Shipley
Findley	Macdonald, Mass.	Shriver
Fish	MacGregor	Sikes
Flood	Madden	Sisk
Flowers	Mailliard	Slack
Foley	Mann	Smith, Calif.
Ford, Gerald R.	Marsh	Smith, Iowa
Ford, William D.	Martin	Smith, N.Y.
Foreman	Mathias	Snyder
Fraser	Matsunaga	Springer
Frelinghuysen	Mayne	Staggers
Frey	Meeds	Stanton
Friedel	Melcher	Steed
Fulton, Pa.	Michel	Steiger, Ariz.
Galifianakis	Mikva	Steiger, Wis.
Garmatz	Miller, Calif.	Stephens
Gaydos	Miller, Ohio	Stokes
Gettys	Mills	Stratton
Giaimo	Minish	Stubblefield
Gibbons	Minshall	Stuckey
Gilbert	Mize	Sullivan
Gonzalez	Mizell	Talcott
Goodling	Mollohan	Taylor
Green, Oreg.	Monagan	Teague, Calif.
Green, Pa.	Montgomery	Thompson, Ga.
Griffiths	Moorhead	Thompson, N.J.
Grover	Morgan	Thomson, Wis.
Gubser	Morse	Udall
Gude	Morton	Ullman
Hagan	Mosher	Van Deerlin
Haley	Moss	Vander Jagt
Halpern	Murphy, Ill.	Vanik
Hamilton	Murphy, N.Y.	Vigorito
Hammer-schmidt	Myers	Waggonner
Hanley	Natcher	Waldie
Hanna	Nedzi	Wampler
Hansen, Idaho	Nelsen	Watkins
Hansen, Wash.	Nichols	Watson
Harrington	Nix	Watts
Harsha	Obey	Whalen
Harvey	O'Hara	Whalley
Hastings	O'Konski	White
Hathaway	Olsen	Whitehurst
Hawkins	O'Neal, Ga.	Widnall
Hébert	O'Neill, Mass.	Wiggins
Hechler, W. Va.	Patten	Williams
Heckler, Mass.	Pelly	Wilson, Bob
Helstoski	Pepper	Wilson, Charles H.
Henderson	Perkins	Winn
Hicks	Pettis	Wolff
Hogan	Philbin	Wyatt
Horton	Pike	Wydler
Hosmer	Pirnie	Wylie
Howard	Podell	Wyman
Hull	Poff	Yates
Hungate	Preyer, N.C.	Yatron
Hunt	Price, Ill.	Zablocki
Hutchinson	Price, Tex.	Zion
Jacobs	Pryor, Ark.	Zwach
Jarman	Pucinski	

NAYS—29

Abernethy	Hall	Roberts
Ashbrook	Hays	Rousselot
Brooks	Kazen	Saylor
Carter	Landgrebe	Scherle
Dingell	McMillan	Schmitz
Fisher	Mahon	Skubitz
Fountain	Mink	Teague, Tex.
Fuqua	Patman	Whitten
Griffin	Pickle	Young
Gross	Poage	

ANSWERED "PRESENT"—1

Scott

NOT VOTING—62

Anderson, Ill.	Diggs	Meskill
Anderson, Tenn.	Edwards, La.	Ottinger
	Erlenborn	Passman
Baring	Evins, Tenn.	Pollock
Bell, Calif.	Fallon	Powell
Berry	Flynt	Purcell
Blackburn	Fulton, Tenn.	Quillen
Blanton	Gallagher	Rarick
Bolling	Goldwater	Reifel
Bray	Gray	Robison
Brock	Holifield	Rostenkowski
Burleson, Tex.	Ichord	Roudebush
Caffery	Jones, Tenn.	Ryan
Clay	King	Stafford
Collier	Kleppe	Symington
Conyers	Kuykendall	Taft
Cramer	Leggett	Tiernan
Cunningham	Long, La.	Tunney
Daddario	Lujan	Weicker
Dawson	McCarthy	Wold
Dent	May	Wright

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Taft for, with Mr. Scott against.

Until further notice:

Mr. Holifield with Mr. Goldwater.
Mr. Burleson of Texas with Mr. Cramer.
Mr. Blanton with Mr. Kleppe.
Mr. Dent with Mr. King.
Mr. Evins of Tennessee with Mr. Bray.
Mr. Gray with Mr. Bell of California.
Mr. Rostenkowski with Mr. Erlenborn.
Mr. Passman with Mr. Blackburn.
Mr. Long of Louisiana with Mr. Cunningham.
Mr. Tiernan with Mr. Collier.
Mr. Anderson of Tennessee with Mr. Anderson of Illinois.
Mr. Caffery with Mr. Berry.
Mr. Daddario with Mr. Meskill.
Mr. McCarthy with Mr. Clay.
Mr Ottinger with Mr. Davis.
Mr. Tunney with Mr. Conyers.
Mr. Fulton of Tennessee with Mr. Brock.
Mr. Jones of Tennessee with Mr. Kuykendall.
Mr. Purcell with Mrs. May.
Mr. Ichord with Mr. Reifel.
Mr. Wright with Mr. Lujan.
Mr. Edwards of Louisiana with Mr. Roudebush.
Mr. Ryan with Mr. Pollock.
Mr. Symington with Mr. Weicker.
Mr. Rarick with Mr. Wold.
Mr. Flynt with Mr. Quillen.
Mr. Fallon with Mr. Stafford.
Mr. Gallagher with Mr. Robison.
Mr. Leggett with Mr. Diggs.
Mr. Baring with Mr. Powell.

Mr. SCOTT. Mr. Speaker, I have a live pair with the gentleman from Ohio Mr. TAFT. If he were present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous material on the conference report just agreed to.

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

There was no objection.

RAILROAD SAFETY AND HAZARDOUS MATERIALS CONTROL

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 1139) providing for the consideration of the bill (S. 1933) to provide for Federal railroad safety, hazardous materials control, and for other purposes, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1139

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1933) to provide for Federal railroad safety, hazardous materials control, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and to read such amendment in the nature of a substitute by titles instead of by sections. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) and reserve the balance of my time.

Mr. Speaker, House Resolution 1139 provides an open rule with 2 hours of general debate for consideration of S. 1933 to provide for Federal railroad safety, hazardous materials control and for other purposes. The resolution further provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment.

The purpose of S. 1933 is to promote safety in all areas of railroad operations and reduce deaths and injuries to persons and property.

The Secretary of Transportation is authorized to prescribe regulations for all areas of railroad safety and conduct necessary research and development. He is given emergency power to prohibit the use of any facilty or equipment he determines to be unsafe.

The Secretary is to make a 1-year study of grade crossings and railroad rights of way and report to Congress.

The States are authorized to regulate in any area of safety until the Secretary acts with respect to the particular subject matter and they are authorized to assist the Secretary by conducting investi-

gative and surveillance activities. The Secretary is authorized to provide up to 50 percent of the cost of such State activities and, in the event of a violation, any State participating may seek compliance with Federal regulations in U.S. district courts if the Secretary has not acted within 180 days of such violation.

Injunctive relief is provided and civil penalties are provided ranging from $250 to $2,500 for any violation of a Federal regulation.

The Secretary is to make an annual report to Congress not later than May 1 of each year.

Appropriations are authorized up to $21 million for each of fiscal years 1971, 1972 and 1973.

In addition, appropriations are authorized up to $1 million for each of fiscal years 1971, 1972 and 1973 for a hazardous materials technical staff and a centralized reporting system for hazardous materials accidents within the Department of Transportation. The Secretary is to review all aspects of hazardous materials transportation and report to Congress annually not later than May 1.

Mr. Speaker, I urge the adoption of the resolution in order that the bill may be considered.

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

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

Mr. GROSS. I wish to commend the Rules Committee for this rule, which is unusual and almost unique in that it does not waive points of order on any language in the bill. In other words, as I understand it, is a completely open rule, and I wish to commend the Rules Committee for this most unusual action. I thank the gentleman for yielding.

Mr. MADDEN. I wish to thank the gentleman from Iowa for his kind words of commendation.

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

Mr. MADDEN. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Speaker, I am delighted to have this rule printed, but I am a little concerned because I find nothing in the rule or in the bill referring to the Interstate Commerce Commission. Is this bill or is this action of the Secretary of Transportation to supersede the rights which Congress by law has given to the Interstate Commerce Commission to regulate safety on the railroads?

Mr. MADDEN. Mr. Speaker, I will yield to the chairman of the committee, the gentleman from West Virginia (Mr. STAGGERS) to answer that question.

Mr. STAGGERS. Mr. Speaker, I might respond to the gentleman that I do not think we yield anything. We have tried to make this stronger and put it in a different department to make it stronger, to save lives.

Mr. SAYLOR. I understand that is the intention of the bill, as it came from the gentleman's committee. If that is the purpose of it, I am delighted to support it.

Mr. LATTA. Mr. Speaker, the primary purpose of the bill is to promote safer railroad operations, including the reduction of accidents and the resulting injuries and deaths and the reduction of property damage caused by accidents involving any carrier of hazardous materials.

The bill gives authority to the Secretary of Transportation to prescribe regulations in all areas of railroad safety and to conduct any necessary research development, testing, and training projects which may be necessary.

States may also regulate concerning railroad safety in any area in which the Secretary has not acted, but Federal regulations, if they exist, will preempt State action.

Under the bill, States may assist the Department of Transportation in carrying out its regulatory and investigative responsibilities. States, in order to participate, must be certified in writing by the Secretary, who may provide up to 50 percent of the costs of the State program. Only the Secretary may determine to assess penalties for discovered violations and this authority may not be delegated to the States which participate in the regulatory program.

Penalties are provided for all violations. Fines of from $250 to $2,500 for each offense are authorized. Further, the Secretary is empowered to seek injunctive relief in the appropriate district court.

The bill also deals with the transportation, by any carrier, of materials which are hazardous if allowed to escape from their containers. A staff of technical experts in this field is authorized within the Department of Transportation and a requirement of reporting all accidents involving such materials is instituted. The Secretary is empowered to conduct a study of the transportation of all hazardous materials and to recommend steps to insure the safe movement of such materials.

The bill authorizes appropriations for 3 fiscal years—through 1973—to carry out the provisions of the bill. For each fiscal year, $22,000,000 is authorized.

There are no minority views. The administration supports the bill.

Mr. Speaker, I have no further requests for time.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1933) to provide for Federal railroad safety, hazardous materials control, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 1933, with Mr. ANNUNZIO, in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 1 hour, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 1 hour.

The Chair recognizes the gentleman from West Virginia.

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

Mr. Chairman, the Subcommittee on Transportation and Aeronautics of our full committee held hearings on S. 1933 and other bills relating to railroad safety over a 4-day period last March. After receiving a unanimous report from the subcommittee, the full committee, on May 27, unanimously reported the bill before you.

The purpose of this legislation is to promote safety in all areas of railroad operations, and to reduce accidents, deaths and injuries to persons, and to reduce the damages caused by the presently increasing problems concerning accidents involving all types of carriers of hazardous materials. As you know over the years there have been several railroad safety statutes. You will find them set forth beginning on page 40 of our report. Among them are the Safety Appliance Acts, the Signal Inspection Act, the Accident Reports Act, and the Hours of Service Act. It is my understanding that these have served well, and the bill would continue each one of them. However, collectively, they do not establish a broad-enough safety program at this time. There are no uniform State safety programs. There are no uniform State safety regulations. We have nationwide rail transportation, but we do not have a nationwide rail safety program.

A quick review of our report or the printed hearings, I believe, will demonstrate most convincingly that we must enact an overall Federal safety law now. Train accidents have increased for the 12th consecutive year, 1969 is up over 1968 by more than 500 accidents; 2,299 persons were killed and over 23,000 were injured in the past year. We have had grade-crossing accidents ever since we have had trains, but now we are plagued with broken wheels, broken rails, and deteriorating roadbeds.

I am sure you are all aware that our common carriers, and particularly our trains, oftentimes carry highly flammable and poisonous cargo. On New Year's Day in 1968 there was a derailment in Indiana involving such cargo, and it led to an intense fire and the explosion of a tank car. The town's major industry was destroyed, the town was evacuated for 2 days and the water supply, because of cyanide pollution, required health protection measures for months. Miraculously, there were no fatalities but that is luck—not safety.

Now I would like to summarize the framework of the legislation before us. As I said, all existing railroad safety laws will remain in effect. The framework of this new bill authorizes the Secretary of Transportation to prescribe regulations for all areas of railroad safety and to conduct necessary research, development, testing evaluation, and training. He will have emergency powers to pro-

hibit the use of facilities or equipment which he determines to be unsafe. There will be a 1-year study and report on the problem of grade crossings and rights-of-way.

I would like to emphasize that the States will have an effective role under this legislation. We believe that we have that role in the proper perspective as reported. The States may regulate in any area of railroad safety until the Secretary acts. After the Secretary has acted, the States may still regulate with respect to essentially local hazards. The States may also assist the Secretary by conducting investigative and surveillance activities on his behalf. These activities will be conducted through certification or agreement with the Secretary. The Secretary can provide up to 50 percent of the cost of the State program, but the Secretary retains the authority to assess penalties. As to enforcement this is vested in the Secretary. However, the States can seek compliance with Federal regulations if the Secretary has not acted within 180 days after a violation.

Under title III which deals with the hazardous materials control part of the problem, there are provisions for a technical staff and a centralized reporting system. There has to be a better means of communications as to all aspects of hazardous material transportation. Our record indicates that local police and fire authorities oftentimes are not even aware that hazardous materials are coming through their town, nor what substances are involved. In case of an accident, this puts them in a position of having no way of knowing what chemicals or firefighting materials to use on the explosions and fires such as the one I mentioned in Indiana. The reported bill calls for better records and communications in this area.

The cost of this program under the 3-year authorization which we reported totals $22 million for each year.

I believe that we have a highly necessary bill here, and I urge all of you to support it. I think that a 2-hour open rule will be sufficient.

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

Mr. Chairman, today, the railroad industry is plagued with many ills. Most have reached epidemic proportions and any of them could bring on the demise of the most venerable of our modes of land transportation. Many of the problems are economic and this gives rise to other problems. But whether it arises as a cause or as an effect the crisis in railroad safety demands immediate attention.

Based upon the testimony brought out in our committee we could stand here all afternoon citing examples of the breakdown in safety on the Nation's railroads. We could present statistics and comparative figures on losses and injuries which would convince the most skeptical observer that safety has been breaking down. But a discussion of how it got this way is academic. Here it is and we must act promptly.

The history of railroad safety measures and legislation is confused and spotty. Over the years situations have been met with specific responses. General attention to the broad regulation of safety practices has been lacking. The result is a body of law which leaves many blank spots and the present situation shows only too clearly what has happened there. Even the titles of some of the older acts such as the Locomotive Inspection Act and the Ash Pan Act sound archaic. They have been useful and are the result of many hard fought campaigns in the past. This bill would keep all of them intact but attempt to establish an administrative device for building on and around them. The result should be a broad and comprehensive safety law. Derailments and equipment failures are direct dangers to the personnel who must work with them as well as to the public, despite diminishing passenger traffic.

The bill gives the Secretary of Transportation authority to issue regulations covering the broadest range of railroad safety. This will pose problems of an administrative nature where existing safety laws which will remain in force cover some of the same ground. It is expected that the Secretary will make the necessary adjustments to avoid outright conflicts. The main idea is to obtain full coverage of all safety programs whether formerly under Federal jurisdiction or otherwise. In the last 2 years we have observed the occurrence of more and more derailments, some of them involving extremely hazardous substances. Lives have been lost, towns have been evacuated, and property losses have been in the millions of dollars. Solving this problem and making certain that roadbeds are adequate for the traffic they will bear is not something that is merely desirable, it is mandatory. Uniform regulations must be forthcoming and must be rigidly enforced. In this regard the bill provides that Federal regulations will override all others. States may enforce regulations in those areas not covered by the Federal regulations and they may also take charge of purely local hazards.

To insure uniform enforcement it will be carried out principally by Federal authorities. States will be called upon to investigate and to carry out surveillance activities. These will be done under the terms of certificates somewhat like those provided in the Natural Gas Act issued by the States to the Federal Government or under direct contracts for such assistance. By doing so States will qualify for financial assistance covering one-half of the cost of the State railroad safety program. Assessment of penalties will remain a Federal function but if violations occur and for some reason the Secretary does not act, a State may, after 180 days have gone by with no action, go directly into Federal court and request enforcement by appropriate means.

It should be noted that any regulations regarding safety will necessarily involve personnel activities. This can become a touchy subject and when the railroad safety bill was first proposed it immediately became a major issue. When qualifications of employees become obvious factors in safety then they cannot be ignored and the Secretary must take them into account in his actions under the law. No one will argue against this general principle but it will be difficult at the time to decide. To make sure that the close calls are not subject to arbitrary action, the applicable provisions of the Administrative Procedures Act include a right to an oral presentation. As to further limitations upon rash action the bill also provides that existing safety data must be taken into consideration in prescribing rules. The Railway Labor Act is in no way changed or affected by this bill.

Originally the committee determined that initial rules should come forth very quickly, in fact only a few weeks after this debate. Reality dictated that somewhat more time should be allowed and a better product demanded. Consequently we finally provided for a 1-year period for the Secretary to put together the initial rules under this new law. They should be good enough to endure on the subjects they cover. More rules on other and newer subjects will be forthcoming from time to time thereafter.

There will be times when an emergency situation will make it suddenly clear that certain equipment is unsafe. When this occurs, the Secretary can and certainly should ban the use of such equipment on short notice. The bill provides authority for such action.

A constant source of concern is grade crossings. They are the sites of numerous accidents. They are also the source of constant bickering within political jurisdictions and between political jurisdictions. This bill does not pretend to have all the answers and therefore provides for a 1-year study of all phases of this sticky problem. At the same time, however, we recognize that the Secretary of Transportation already has extensive responsibility in the area of traffic safety and highways. He is directed to use his office to coordinate these activities and bring about optimum coordination and cooperation among political entities. This is a big order but it is within the charter of the Department of Transportation and we have a right to expect that it be tackled.

Title III of this bill deals with the control of hazardous materials. Compared with the remainder of the bill, it appears relatively insignificant but this is hardly the case. Restrictions on moving such substances are not new. Overall safety problems complicate them. The Secretary must consider all of these and make proper recommendations for changes in the law or operating procedures. But even more important, in the handling of hazardous substances and accidents involving them, is the presence of proper information at the right place at the right time. Today there is no serious attempt to educate and inform law enforcement and firefighting forces about the exact nature of the dangers they will face, much less an effort to make them aware of the proper methods to combat the menace. The bill before us today anticipates a change in this regard and along with the dissemination of appropriate information to all concerned parties it recognizes the need for the gathering and use of specific information on shipments of such substances. If local

officials have no inkling that dangerous materials will be moving through the area, it is impossible for them to be prepared or to know what can effectively be done in the case of an emergency.

To carry out the provisions of this bill, it provides for authorizations in the sum of $21 million per year for 3 years and an additional $1 million for the same period to carry out the hazardous substances provisions.

This bill treats a subject vital to the national interest. It cannot entirely please every element or group concerned with its operation, but it does try to be evenhandedly fair to everyone while still creating a framework for reaching the goal—railroad safety. I think it does this and I recommend that the House accept the committee version of the bill.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas (Mr. PICKLE) a member of the committee.

Mr. PICKLE. Mr. Chairman, today, the House has the opportunity of passing the first truly national railroad safety bill. Today, the House has the opportunity of eliminating the possibility of patchwork regulations and substituting instead a clear-cut national program—a program which will be flexible enough to respond quickly as our investigations develop potential hazards in this transportation industry which is vital to this Nation.

There is a strange bit of irony in this bill. Actually, the railroads offer one of the safest modes of transportation. However, when an accident occurs, the combination of mass and speed are catastrophic. Therefore, the need is clear.

This need, however, has been a matter of deep concern and some controversy for several years. In my opinion, the legislation we offer today is a good example of the creative compromise in legislation. Today's bill is a consensus version which embraces labor and management and which furthers the Federal-State partnership.

Our committee recognizes the important role which States can play in a national framework. In fact, the committee has written in language which actively brings States into the picture. This bill not only permits State participation in the administration of the Federal safety program, but it also allows the States the right to inspect to see that Federal safety regulations are carried out and the Federal Government pays half the bill for the State's active participation.

Perhaps the most beneficial aspect of this legislation is that, unlike the Senate version, this bill precludes the possibility of 50 different sets of safety regulations from 50 different States. We take away the potential for patchwork and jig-saw puzzles in the area of railroad safety.

Already, there are several Federal safety bills in existence. This bill does not do away with these bills because they have withstood the test of time. Each of these bills has adequately added to the overall safety of railroad operations. In fact, many of these existing bills are designed for employee safety. We do not repeal any portion of the Railway Labor Act, and the matters of collective bargaining pertaining thereto.

However, today's legislation goes beyond the limits of employee safety. The committee has drafted a bill which is truly a consumer or public safety bill. We pay special attention to the dangers in shipping volatile chemicals and explosives by rail. In this bill, we attempt to offer protection to the casual bystanders who still throng beside the tracks to hear the lonesome whistle of the freight train—along with an occasional passenger train. For too long, we have had no Federal research or control in the important areas, for example, of design and manufacture of train wheels, maintenance of track and roadbed, and standards throughout the industry.

Here again, the State is actively intertwined as a working partner with the Federal Government. It will be the State, the unit closest to the ground, which conducts the investigation, which submits the recommendations, which finds the problem before the disaster strikes.

Contrary to some speculation that this version of the Railroad Safety Act cuts across State jurisdictions, the States can still take action in three methods. First, the State can continue and initiate legislation in areas of safety not covered by Federal regulations; secondly, the State can deal directly with hazards of essentially local nature; and thirdly, the State can keep the Department of Transportation with their feet to the fire. For example, if the State inspector finds a violation and he reports it to the Secretary of Transportation, the Secretary must act within 180 days or the State is fully authorized to seek compliance with Federal regulations in U.S. District courts. Thus, the State has the opportunity to cut through red tape which might develop on a national scale in order to alleviate local conditions.

Ready responsiveness is built into this bill. I say this because we have created the avenues whereby the Secretary of Transportation can effectively deal with safety hazards by instituting regulations rather than having to wait for the slow groan of the legislative process. Under this bill, the Secretary has the capacity and the authority to issue these regulations as soon as his investigations are clear.

As an important adjunct, for the first time, the States are clearly given the power to initiate legislation in areas which have not been touched by these regulations and these State legislative efforts will remain in effect unless and until such time that the Federal Government institutes its own regulations. This is an important advance and recognition of State governments.

Mr. Chairman, perhaps the most dramatic aspect of this bill is the section dealing with hazardous materials. For the first time, we are creating and funding a staff under the Secretary of Transportation which will centralize a reporting and researching system for hazardous materials accidents.

Also, we are not content to merely file a suggestion and let it die a natural death. This bill institutes an annual review and report to the Congress on all aspects of hazardous materials transported by rail. To do this, we have authorized $1 million for each of the next 3 fiscal years.

Mr. Chairman, I submit that the Commerce Committee has reported out a strong bill with a national character. We have spent months on this bill and, although not everyone is 100 percent behind the bill, both labor and management do support the version before us today. I say to you that this is national and uniform in scope and should be enacted. I much prefer this approach to the Senate version which still leaves a hodegpodge approach whereby the industry and the public would be subjected to varying regulations within each State. If we are to pass a national safety bill, let it be one similar to this bill.

Mr. ANDERSON of Illinois. Mr. Chairman, I fully support S. 1933, the Railroad Safety and Hazardous Materials Control bill. As the bill states:

> The purpose of this Act is to promote safety in all areas of railroad operations and to reduce railroad-related accidents, and to reduce deaths and injuries to persons and to reduce damage to property caused by accidents involving any carrier of hazardous materials.

I want to commend the Committee on Interstate and Foreign Commerce on sending us this most important piece of legislation. As the committee points out in its report:

> There has been a widening gap between the desirability of safety and the achievement of safety. The record presented in the hearings on this legislation leads to the unqualified conclusion that there can be, should be and must be a substantial upgrading of the level of railroad safety.

And the record is indeed grim. Last year alone there were over 8,000 rail-related accidents involving lives and property and the trend of accidents is increasing. I fully agree with the committee that, "such a trend should be reversed," and I am confident that this legislation will go a long way in helping to reverse that alarming trend.

The committee report goes on to point to the virtual lack of uniform State regulations and therefore the need for broad-scale Federal legislation, "with provisions for active State participation to assure a much higher degree of railroad safety in the years ahead."

Consideration of this legislation today is especially timely in light of the current controversy over the transportation by rail of deadly nerve gas for dumping in the Atlantic Ocean. The committee report observes that:

> Accidents involving these hazardous materials, many of an alarming nature, have frightened the public, the industry and public officials everywhere. The prospect of a major catastrophe is a continuing threat.

Given the past incidence of rail accidents involving hazardous materials, it is no wonder that such a storm of controversy has gathered over the nerve gas shipment. It will no longer do to ask Americans to hold their breath and pray whenever there is a shipment of hazardous materials passing through their com-

munity. The public expects and deserves more than empty words of assurance that there is no danger of a catastrophe occurring. Such catastrophes are a matter of historical fact and will continue to occur unless we provide adequate safeguards to prevent their recurrence.

To cite just one recent tragic example in my own State of Illinois, a train derailment in Crescent City in June of this year set off explosions in 12 tank cars containing liquified petroleum gas which in turn wiped out 30 businesses, 14 homes, and caused $2 million in damage. Miraculously, no one was killed though many could easily have been.

The legislation which we are considering today would go far in alleviating the possibility of such future catastrophes by granting the Secretary of Transportation the authority to prescribe uniform Federal rail safety standards and by establishing a hazardous materials technical staff in his office to deal exclusively with this problem.

Another area of great concern to me is that of grade crossing accidents. Reporting on June 30, 1969, the Secretary's Task Force on Railroad Safety pointed out that:

> Grade-crossing accidents rank as the major cause of fatalities in railroad operations. They account for 65 percent of the fatalities resulting from all types of railroad accidents, and rank second only to aviation mishaps in severity. Annually, about 4,000 accidents produce approximately 1,600 deaths, which is also a matter of major public concern.

The task force goes on to report that since 1958, the trend in crossing accidents has been upward. One reason for this continuing accident rate is the fact that only 20 percent of the 225,000 grade crossings in this country are protected with automatic devices. The task force has therefore recommended an expanded program of grade-crossing safety with early attention given to the development of improved crossing protection at lower cost utilizing new sources of Federal funding to finance the program.

Mr. Chairman, recognizing that sufficient funds will not be immediately available either from Federal or State sources to construct automatic devices at all the unprotected crossings, I would like to pass on a suggestion which has been made to me by one of my constituents and has been introduced in bill form at various times by the distinguished minority leader (Mr. FORD) and the gentleman from Iowa (Mr. GROSS). The proposal is to require, by Federal regulation, that certain railroad vehicles be equipped with reflectors or luminous material so that they can be readily seen at night by approaching motor vehicles. The proposal is aimed at reducing the number of accidents caused by motor vehicles running into the sides of trains at road crossings at night.

In a letter to the House Interstate and Foreign Commerce Committee, dated February 28, 1963, the Chairman of the Interstate Commerce Commission at that time said of this proposal:

> Such markings on cars would make them more conspicuous at night under most conditions, and in all likelihood would tend to reduce appreciably the number of accidents of this nature. It is, therefore, our opinion that provision for this type of protection at unguarded grade crossings would be worth the expense involved. It would be considerably less costly than grade crossing eliminations or the installation of most rail-highway protective devices.

Mr. Chairman, I want this proposal to be a part of the legislative history today so that the Secretary of Transportation will give it serious consideration in formulating the Federal railroad safety regulations pursuant to this act. The problems of unmarked rail crossings is particularly acute in rural areas such as my own where they are so numerous and where such accidents are not infrequent. I think that by marking railroad cars in such a way that they are easily visible at night, we will be doing a great deal to reduce the number of unnecessary accidents which occur each year, many of which do occur at unmarked crossings at night.

And so, Mr. Chairman, I enthusiastically urge the passage of this Federal Railroad Safety Act of 1970 in the interest of improved railroad safety and the protection of all Americans from railroad-related accidents.

Mr. BROWN of Ohio. Mr. Chairman, I take some personal pride in the passage of this legislation even though I do not serve on the Subcommittee on Transportation and Aeronautics where it was considered. It is patterned to a great extent after suggestions I made to officials of the Department of Transportation almost 2 years ago from today.

My suggestions at that time sprang not alone from the fact that I was serving then, as I am now, on the Interstate and Foreign Commerce Committee, but because on August 13, 1968, my hometown of Urbana, Ohio, had to be partially evacuated because of the wreck of 18 cars of a Penn Central train three blocks from the center of that city of 12,000. Seven of those 18 cars, hitched in sequence, contained class A explosives, military powder and ammunition, belonging to the Department of Defense. The possibility of a destructive explosion existed and the city officials of my community acted with wisdom and speed.

Unfortunately, they experienced some difficulty with the railroad, the Department of Transportation, and the Department of Defense in getting immediate answers to their necessarily frantic inquiries. But the answers were finally forthcoming. And with the cooperation of all three elements and the alert community leadership of Urbana safety director, Tom Watson, Mayor Tom Asterino, local police and fire officials and others, a possible tragedy was avoided and inconvenience was kept to a minimum.

It must be observed, however, that the Department of Transportation and its National Transportation Safety Board and Federal Railroad Administration and the Department of Defense were not as ready then to handle this and similar situations as they will be when this legislation finally becomes law. But they are better organized than they were then thanks to procedural steps which could be improved without the necessity of new or modified laws.

Many of these steps and many of the recommendations in this law had their origination with questions raised and suggestions made to me by the Urbana city officials following this accident. I passed those questions and suggestions on to the Departments of Transportation and Defense, along with some ideas of my own. I think this is a good example of how law and procedure can be made responsive to local considerations which have national implications.

And I might also observe that this incident at Urbana occurred in the waning days of the Johnson administration. When the Nixon administration and another party took power in the executive branch, the matter was not forgotten or ignored. A sound legislative proposal to deal with this problem and other matters was sent to the Congress from DOT and the result is the legislation we have before us today.

The hazardous materials control title of this bill—title III—provides for a technical staff and centralized reporting system within the Department of Transportation to deal with accidents involving hazardous materials. It also provides for a review by the Secretary of Transportation of all aspects of hazardous materials transportation and calls for an annual report to the Congress by May 1 of each year on this subject. One million dollars is provided for each of the fiscal years 1971, 1972, and 1973 to carry out the assignments of this title.

An even broader title—title II—of the bill supplements existing rail safety statutes and regulations giving the Secretary of Transportation authority to prescribe regulations for all areas of railroad safety and prohibit the use of any facility or piece of equipment which he determines to be unsafe. It also provides for a 1-year study and report to Congress on the problem of eliminating and/or protecting grade crossings and rights-of-way in densely populated areas. This title also sets out State authority and powers and sets penalties for violation of existing Federal regulations. Under the bill, $21 million is authorized for each of the next three fiscal years to implement this title.

In connection with title II, I am sure each of us has had some tragic grade crossing accident which has taken lives in our district. Similarly, I assume most congressional districts throughout the Nation have experienced right-of-way accidents or derailments which have destroyed property and cost lives. While such occurrences are not as dramatic as an accident causing the destruction or evacuation of a whole community, they are tragic, costly and, hopefully, unnecessary. I hope we have been able in this bill to take a small step toward resolving some of these problems and urge support of it by my colleagues. The experiences in my district could occur in yours any day. This bill will help prevent them from occurring.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. FRIEDEL).

Mr. FRIEDEL. Mr. Chairman, I rise to wholeheartedly support this bill. The Subcommittee on Transportation and Aeronautics that I have the honor to chair, under the leadership of the outstanding gentleman from West Virginia is justly proud of this measure that we have presented to the House.

The Rail Safety Act of 1970 is the first national comprehensive railroad safety act in the history of this Nation. It has in my view coordinated and combined all the previous safety statutes that we have passed over the years. These laws have served well but we need to update and coordinate our rail safety program and provide the Federal Rail Administration with a modern statute under which they can assure the Nation rail safety. Our record in recent years in this area has been very bad. Rail accidents have increased consecutively over the last 12 years. In 1969, we have 500 more accidents involving railroads than we had the previous year. In 1969 almost 3,000 people were killed and 23,000 people were injured in railroad accidents throughout the country.

All Members of this body, I am sure, are aware of some of the major accidents which have occurred recently and how whole towns were placed in an emergency crisis situation as a result of a broken rail. The bill we have before us today will go a long way in eliminating these accidents. The Secretary, acting through the Federal Rail Administration will have the tools to conduct the necessary research and development that is needed in our rapidly changing technology involving the railroads. A partnership will be arranged between the States and the Federal Government whereby the Federal Government will be in a position to provide up to 50 percent of the cost of improved enforcement of railroad safety practices.

An important feature of the bill, that I have a special interest in is in the area of pedestrian safety as it relates to railroad operations. This bill authorizes the Department of Transportation to seek new ways to eliminate the grade crossing problem and to develop new techniques in protecting pedestrians in densely populated areas along railroad rights-of-way. Too many children, who are usually trespassing, have been seriously injured in this way.

Under title III of the act, we will at last take a major step in providing, within the Federal Government, for the needed professional and technical talent required to evaluate and advise on the movement of hazardous materials. In this area we address ourselves, of course, to situations such as the current problems involving the movement of obsolete nerve gas rockets to be disposed of by the Army in the Atlantic ocean. For far too long, the Government has not had the capability to evaluate and analyze the safety aspects in such hazardous movements. Under this bill, we will now have this capability.

I commend the bill to the membership and congratulate all of my colleagues who worked so hard within the Interstate and Foreign Commerce Committee in producing this worthy and needed legislation.

Mr. ROTH. Mr. Chairman, I rise to express my wholehearted support for S. 1933, the railroad safety measure.

How could I do otherwise when the primary purpose of the legislation is to:

Promote safety in all areas of railroad operation;

Reduce railroad accidents;

Reduce deaths and injuries to persons, and

Reduce property damage caused by accidents involving any carrier of hazardous materials.

These are most impressive objectives. And they are vitally needed because railroad train accidents are increasing too sharply every year. Something must be done to reverse this trend, and the measures proposed in S. 1933 constitute the most positive approach to accomplish a reversal.

The most serious accidents involving movement of trains, locomotives, or cars, where more than $750 damage was done to railroad equipment or right-of-way, increased by 6 percent in 1969 over 1968. And they have more than doubled since 1961. The 1961 total was 4,149, while in 1969, the railroads suffered from 8,543 such accidents.

The human toll is distressingly high. In 1969, there were 178 railroad employees killed and 16,758 injured in these accidents.

As bad as it is, this is only part of the grim accident situation. There is another, very serious aspect to consider.

There is a tremendous growth in the use, nationwide, of a variety of extremely flammable, explosive, highly reactive, and poisonous substances. These must be transported, much of it by railroad, taking it along countrysides and through urban areas, large and small. The very presence of these substances constitutes an extreme hazard to the population. And occasionally these shipments go beyond being a hazard and become a disaster. The names Dunreith, Ind.; Everett, Mass.; and Laurel, Miss., will stand in the record books for all time as examples of this growing menace.

Mr. Chairman, such accidents, and the potential threat in the transportation of these dangerous and exotic substances, present a new dimension in transportation safety.

We cannot afford to continue to suffer the high volume of ordinary railroad accidents, with their grim toll of deaths and injuries. And, we cannot afford to ignore the threat that the movement of volatile, highly toxic materials has brought on.

The laws on the books today, many of them half a century or more old, are obviously inadequate to cope with the growing number of accidents on railroads and even more inadequate to deal with the menace of movements of hazardous materials. The bill before us, S. 1933, is intended to correct these inadequacies and I feel that it will.

The proposal also provides for a study by the Secretary of Transportation of the problem involved in railroad grade crossings. The Secretary is to report in 1 year on the problem of elimination of such crossings and for the allocation of the cost of their elimination.

This is an area in which I have a particular interest, particularly in connection with grade crossings involving the new high-speed railroad service between Washington and New York. These high-speed train movements over grade crossings constitute a frightening hazard to both highway and rail vehicles and their passengers. The people of my State, Delaware, are quite conscious of this hazard, as I know the people of other areas must be. In fact I introduced legislation last year to correct this problem. I am certain that the Secretary of Transportation will place the high-speed railroad crossings high on his priority list for positive and early attention.

Mr. Chairman, it is for these reasons that I am compelled to support S. 1933, and I urge my fellow Representatives to accept this measure.

Mr. REID of New York. Mr. Chairman, I rise in strong support of S. 1933, a bill which will extend Federal responsibility and authority in the area of railroad safety. In September of 1969, I introduced similar legislation in bill H.R. 13889.

Railroad safety and service standards have seriously deteriorated in recent years. I have received many letters from my constituents who are daily commuters on the Penn Central which indicate growing concern over the safety of that railroad. I believe that it is clear that we need more stringent and more comprehensive safety standards on all of our railroads, and active enforcement of these standards once they are promulgated.

According to the report of the Task Force on Railroad Safety, submitted to the Secretary of Transportation on June 30, 1969, there were 8,028 train accidents in 1968, compared to only 4,148 in 1961. The Department of Transportation reports that there were approximately 8,259 accidents in 1969. The American public is certainly rightly concerned when railroad accidents have more than doubled in the last 8 years.

While Federal regulations will not prevent train accidents, it is my view that the need for additional Federal standards in all areas of railroad safety is apparent. According to the report of the task force, at the present time "Federal statutes do not cover the trucks, wheels, and axles of railroad cars nor their design, construction, or maintenance. Bridges and tunnels are not subject to Federal regulations, and no Federal authority governs track and roadbed. There is no general authority to promulgate standards for employee qualifications, physical requirements, and training, nor to prescribe uniform railroad operating rules."

It is my understanding that the railroad industry is the only transportation industry in the United States which presently is not subject to comprehensive Federal safety regulations. There is in existence a patchwork of rail safety laws, each of which applies to a specific safety hazard. According to the Senate Commerce Committee's report on the present bill, "some 95 percent of the causes of accidents on railroads are in no way covered by Federal statutes or by State

law." It is my view that this extraordinary gap in regulation must be closed immediately by Federal action.

The present bill goes far toward this end. It authorizes the Secretary of Transportation to prescribe regulations for all areas of railroad safety, and to conduct the necessary research, development, testing, evaluation, and training in order to bring about a truly safe railroad system. The Secretary may also prohibit the use of any facility or piece of equipment which he determines to be unsafe. Most importantly, the Secretary, with the assistance of the States, will be authorized to conduct investigative and surveillance activities.

Furthermore, special attention is given in the bill to the problems of transportation of hazardous materials. The Secretary is authorized to review all aspects of this problem. Concerning the problem of grade crossings, which account for some 65 percent of the fatalities from all types of railroad accidents, the Secretary is to report to the Congress in 1 year on the need for protecting and eliminating such crossings.

In order for these regulations to be effective, they must carry with them civil penalties which are sufficiently large to discourage violations. Such penalties are provided in the bill, ranging from $250 to $2,500 for violation of any Federal regulation. Adequate funds are also necessary for these regulations and procedures to be effective, and I am pleased that the bill authorizes some $21 million for each of the next 3 fiscal years toward making these improvements.

In closing I would add that it is becoming more clear that the railroads could play an important role in the public transportation of this Nation in years to come. I am hopeful that, as a result of safety legislation and regulations promulgated thereunder, rail service will be upgraded to the point where travelers in this country will once against find it safe, reliable, and efficient to use our railroads on a large scale. Only when this happens will we begin to solve the problems of traffic jams on our highways and ease the pollution of the air by automobiles.

I therefore strongly urge the House to act favorably on this crucial piece of legislation.

Mr. PRICE of Illinois. Mr. Chairman, all of us are concerned with improving safety conditions. The intent of this legislation is to reduce railroad related accidents and injuries—both to property and persons. The inclusion of provisions that allow for the enactment of safety regulations and the initiation of research and evaluation in the area of railroad safety are the tools that can promote safety.

Of special importance to my area is the section that makes provision for efforts to be made toward finding a solution to the problem of grade crossing. There are too many on-grade crossings in densely populated areas in Illinois. These have been the cause of numerous accidents and injuries to pedestrians, not to mention the outrageous traffic jams. At many crossings, several times a day, traffic is delayed an average of 30 to 40 minutes. In an urban area, this is an absurd situation.

The passage of this bill will eliminate such dangers and inconveniences. I urge its passage today.

Mr. MOLLOHAN. Mr. Chairman, we have an opportunity today to extend safe and healthful working conditions to an industry where financial conditions have impaired safety for the public and the employee alike—the railroad industry.

Here more than any other industry, the deterioration of rolling stock and rights-of-way beds have contributed to an excessive death and injury toll. More than 16,000 railroaders were injured in the pursuit of their duties last year and nearly 200 were killed by on-the-job accidents. This alone would warrant the extension of Federal law into the area of railroad safety beyond its present role, but there are other considerations that make the passage of this act mandatory.

Unlike other industries, the railroad industry's activities result in a great many accidents which involve nonrailroad customers and employees. Last year alone more than 2,000 nonemployees were killed in railroad accidents. Of these 2,000 deaths, only six were passengers and the remainder were neither employees nor passengers.

Mr. Chairman, no one can have observed the reports of the financial distress of the railroads without finding that deferred maintenance on both trackage and rolling stock constitutes a major source of internal financing in the rail industry. The surprise is that the accidents which have occurred have not resulted in more death and destruction than we have witnessed.

This legislation will go far toward correcting this situation. It will give us the tools to begin the job of comprehensive safety control in our country's most vital transportation industry.

The House action to give the President discretionary authority over the stabilization of prices, rents, and wages and salaries is the second time in 2 years that the Congress has given the President vast powers to deal with inflation. The first grant of power came in late December 1969 in a housing bill—H.R. 13939. This bill gave the President the power to direct the Federal Reserve Board to institute selective credit controls.

The House passed H.R. 17880 which would give the President discretionary authority over prices, rents, wages and salaries, by allowing him to stabilize them at levels prevailing on May 25, 1970. The authority expires on February 28, 1971.

The credit control legislation was passed at a time when the prime interest rate had climbed to 8½ percent and the Government was estimating its increased borrowing costs on the debt to be close to a billion dollars. Presently, the cost of servicing the debt is nearly $1.4 billion higher than originally estimated.

These two pieces of legislation give the President virtually dictatorial controls over the economy should he choose to exercise them.

Mr. CONTE. Mr. Chairman, the bill before us, S. 1933, deals with a subject with which we all have become increasingly concerned—and justifiably so. It is a subject which I have studied carefully and extensively during hearings before the Transportation Appropriations Subcommittee, on which I am the ranking minority member.

It was for this reason that I introduced H.R. 14417, the administration's rail safety bill, on October 20, 1969. The problem requires strong legislative action. A brief look at some of the statistics will show why.

To begin with, railroads provide a basic form of freight transportation, moving about 767 billion ton-miles of freight in 1969. This constitutes about 40 percent of all intercity freight in the country including that moved by motor vehicle, inland waterway, oil pipelines, and airways.

The accident rate for this volume was about 11 accidents per billion ton-miles, or to put it more graphically, 8,437 accidents. In addition, volatile and explosive substances are contained in the cars and involved in many of the accidents.

Train accidents involving over $750 in damage have increased for the 12th consecutive year. Totals for 1969 surpass the previous year by more than 500 accidents. There were 8,543 accidents, a 6-percent increase over the 1968 total of 8,028 and a 60-percent rise over the last 5 years.

Of the total, 485 accidents resulted in casualties—up 12 percent from 1968. There were 178 employees killed and 16,758 injured. In 1968 the comparable figures were 146 killed and 17,600 injured. For all classes of persons, including highway-grade-crossing casualties, passengers and trespassers, there were 2,299 killed and 23,356 injured in train accidents during the past year.

We are all aware of the tremendous growth in the transportation of hazardous materials. The committee report—House Report 91-1194—mentions some. For example, a derailment of 15 tank cars of propane gas at Laurel, Miss., on January 25, 1969 resulted in an explosion and fire that fatally injured two residents, hospitalized 33 others, destroyed 60 homes, caused widespread property damage, and also caused the evacuation of over 1,000 townspeople.

I might note, Mr. Chairman, that derailments are a problem all over. In the First District of Massachusetts, which I represent, we are very concerned.

During hearings on the fiscal 1970 bill before the Transportation Appropriations Subcommittee, I pointed out that from February 23, 1967 to August 4, 1969 there had been 38 derailments in Berkshire and Franklin Counties. Many of these derailments occurred in the same place, such as East Deerfield and Charlemont.

Most of these involved the Boston & Maine Railroad. To illustrate the situation even further, I mentioned a few derailments that occurred in 1969. They were:

August 4, 1969—Penn Central at Hinsdale;

August 1, 1969—B. & M. at East Deerfield;

July 27, 1969—B. & M. at Charlemont;

July 23, 1969—B. & M. at North Adams;

July 4, 1969—B. & M. at East Deerfield;

May 7, 1969—B. & M. at East Deerfield;

April 26, 1969—B. & M. at Charlemont;
April 24, 1969—Penn Central at Pittsfield; and
March 16, 1969—B. & M. at Greenfield.

And just the other day in Richmond, Mass., on July 25, there was an explosion of a Penn Central diesel. I requested an investigation of that explosion, and locomotive inspectors from the Federal Railroad Administration have agreed to conduct it.

Existing law and regulations are not sufficient to deal with this ever-increasing problem. For this reason, the Secretary of Transportation appointed a rail safety task force early in 1969 under the chairmanship of the Federal Railroad Administrator. The task force made a unanimous report on June 30, 1969.

The report concluded that cause of train accidents are almost evenly divided among defects in or failure of track and roadbed, defects in or failure of equipment, and human error. It also concluded that existing Federal and State rail safety regulations do not in most instances provide standards for track, roadbed, equipment, employee training and qualifications, or rules governing safe railroad operations.

In addition, it found that accident reporting and investigation practices are deficient, and that available statistics are insufficient to determine the primary or contributing causes of accidents. The task force also found that rail safety research is inadequate, sporadic, and uncoordinated.

The unanimous recommendation was that broad Federal regulatory authority over all areas of railroad safety be enacted.

Other recommendations were that administration of the rail safety program be through a Federal-State partnership, that adequate research and employee training programs be developed, and that a study be made of ways to improve safety at grade crossings.

The need for action is now. The bill before us is designed to meet that need. Therefore, Mr. Chairman, I suppport it and urge my colleagues to do likewise.

Thank you, Mr. Chairman.

Mr. DULSKI. Mr. Chairman, I rise in support of the pending bill, S. 1933, dealing with railroad safety and control of hazardous materials.

I commend the Committee on Interstate and Foreign Commerce for bringing this measure to the floor.

The need for action is clear and urgent. The list of railroad accidents have been growing at an alarming pace and the Federal agencies involved have been powerless to cope with them.

Everyone recognizes the problems of the railroad industry, the revolutionary change in travel patterns, and the lack of flexibility in rail operations which has added its complications.

No one wants to kick an industry when it is having massive economic troubles. But, on the other hand, neither can we stand idly by and allow the laxity in safety to persist as it has developed on the railroads across the country.

I introduced rail safety legislation (H.R. 11573) in May of last year. I urged action at that time and I renewed my plea to the committee last January.

The pending bill is far reaching and I believe that it will give to the proper agencies the tools they need to begin coping with the rail safety problem.

Just as I would concede that the postal reform bill we passed in the House earlier today is no alltime panacea, neither would I imply that the pending measure is a panacea in its own way.

Both, however, are long, long steps in the right direction. In the light of operating experience, both likely will need further refinement another day.

The rash of rail accidents in recent years has taken a heavy toll—not perhaps as high a toll in human life as would have the case a few years ago when the roads were operating so many more passenger trains, but still too many lives.

Indeed, it is not just the passengers and crews on the railroads whose lives are in jeopardy. There also are the thousands of lives of those who live or travel alongside the railroad rights-of-way.

Because of faulty rails and equipment, cargoes of dangerous or deathly materials have been dumped from the tracks and endangered entire communities. I wish I had kept track of the instances, but in any event, they have become too commonplace. Local authorities repeatedly have had to evacuate entire communities because of rail accidents.

Just recently near our Capital City, a train was derailed and did considerable damage only a short while after a high-speed metroliner had sailed along the same track. In this case, the train passengers were spared—but not the residents along the right-of-way.

A most important title of the pending bill is that dealing with control of hazardous materials. Such control is vital, supervised by an experienced technical staff and utilizing a centralized reporting system.

Mr. Chairman, I support fully the pending bill, S. 1933, and urge its passage.

Mr. STAGGERS. Mr. Chairman, at this time I want to compliment the chairman of the subcommittee (Mr. FRIEDEL) and the whole subcommittee for the diligent work they have done on this bill. They held several days of hearings, and spent many days marking up, and they have done a great job.

Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute, printed in the bill as an original bill for the purpose of amendment by title.

The Clerk read as follows:

S. 1933

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

TITLE I—PURPOSE

SEC. 101 DECLARATION OF PURPOSE.

The Congress declares that the purpose of this Act is to promote safety in all areas of railroad operations and to reduce railroad-related accidents, and to reduce deaths and injuries to persons and to reduce damage to property caused by accidents involving any carrier of hazardous materials.

TITLE II—RAILROAD SAFETY

SEC. 201. SHORT TITLE

This title may be cited as the "Federal Railroad Safety Act of 1970".

SEC. 202. RAIL SAFETY REGULATIONS

(a) The Secretary of Transportation (hereafter in this title referred to as the "Secretary") shall (1) prescribe, as necessary, appropriate rules, regulations, orders, and standards for all areas of railroad safety supplementing provisions of law and regulations in effect on the date of enactment of this title, and (2) conduct, as necessary, research, development, testing, evaluation, and training for all areas of railroad safety. However, nothing in this title shall prohibit the bargaining representatives of common carriers and their employees from entering into collective bargaining agreements under the Railway Labor Act, including agreements relating to qualifications of employees, which are not inconsistent with rules, regulations, orders, or standards prescribed by the Secretary under this title. Nothing in this title shall be construed to give the Secretary authority to issue rules, regulations, orders, and standards relating to qualifications of employees, except such qualifications as are specifically related to safety.

(b) Hearings shall be conducted in accordance with the provisions of section 553 of title 5 of the United States Code for all rules, regulations, orders, or standards issued by the Secretary including those establishing, amending, revoking, or waiving compliance with a railroad safety rule, regulation, order, or standard under this title, and an opportunity shall be provided for oral presentations.

(c) The Secretary may, after hearing in acordance with subsection (b) of this section, waive in whole or in part compliance with any rule, regulation, order, or standard esablished under this title, if he determines that such waiver of compliance is in the public interest and is consistent with railroad safety. The Secretary shall make public his reasons for granting any such waiver.

(d) In prescribing rules, regulations, orders, and standards under this section the Secretary shall consider relevant existing safety data and standards.

(e) The Secretary shall issue initial railroad safety rules, regulations, orders, and standards under this title based upon existing safety data and standards, not later than one year after the date of enactment of this title. The Secretary shall review and, after hearing in accordance with subsection (b) of this section, revise such rules, regulations, orders, and standards as necessary.

(f) Any final agency action taken under this section is subject to judicial review as provided in chapter 7 of title 5 of the United States Code.

SEC. 203. EMERGENCY POWERS.

If, through testing, inspection, investigation, or research carried out pursuant to this title, the Secretary determines that any facility or piece of equipment is in unsafe condition and thereby creates an emergency situation involving a hazard of death or injury to persons affected by it, the Secretary may immediately issue an order, without regard to the provisions of section 202(b) of this title, prohibiting the further use of such facility or equipment until the unsafe condition is corrected. Subsequent to the issuance of such order, opportunity for review shall be provided in accordance with section 554 of title 5 of the United States Code.

SEC. 204. GRADE CROSSINGS AND RAILROAD RIGHTS-OF WAY.

(a) The Secretary shall submit to the President for transmittal to the Congress, within one year after the date of enactment of this title, a comprehensive study of the

problem of eliminating and protecting railroad grade crossings, including a study of measures to protect pedestrians in densely populated areas along railroad rights-of-way, together with his recommendations for appropriate action including, if relevant, a recommendation for equitable allocation of the economic costs of any program proposed as a result of such study.

(b) In addition the Secretary shall, insofar as practicable, under the authority provided by this title and pursuant to his authority over highway, traffic, and motor vehicle safety, and highway construction, undertake a coordinated effort toward the objective of developing and implementing solutions to the grade crossing problem, as well as measures to protect pedestrians in densely populated areas along railroad rights-of-way.

SEC. 205. STATE REGULATION.

The Congress declares that laws, rules, regulations, orders, and standards relating to railroad safety shall be nationally uniform to the extent practicable. A State may adopt or continue in force any law, rule, regulation, order, or standard relating to railroad safety until such time as the Secretary has adopted a rule, regulation, order, or standard covering the subject matter of such State requirement. A State may adopt or continue in force an additional or more stringent law, rule, regulation, order, or standard relating to railroad safety when necessary to eliminate or reduce an essentially local safety hazard, and when not incompatible with any Federal law, rule, regulation, order, or standard, and when not creating an undue burden on interstate commerce.

SEC. 206. STATE PARTICIPATION.

(a) A State may participate in carrying out investigative and surveillance activities in connection with any rule, regulation, order, or standard prescribed by the Secretary under this title if the safety practices applicable to railroad facilities, equipment, rolling stock, and operations within such State are regulated by a State agency and such State agency submits to the Secretary an annual certification that such State agency—

(1) has regulatory jurisdiction over the safety practices applicable to railroad facilities, equipment, rolling stock, and operations within the State concerned;

(2) has been furnished a copy of each Federal safety rule, regulation, order, and standard, applicable to any such railroad facility, equipment, rolling stock, or operation, established under this title as of the date of the certification;

(3) is conducting the investigative and surveillance activities prescribed by the Secretary as necessary for the enforcement by him of each rule, regulation, order, and standard referred to in paragraph (2) of this subsection, as interpreted by the Secretary.

The Secretary shall retain the exclusive authority to assess and compromise penalties and (except as otherwise provided by section 207 of this title) to request injunctive relief for the violation of rules, regulations, orders, and standards prescribed by the Secretary under section 202(a) of this title and to recommend appropriate action as provided by sections 209 and 210 of this title.

(b) Each annual certification shall include a report, in such form as the Secretary may by regulation provide, showing—

(1) the name and address of each railroad subject to the safety jurisdiction of the State agency;

(2) all accidents or incidents reported during the preceding twelve months by each such railroad involving personal injury requiring hospitalization, fatality, or property damage exceeding $750 or such other higher amount as the Secretary may prescribe, together with a summary of the State agency's investigation as to the cause and circumstances surrounding each such accident or incident;

(3) the record maintenance, reporting, and inspection practices conducted by the State agency to aid the Secretary in his enforcement of rules, regulations, orders, and standards prescribed by him under section 202(a) of this title, including a detail of the number of inspections made of rail facilities, equipment, rolling stock, and operations by the State agency during the preceding twelve months; and

(4) such other information as the Secretary may require.

The report included with the first annual certification need not show information unavailable at that time. If after receipt of annual certification the Secretary determines that the State agency is not satisfactorily complying with the investigative and surveillance activities prescribed by him with respect to such safety rules, regulations, orders, and standards, he may, on reasonable notice and after opportunity for hearing, reject the certification, in whole or in part, or take such other action as he deems appropriate to achieve adequate enforcement. When such notice is given by the Secretary, the burden of proof shall be upon the State agency to show that it is satisfactorily complying with the investigative and surveillance activities prescribed by the Secretary with respect to such safety rules, regulations, orders, and standards.

(c) With respect to any railroad facility, equipment, rolling stock, or operation for which the Secretary does not receive an annual certification under subsection (a) of this section, the Secretary may enter into an agreement with a State agency to authorize such agency to provide all or any part of the investigative and surveillance activities prescribed by the Secretary as necessary to obtain compliance with any Federal safety rule, regulation, order, or standard applicable to any such railroad facility, equipment, rolling stock, or operation. An agreement entered into under this subsection, or any provision thereof may be terminated by the Secretary if, after notice and opportunity for a hearing, he finds that the State agency has failed to provide all or any part of the investigative and surveillance activities to which the agreement relates. Such finding and termination shall be published in the Federal Register, and shall become effective no sooner than fifteen days after the date of publication.

(d) Upon application by any State agency which has submitted a certification under subsection (a) of this section or entered into an agreement under subsection (c) of this section, the Secretary shall pay out of funds appropriated pursuant to this title or otherwise made available up to 50 per centum of the cost of the personnel, equipment, and activities of such State agency reasonably required, during the ensuing fiscal year, to carry out a safety program under such certification or agreement. No such payment may be made unless the State agency making application under this subsection gives assurances satisfactory to the Secretary that the State agency will provide the remaining cost of such a safety program and that the aggregate expenditures of funds of the State for the safety program will be maintained at a level which does not fall below the average level of such expenditures for the last two fiscal years preceding the date of enactment of this title.

(e) The Secretary is authorized to conduct such monitoring of State investigative and surveillance practices and such other inspection and investigation as may be necessary to aid in the enforcement of the provisions of this title.

(f) The certification which is in effect under subsection (a) of this section shall not apply with respect to any new or amended Federal safety rule, regulation, order, or standard for railroads established under this title after the date of such certification until the State agency has submitted an appropriate certification in accordance with the provisions of subsection (a) of this section to provide the necessary inspection and surveillance activities in accordance with the provisions of such subsection.

SEC. 207. ENFORCING COMPLIANCE WITH FEDERAL RAILROAD SAFETY RULES, REGULATIONS, ORDERS, AND STANDARDS

In any case in which the Secretary has failed to assess the civil penalty applicable under section 209 of this title, or no civil action has been commenced to obtain injuctive relief under section 210 of this title, with respect to a violation of any railroad safety rule, regulation, order, or standard issued under this title, within 180 days after the date on which such violation occurred, a State agency participating in investigative and surveillance activities under the provisions of section 206 of this title within the State where the violation occurred, may apply to the district court of the United States within the jurisdiction of which the violation occurred for the enforcement of such rule, regulation, order, or standard. The court shall have jurisdiction to enforce compliance with such rule, regulation, order, or standard by injunction or other proper process to restrain further violation thereof, or to enjoin compliance therewith. The provisions of this section shall not apply with respect to the payment or collection of penalties incurred as a result of such violation or in any case in which the Secretary has affirmatively determined, in writing, that no violation has occurred.

SEC. 208. GENERAL POWERS.

(a) In carrying out his functions under this title, the Secretary is authorized to perform such acts including, but not limited to, conducting investigations, making reports, issuing subpenas, requiring production of documents, taking depositions, prescribing recordkeeping and reporting requirements, carrying out and contracting for research, development, testing, evaluation, and training (particularly with respect to those aspects of railroad safety which he finds to be in need of prompt attention), and delegating to any public bodies or qualified persons, functions respecting examination, inspecting, and testing of railroad facilities, equipment, rolling stock, operations, or persons, as he deems necessary to carry out the provisions of this title.

(b) The National Transportation Safety Board shall have the authority to determine the cause or probable cause and report the facts, conditions, and circumstances relating to accidents investigated under subsection (a) of this section, but may delegate such authority to any office or official of the Board or to any office or official of the Department of Transportation, with the approval of the Secretary, as it may determine appropriate.

(c) To carry out the Secretary's and the Board's responsibilities under this title, officers, employees, or agents of the Secretary or the Board, as the case may be, are authorized to enter upon, inspect, and examine rail facilities, equipment, rolling stock, operations, and pertinent records at reasonable times and in a reasonable manner. Such officers, employees, or agents shall display proper credentials when requested.

(d) All orders, rules, regulations, standards, and requirements in force, or prescribed or issued by the Secretary under this title, or by any State agency which is participating in investigative and surveillance activities pursuant to section 206 of this title, shall have the same force and effect as a statute for purposes of the application of sections 3 and 4 of the Act of April 22, 1908 (45 U.S.C. 53 and 54), relating to the liability of common carriers by railroad for injuries to their employees.

SEC. 209. PENALTIES.

(a) It shall be unlawful for any railroad to disobey, disregard, or fail to adhere to any

rule, regulation, order, or standard prescribed by the Secretary under this title.

(b) The Secretary shall include in, or make applicable to, any railroad safety rule, regulation, order, or standard issued under this title a civil penalty for violation thereof in such amount, not less than $250 nor more than $2,500, as he deems reasonable.

(c) Any railroad violating any rule, regulation, order, or standard referred to in subsection (b) of this section shall be assessed by the Secretary the civil penalty applicable to the standard violated. Each day of such violation shall constitute a separate offense. Such civil penalty is to be recovered in a suit or suits to be brought by the Attorney General on behalf of the United States in the district court of the United States having jurisdiction in the locality where such violation occurred. Civil penalties may, however, be compromised by the Secretary for any amount, but in no event for an amount less than the minimum provided in subsection (b) of this section, prior to referral to the Attorney General. The amount of any such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(d) In any action brought under this title, subpenas for witnesses who are required to attend a United States district court may run into any other district.

SEC. 210. INJUNCTIVE RELIEF

(a) The United States district court shall, at the request of the Secretary and upon petition by the Attorney General on behalf of the United States, or upon application by a State agency pursuant to section 207 of this title, have jurisdiction, subject to the provisions of rules 65(a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title or to enforce rules, regulations, orders, or standards established under this title.

(b) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section or under section 207 of this title, which violation also constitutes a violation of this title, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

SEC. 211. ANNUAL REPORT.

(a) The Secretary shall prepare and submit to the President for transmittal to Congress on or before May 1 of each year a comprehensive report on the administration of this title for the preceding calendar year. Such report shall include, but not be restricted to—

(1) a thorough statistical compilation of the accidents and casualties by cause occurring in such year;

(2) a list of Federal railroad safety rules, regulations, orders, and standards issued under this title in effect or established in such year;

(3) a summary of the reasons for each waiver granted under section 202(c) of this title during such year;

(4) an evaluation of the degree of observance of applicable railroad safety rules, regulations, orders, and standards issued under this title;

(5) a summary of outstanding problems confronting the administration of Federal railroad safety rules, regulations, orders, and standards issued under this title in order of priority;

(6) an analysis and evaluation of research and related activities completed (including the policy implications thereof) and technological progress achieved during such year;

(7) a list, with a brief statement of the issues, of completed or pending judicial actions for the enforcement of any Federal railroad safety rule, regulation, order, or standard issued under this title;

(8) the extent to which technical information was disseminated to the scientific community and consumer-oriented information was made available to the public;

(9) a compilation of—

(A) certifications filed by State agencies under section 206(a) of this title which were in effect during the preceding calendar year, and

(B) certifications filed under section 206(a) of this title which were rejected, in whole or in part, by the Secretary during the preceding calendar year, together with a summary of the reasons for each such rejection; and

(10) a compilation of—

(A) agreements entered into with State agencies under section 206(c) of this title which were in effect during the preceding calendar year, and

(B) agreements entered into under section 206(c) of this title which were terminated by the Secretary, in whole or in part, during the preceding calendar year, together with a summary of the reasons for each such termination.

(b) The report required by subsection (a) of this section shall contain such recommendations for additional legislation as the Secretary deems necessary to strengthen the national railroad safety program.

SEC. 212. AUTHORIZATION FOR APPROPRIATIONS.

There is authorized to be appropriated to carry out the provisions of this title not to exceed $21,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

TITLE III—HAZARDOUS MATERIALS CONTROL

SEC. 301. SHORT TITLE.

This title may be cited as the "Hazardous Materials Transportation Control Act of 1970".

SEC. 302. GENERAL AUTHORITY.

(a) The Secretary of Transportation (hereafter in this title referred to as the "Secretary") shall, within six months after the date of enactment of this title—

(1) establish facilities and technical staff to maintain within the Federal Government the capability to evaluate the hazards connected with and surrounding the various hazardous materials being shipped;

(2) establish a central reporting system for hazardous materials accidents to provide technical and other information and advice to the law-enforcement and firefighting personnel of communities and to carriers and shippers for meeting emergencies connected with the transportation of hazardous materials; and

(3) conduct a review of all aspects of hazardous materials transportation to determine and recommend appropriate steps which can be taken immediately to provide greater control over the safe movement of such materials.

(b) The authority granted the Secretary by this title shall be in addition to the authority granted by sections 831 to 835, inclusive, of title 18 of the United States Code.

(c) The Secretary shall prepare and submit to the President for transmittal to the Congress on or before May 1 of each year a comprehensive report on the transportation of hazardous materials during the preceding calendar year. Such report shall include, but not be restricted to—

(1) a thorough statistical compilation of the accidents and casualties occurring in such year which involved the transportation of hazardous materials;

(2) a list of relevant Federal standards in effect or established in such year;

(3) a summary of the reason for each waiver or exemption granted pursuant to sections 831 to 835, inclusive, of title 18 of the United States Code;

(4) an evaluation of the degree of observance of safety standards for the transportation of hazardous materials; and

(5) a summary of outstanding problems created by the transportation of hazardous materials.

(d) The report required by subsection (c) of this section

shall contain such recommendations for additional legislation as the Secretary deems necessary.

SEC. 303. AUTHORIZATION FOR APPROPRIATIONS.

There is authorized to be appropriated to carry out the provisions of this title not to exceed $1,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

TITLE IV—MISCELLANEOUS

SEC. 401. SEPARABILITY.

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

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispsensed with, and 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 West Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. WOLFF

Mr. WOLFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WOLFF: On page 17, on line 11, after the word "injuries" add "and health hazards".

Mr. WOLFF. Mr. Chairman, all of us who have had occasion to ride a train recently know that if State health standards for passenger service do exist, they are obviously not being met. Perhaps other States and localities are faced with the same haphazard administration which has confronted the Long Island Railroad which services my district.

The L.I.R.R. escape State scrutiny on service standards because of a convenient relationship with the Metropolitan Transportation Authority that owns and operates the L.I.R.R. Thus, we on Long Island have no public agency, neither the Metropolitan Authority nor the Public Service Commission to which we may turn for the enforcement of minimum standards on the L.I.R.R. The amendment would require Interstate Commerce Commission assumption of the responsibility of establishing health service standards and end the disgraceful treatment of Long Island's 100,000 commuters among other riders of this Nation's railroads.

We all know that there are some Federal safety regulations concerning trackage, brakes, couplings and the like, and these are certainly proper and necessary. However, isn't the American commuter also entitled to minimum safety standards in such additional areas as adequate lighting—both on board trains and in the stations? Is it not a basic fact of health that filthy restrooms, either on board trains or in the stations breed disease? Should not every train and each station be required to have available

minimum first aid equipment in case of an emergency?

Mr. Chairman, I believe we must grasp the opportunity presented to us by this bill to require that all trains shall be subject to periodic inspections to insure that seats are securely in place and that all doors open and close as they were designed to do. Of course emergency doors should be checked—but realistically, are the doors not found at the normal entrances and exits more important?

Before I conclude my statement today I would like to underline one additional area of safety which I believe has been neglected and is worthy of the Members' consideration.

That is, that the single most dangerous practice in railroads today is the complete disregard for overloading of passengers upon commuter trains. There are maximum capacity regulations for every public facility imaginable except the railroads. Nightclubs, restaurants, theaters, even stadiums are covered by legislation restricting the number of patrons who can utilize these facilities at any one time—for obvious safety reasons—yet there are no corresponding standards regulating the Nation's railroads.

It has been made abundantly clear by the Governor of my State, and other officials of other States that they are either not interested in providing adequate minimum standards for the railroading passengers of America or, as in the case of New York, they are not equal to the task. I believe we must turn to the Federal Government for help. Nothing short of Federal intervention in the form of minimum health and comfort standards will help us meet this crisis.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the intent of this section is to insure the safe transportation of hazardous materials, to which the gentleman from New York has offered an amendment. The gentleman's amendment is either redundant or it brings in questions of health that are not related here because the Public Health Service Act in section 361 covers all of these factors, and if we want to make any amendment regarding this matter, we certainly should have to amend the Public Health Service Act. This amendment certainly does not belong in this bill, and if we are going to amend this part, it should be in the Public Health Service Act.

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

Mr. STAGGERS. I yield to the gentleman.

Mr. WOLFF. The declaration of purpose here indicates that we are trying to protect people from injury and death.

I take it that you would consider injury to health just as important, regardless of how the injury is sustained?

Mr. STAGGERS. Yes, we do, but as I said, that is covered in section 361 of the Public Health Service Act, and if there is to be any amendment in that respect, it would have to be to that section and it would not come under this section dealing with the transportation of hazardous materials.

Mr. WOLFF. Mr. Chairman, will the gentleman yield further?

Mr. STAGGERS. I am happy to yield to the gentleman.

Mr. WOLFF. The section here only adds hazardous materials as an additional part of the purpose.

Mr. STAGGERS. Yes, I understand that.

Mr. WOLFF. This is supposed to be the entire purpose of the bill.

Mr. STAGGERS. If you have an amendment in that respect, it should come on the Public Health Service Act because they do have jurisdiction over this, and they have their regulations and it is so regulated under section 361 of the Public Health Service Act.

Mr. WOLFF. Obviously, it is not being enforced.

Mr. LOWENSTEIN. Mr. Chairman, I want to commend my distinguished colleague the gentleman from New York (Mr. WOLFF) for introducing this useful amendment, and join with him in urging its adoption.

No one suffers from the shabby condition of the Nation's passenger trains more generally than the commuter. He is exposed to uncomfortable, unhealthy, and unsafe conditions at outrageous prices. He usually gets the worst equipment and service. The only things most commuter lines are first in are their general unreliability and their proclivity for avoidable accidents. No other part of the railroad industry needs stringent regulation more urgently, and no part receives less. The Federal Government behaves as if it were more concerned about the health and safety of cattle moving in interstate commerce than it is about the health and safety of people moving from Westchester or Long Island to New York City.

Nowhere do more railroad riders suffer more inconvenience and greater risks than do those of us hapless enough to have to ride the Long Island Railroad. But the lack of interest and, in some cases, the deliberate obstructionism of railroad officials when it comes to providing adequate service for commuters is not limited to Long Island. It has become a general embarrassment to the reputation of American business and know-how, and a general nuisance in most of our metropolitan areas. The situation requires increased Federal supervision, and this amendment is a good way to start providing it.

Mr. HOWARD. Mr. Chairman, today I join with my distinguished colleague from Connecticut (Mr. WEICKER) in sponsoring legislation which will protect the health and safety of the American people while at the same time provide for an improvement in the rail transportation system.

Government safety experts point out that derailments have risen 105 percent in the last 7 years, and the cause has been primarily defects in the rails and improper maintenance. The frightening rise in derailments throughout the Nation calls loud and clear for some progressive measure to be taken. In my own district, a derailment on June 24 dumped 300 tons of sand next to the tracks.

One needs only to point out that authorities have ordered 53 communities evacuated since 1964, after derailments of trains carrying hazardous materials to bring home the fact that this is a situation that we cannot continue to ignore. I am particularly concerned over the reports of hazardous conditions of the tracks in Freehold Township since trains loaded with ammunition and other explosives use these tracks for shipments to the Earle Ammunition Depot. The dramatic rise in derailments shows us that the possibility of a major disaster is ever present. Only last year we were successful in preventing the Army from transporting obsolete nerve gas by rail across New Jersey for dumping off the Jersey coast, and today a similar train is progressing toward the southern coast of the United States.

Having the Federal Government acquire, operate and maintain all rights-of-way of American rail carriers presents a seemingly desirable alternative to the current practice and definitely should be thoroughly considered.

It would seem to assure a high degree of safety.

But safety is not the only reason behind this bill, albeit an important one. It is a very vital need to realize the importance of rail lines as the basis for future mass transit systems. Assuring a properly maintained right-of-way, owned by the Federal Government, surely will reduce the costs of the future system as well as giving impetus to the development of that system.

Mr. Chairman, this bill would also require the Secretary of Transportation to study the advantages of a single transportation trust fund which would require coordination of all transportation systems within each State and on a national level. Obviously, those who would benefit from such a trust fund would have to contribute to the fund, either directly or indirectly, much in the same way that highway users now contribute to the highway trust fund. The advantages of having one, coordinated transportation trust fund are obvious, in that the different transportation planners would be working together rather than at cross purposes.

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

The amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ANNUNZIO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 1933) to provide for Federal railroad safety, hazardous materials control, and for other purposes, pursuant to House Resolution 1139, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on passage of the bill.

The question was taken, and the Speaker announced that the "ayes" appeared to have it.

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 358, nays 0, not voting 72, as follows:

[Roll No. 260]

YEAS—358

Abbitt	Cowger	Hanna
Abernethy	Crane	Hansen, Idaho
Adair	Culver	Hansen, Wash.
Adams	Daniel, Va.	Harrington
Addabbo	Daniels, N.J.	Harsha
Albert	Davis, Ga.	Harvey
Anderson, Calif.	Davis, Wis.	Hastings
Andrews, Ala.	de la Garza	Hathaway
Andrews, N. Dak.	Delaney	Hawkins
Annunzio	Dellenback	Hays
Arends	Denney	Hechler, W. Va.
Ashbrook	Dennis	Heckler, Mass.
Ashley	Derwinski	Helstoski
Aspinall	Devine	Henderson
Ayres	Dickinson	Hicks
Barrett	Dingell	Hogan
Belcher	Donohue	Horton
Bennett	Dorn	Hosmer
Betts	Dowdy	Howard
Bevill	Downing	Hull
Biaggi	Dulski	Hungate
Biester	Duncan	Hunt
Bingham	Dwyer	Hutchinson
Blackburn	Eckhardt	Jacobs
Blatnik	Edmondson	Jarman
Boggs	Edwards, Ala.	Johnson, Calif.
Boland	Edwards, Calif.	Johnson, Pa.
Bow	Eilberg	Jonas
Brademas	Eshleman	Jones, Ala.
Brasco	Evans, Colo.	Jones, N.C.
Brinkley	Fascell	Karth
Brooks	Feighan	Kastenmeier
Broomfield	Findley	Kazen
Brotzman	Fish	Kee
Brown, Calif.	Fisher	Keith
Brown, Mich.	Flood	Kluczynski
Brown, Ohio	Flowers	Koch
Broyhill, N.C.	Foley	Kyl
Broyhill, Va.	Ford, Gerald R.	Kyros
Buchanan	Ford, William D.	Landgrebe
Burke, Fla.	Foreman	Landrum
Burke, Mass.	Fountain	Langen
Burlison, Mo.	Fraser	Latta
Burton, Calif.	Frelinghuysen	Leggett
Burton, Utah	Frey	Lennon
Bush	Friedel	Lloyd
Button	Fulton, Pa.	Long, Md.
Byrne, Pa.	Fuqua	Lowenstein
Byrnes, Wis.	Galifianakis	Lukens
Cabell	Gallagher	McClory
Camp	Garmatz	McCloskey
Carey	Gaydos	McClure
Carter	Gettys	McCulloch
Casey	Giaimo	McDade
Cederberg	Gibbons	McDonald, Mich.
Chamberlain	Gilbert	McEwen
Chappell	Gonzalez	McFall
Chisholm	Goodling	McKneally
Clancy	Green, Oreg.	McMillan
Clark	Green, Pa.	Macdonald, Mass.
Clausen, Don H.	Griffin	MacGregor
Clawson, Del	Griffiths	Madden
Cleveland	Gross	Mahon
Cohelan	Grover	Mailliard
Collins	Gubser	Mann
Colmer	Gude	Marsh
Conable	Hagan	Martin
Conte	Haley	Mathias
Corbett	Hall	Matsunaga
Corman	Hamilton	Mayne
Coughlin	Hammer-schmidt	Meeds
	Hanley	Melcher
Michel	Purcell	Steiger, Ariz.
Mikva	Quie	Steiger, Wis.
Miller, Ohio	Railsback	Stephens
Mills	Randall	Stokes
Minish	Rees	Stratton
Mink	Reid, N.Y.	Stubblefield
Minshall	Reuss	Stuckey
Mize	Rhodes	Sullivan
Mizell	Riegle	Talcott
Mollohan	Rivers	Taylor
Monagan	Roberts	Teague, Calif.
Montgomery	Rodino	Teague, Tex.
Moorhead	Roe	Thompson, N.J.
Morgan	Rogers, Colo.	Thomson, Wis.
Morse	Rogers, Fla.	Udall
Morton	Rooney, N.Y.	Ullman
Mosher	Rooney, Pa.	Van Deerlin
Moss	Roth	Vander Jagt
Murphy, Ill.	Rousselot	Vanik
Murphy, N.Y.	Roybal	Vigorito
Myers	Ruppe	Waggonner
Natcher	Ruth	Waldie
Nedzi	St Germain	Wampler
Nelsen	Sandman	Watkins
Nichols	Satterfield	Watson
Nix	Saylor	Watts
Obey	Schadeberg	Whalen
O'Hara	Scherle	Whalley
O'Konski	Scheuer	White
Olsen	Schmitz	Whitehurst
O'Neal, Ga.	Schneebeli	Whitten
O'Neill, Mass.	Schwengel	Widnall
Patman	Scott	Wiggins
Patten	Sebelius	Williams
Pelly	Shipley	Wilson, Bob
Pepper	Shriver	Wilson, Charles H.
Perkins	Sikes	Winn
Pettis	Sisk	Wolff
Philbin	Skubitz	Wyatt
Pickle	Slack	Wydler
Pike	Smith, Calif.	Wylie
Poage	Smith, Iowa	Wyman
Podell	Smith, N.Y.	Yatron
Preyer, N.C.	Snyder	Young
Price, Ill.	Springer	Zablocki
Price, Tex.	Staggers	Zion
Pryor, Ark.	Stanton	Zwach
Pucinski	Steed	

NAYS—0

NOT VOTING—72

Alexander	Erlenborn	Pirnie
Anderson, Ill.	Esch	Poff
Anderson, Tenn.	Evins, Tenn.	Pollock
Baring	Fallon	Powell
Beall, Md.	Farbstein	Quillen
Bell, Calif.	Flynt	Rarick
Berry	Fulton, Tenn.	Reid, Ill.
Blanton	Goldwater	Reifel
Bolling	Gray	Robison
Bray	Halpern	Rosenthal
Brock	Hébert	Rostenkowski
Burleson, Tex.	Holifield	Roudebush
Caffery	Ichord	Ryan
Celler	Jones, Tenn.	Stafford
Clay	King	Symington
Collier	Kleppe	Taft
Conyers	Kuykendall	Thompson, Ga.
Cramer	Long, La.	Tiernan
Cunningham	Lujan	Tunney
Daddario	McCarthy	Weicker
Dawson	May	Wold
Dent	Meskill	Wright
Diggs	Miller, Calif.	Yates
Edwards, La.	Ottinger	
	Passman	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Holifield with Mr. Anderson of Illinois.
Mr. Hébert with Mr. King.
Mr. Rostenkowski with Mr. Erlenborn.
Mr. Fulton of Tennessee with Mr. Kuykendall.
Mr. Blanton with Mr. Esch.
Mr. Burleson of Texas with Mr. Goldwater.
Mr. Caffery with Mr. Cramer.
Mr. Passman with Mr. Kleppe.
Mr. Miller with Mr. Bell of California.
Mr. Long of Louisiana with Mr. Lujan.
Mr. Jones of Tennessee with Mr. Quillen.
Mr. Gray with Mr. Cunningham.
Mr. Dent with Mr. Halpern.
Mr. Evins of Tennessee with Mrs. May.
Mr. Fallon with Mr. Beall of Maryland.
Mr. Celler with Mr. Clay.
Mr. Daddario with Mr. Meskill.
Mr. Tunney with Mr. Conyers.
Mr. Anderson of Tennessee with Mr. Poff.
Mr. Edwards of Louisiana with Mr. Pollock.
Mr. Flynt with Mr. Collier.
Mr. Ottinger with Mr. Diggs.
Mr. Rarick with Mr. Brock.
Mr. McCarthy with Mr. Dawson.
Mr. Yates with Mr. Powell.
Mr. Tiernan with Mr. Symington.
Mr. Alexander with Mr. Berry.
Mr. Ichord with Mr. Bray.
Mr. Rosenthal with Mr. Pirnie.
Mr. Baring with Mrs. Reid of Illinois.
Mr. Wright with Mr. Reifel.
Mr. Ryan with Mr. Robison.
Mr. Stafford with Mr. Roudebush.
Mr. Thompson of Georgia with Mr. Taft.
Mr. Weicker with Mr. Wold.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO HAVE UNTIL MIDNIGHT, AUGUST 8, TO FILE REPORT ON H.R. 17333, MUTUAL FUNDS BILL

Mr. STAGGERS. Mr. Speaker, earlier in the day I asked that the Committee on Interstate and Foreign Commerce have until midnight to file a report on the mutual funds bill, H.R. 17333. Now I ask unanimous consent that the committee may have until midnight Saturday night, August 8, to file that report.

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

There was no objection.

CONFERENCE REPORT ON H.R. 17711, AMENDING DISTRICT OF COLUMBIA COOPERATIVE ASSOCIATION ACT

Mr. McMILLAN submitted the following conference report and statement on the bill (H.R. 17711), to amend the District of Columbia Cooperative Association Act:

CONFERENCE REPORT (H. REPT. 91–1381)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17711) to amend the District of Columbia Cooperative Association Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same.

That the House recede from its disagree-

ment to the amendment of the Senate to the title of the bill and agree to the same.

JOHN L. MCMILLAN,
JOHN DOWDY,
DON FUQUA,
ANCHER NELSEN,
JOEL T. BROYHILL,
Managers on the Part of the House.

JOSEPH D. TYDINGS,
WILLIAM B. SPONG, Jr.,
THOMAS F. EAGLETON,
CHARLES MCC. MATHIAS, Jr.,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17711) to amend the District of Columbia Cooperative Association Act, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment added a new section (sec. 2), not included in the House bill, which authorized the District of Columbia Council from time to time to provide by regulation for the exemption from chapter 33 of title 28, District of Columbia Code, any mortgage or loan insured or guaranteed under the National Housing Act or chapter 37 of title 38, United States Code, which is subject to regulation by an officer or agency of the Federal Government.

The conference agreement adopts the Senate provision.

JOHN L. MCMILLAN,
JOHN DOWDY,
DON FUQUA,
ANCHER NELSEN,
JOEL T. BROYHILL,
Managers on the Part of the House.

LEGISLATIVE PROGRAM

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

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week if any, and the schedule for next.

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

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we will ask to go over until Monday upon announcement of the program for next week.

There is no further business for this week.

We are listing all the business for next week under Monday and the balance of the week, and we will get as much done each day as possible.

On Monday, there is a motion to discharge the Committee on the Judiciary from the consideration of House Joint Resolution 264, proposing an amendment to the Constitution relative to equal rights for men and women.

Monday is also District day, and there will be four bills:

H.R. 18619, District of Columbia Delegates Act;

H.R. 18725, to establish a Commission on the Organization of the Government of the District of Columbia, and

H.R. 18782, to reorganize the government of the District of Columbia, and

H.R. 13113, to designate the "Light Horse Harry Lee Bridge."

Then we will have H.R. 15913, to amend the Land and Water Conservation Fund Act, under an open rule, with 1 hour of debate:

H.R. 18434, political broadcasting amendments, subject to a rule being granted;

H.R. 18110, Comprehensive Health Planning and Services Act, subject to a rule being granted;

H.R. 17570, heart disease, cancer, stroke, and kidney disease amendments, subject to a rule being granted;

H.R. 8298, water carrier mixing rule, under an open rule, with 2 hours of debate;

H.R. 17809, prevailing rate pay system for Government employees, subject to a rule being granted;

H.R. 18185, Urban Mass Transportation Assistance Act, subject to a rule being granted;

H.R. 17795, Emergency Community Facilities Act, subject to a rule being granted;

H.R. 17654, Legislative Reorganization Act of 1970, on which we will continue consideration; and

H.R. 18583, Comprehensive Drug Abuse Prevention and Control Act, subject to a rule being granted.

Mr. Speaker, this announcement is made subject to the usual reservations that conference reports may be brought up at any time, and that any further program may be announced later.

We again advise Members that the recess or adjournment will be from the close of business Friday, August 14, until noon on Wednesday, September 9.

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

Mr. GERALD R. FORD. I yield to the distinguished gentleman from Florida.

Mr. PEPPER. I just wanted to inquire: Am I justified in the assumption that the mixing bill could be taken up on Tuesday?

Mr. ALBERT. Of course, it could be. It is privileged.

We have for consideration following the District bills the bill to amend the Land and Water Conservation Fund Act, from the Committee on Interior and Insular Affairs, and the gentleman from Colorado (Mr. ASPINALL) advises that he expects that it will be disposed of quickly.

The political broadcasting amendments might require quite a bit of time.

We have been advised that the two health bills—the Comprehensive Health Planning and Services Act, and the heart disease, cancer, stroke, and kidney disease amendments—from the Committee on Interstate and Foreign Commerce should not take too much time.

Those are to be followed by consideration of the water carrier mixing rule bill, which I believe would probably come on Wednesday. We would like to get to it as soon as we can.

Mr. PEPPER. On Tuesday or Wednesday, so that there will be some assurance it will be disposed of before the recess?

Mr. ALBERT. We have it down ahead of several important bills. We certainly want to get to the bill following the water carrier mixing rule bill, which covers the prevailing rate pay system for Government employees, and also consider the Urban Mass Transportation Assistance Act, as well as the other bills on the program.

Mr. PEPPER. I thank the gentleman.

ADJOURNMENT OVER TO MONDAY, AUGUST 10

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that any business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

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

There was no objection.

NIXON ADMINISTRATION PLAYS POLITICS WITH CRIME PROBLEM

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

Mr. MIKVA. Mr. Speaker, the administration continues to play politics with the serious national problem of crime by devoting its energies to criticizing Congress instead of offering cooperation on legislation designed to get to the heart of the problem.

The President seeks to blame Congress for the alarming rise in the crime rate which has gone up sharply in recent months. He talks of unpassed bills, but he fails to mention that administration waffling on the most meaningful of legislation, the Safe Streets Act and 1970 amendments, is responsible for its delayed passage. He fails to mention that his Attorney General opposed adequate funding of the assistance to State and local crime fighters and courts. He fails to mention that the administration has sent its spokesmen to the Senate to oppose key provisions of this legislation.

The administration prefers to seek partisan gain by its misleading rhetoric. Long before Richard Nixon discovered crime as a political issue, a concerned Congress was passing legislation related to the problem.

Some of us recall that it was once Ramsey Clark, then the Attorney General and a distinguished one, who was being blamed for the Nation's crime. Some of us remember the implications that a new Attorney General would be appointed to curb crime. All of us know that crime fighting is, and should remain, a local responsibility.

Now, with Ramsey Clark out of office and his new Attorney General witnessing alarming increases in the crime rate,

Mr. Nixon, in the old Murray Chotiner fashion, has sought another whipping boy. It is long past time for the President to quit his negative political thrusts, and devote the Presidential energies to the positive solution of the crime problem rather than to a publicity program aimed at discrediting Congress. The people are too intelligent to be fooled by this ploy.

If the President is serious about fight ing crime, he will put the weight of his office behind the Safe Streets Act as passed by the House, instead of cynically opposing it for partisan political purposes.

THE REFUSE ACT CAN CONTROL POLLUTION

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

Mr. MONAGAN. Mr. Speaker, the Refuse Act of 1899 is good law for assisting pollution control and environmental improvement. It should be used to the fullest degree. The act directs the Justice Department to prosecute violators of the act. The Department should follow this injunction.

I have long been concerned with the hazards of water pollution. Since my entry into Congress in 1959, I have supported every major pollution control bill which has come before the House for consideration. I have found, through examination, the Refuse Act of 1899 to be a very practical and potentially useful measure to prevent pollution and to control pollution in our environment. Its use would greatly facilitate fixing of responsibility on the culpable party or parties and would put all persons on notice that the maintenance of a healthy environment and water are matters clearly in the public interest.

I have introduced legislation in several Congresses which would amend and strengthen the Refuse Act of 1899. The amendment I propose would authorize the Government to recover the cost of removing obstructions from navigable waters and to hold negligent boat owners liable for resulting pollution as well as for endangering navigation. It would also provide penalties against the boat owners in instances of negligence endangering desirable marine aquatic or other plant and animal life of the navigable waters of the United States. This is needed. Again, I state, the Refuse Act of 1899 is a good act. Let us use it—let us improve it, in order that we may remove hazards that may impair our health and environment.

The general philosophy of the 1899 act is now being considered and enacted into law by many State legislatures. The State of Michigan enacted a statue which will become effective October 1, under which a citizen could ask the courts to shut down a polluter, including the State, for contaminating a waterway, and challenge the regulations of State agencies which the citizen believes may be too lenient to the polluter.

In the use of such statutes there must be a considered rational balancing of benefits and risks. Emergency reaction tends to be overaction. Emergency banning, which restricts the manufacture, sale and use of established market products may cause economic, industrial and agricultural disruptions which would not have occurred if proper and necessary consideration were given the problem by past or present administrations. I urge the present administration to constructively aid governmental, industrial and agricultural polluters to overcome their problem. At the same time, I urge the adminstration to carry out rather than ignore its responsibility under existing law as provided in the Refuse Act of 1899.

FRASER PROPOSES JOINT COMMITTEE ON INTELLIGENCE

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

Mr. FRASER. Mr. Speaker, I am introducing today, for myself and Mr. WHALEN, a bill to establish a Joint Committee on Intelligence. A companion bill is being introduced in the Senate by Senators MCCARTHY and HATFIELD.

The joint committee would consist of seven members each from the House and Senate. The Armed Services Committees and Foreign Affairs or Foreign Relations Committees of each house will provide two members each. The remaining six members of the joint committee would be selected from the Congress at large.

The bill requires that the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, Army Intelligence, Navy Intelligence, Air Force Intelligence, the Bureau of Intelligence and Research of the Department of State, and other services engaged in foreign intelligence keep the joint committee fully and completely informed of what they are doing. All bills relating primarily to those agencies would be referred to the joint committee.

Further, the joint committee would seek to insure that covert action programs are as few as necessary to guarantee the national security. It would also aim to see that such programs are not inconsistent with publicly expressed national policy. Two members of the joint committee would serve, at the invitation of the President, as members of the U.S. Intelligence Board, a coordinating group composed of representatives of the above agencies as well as the intelligence components of the AEC and FBI. Finally, the joint committee would have full power to subpena witnesses, and would make recommendations, by bill or otherwise, concerning matters before it.

The need for improved oversight of the intelligence community has never been more urgent. The emminent British historian, Arnold Toynbee, commented recently on the decline of the CIA's reputation. He said:

> For the world as a whole the CIA has now become the bogey that Communism has been for America. Wherever there is trouble, violence, suffering, tragedy, the rest of us are now quick to suspect that the CIA has a hand in it. Our phobia about the CIA is, no doubt, as fantastically excessive as America's phobia about world Communism; but in this case too, there is just enough convincing evidence to make the phobia genuine.

Whether this phobia is justified, is difficult to verify. Hard, sure facts are rare with regard to the intelligence community, and this is in part understandable. Complete and accurate information is vital for sound policy decisions; since certain data cannot be acquired openly, clandestine procedure is sometimes necessary.

It is questionable, however, whether this veil of secrecy must cover everything, right down to the clipping of foreign newspapers. Unnecessary covertness by the intelligence community does not inspire public confidence.

A wholly different question, moreover, is the extent to which these agencies have expanded beyond mere collectors of information and have become executors—or formulators, some have charged—of policy. It was perhaps this fear that caused President Truman, in 1963, to call for an end to the CIA's operational duties, stating that that agency has "cast a shadow on our historic position" as a free and open society.

Examples come to mind all to readily. Orders to "terminate with extreme prejudice" the employment of a Vietnamese double agent; the overthrow of governments in Iran in 1953, Guatemala in 1954, and a questionable role in the ouster of President Diem in 1963; the funding of the National Student Association; the use of AID as a cover-up for its activities in Laos—there does indeed seem to be a "shadow" cast by the CIA, a shadow just dark enough to make the world's "phobia" genuine.

But the CIA is not alone. Army intelligence has maintained—and continues to maintain—huge files on political dissidents within our own borders. The missions of the *Pueblo* and *Liberty*—the latter of which resulted in the death of 33 crewmen—were directed by the National Security Agency. And Patrick McGarvey, a former officer of the CIA and DIA, describes in the current issue of a national magazine the DIA's "don't-make-waves" attitude toward misleading intelligence estimates from Vietnam.

The purpose of the joint committee would not be to hinder the CIA or any of the other intelligence agencies in the performance of their duties. Everyone appreciates the importance and sensitivity of their missions.

It would not seem unreasonable, however, for a small handful of the elected representatives of the people to have more than a casual knowledge of the intelligence community's activities. These agencies are intimately involved in foreign policy. Congress is given a clear-cut constitutional role in the making of that policy—the legislative branch is charged with concurring to treaties, declaring war, and raising and supporting armies. To carry out these functions responsibly, Congress must make judgements on the moral and political advisability of various kinds of American foreign involvement.

It is impossible, however, for the Con-

gress to make such judgements on a growing number of executive activities abroad without a much fuller knowledge of what the intelligence agencies are doing. The current congressional oversight structure simply yields no guarantee that anyone in Congress has sufficient information to affirm the legitimacy of these agencies' activities. Without that information, Congress cannot meet its constitutional obligations; with it, unconstitutional excesses by the executive branch—and all the agencies within it—are less likely.

True, four different congressional committees currently have some role in the oversight of the CIA. Given the somewhat haphazard "watchdog" framework, they are undoubtedly doing the best they can, and the joint committee would not aim to undermine their authority. But the House Armed Services Subcommittee for the CIA met only twice this year and twice last year. The corresponding group in the Senate met once last year and twice this year. In neither House has either of the four committees ever issued any report describing the extent of its oversight work. And the agencies they "oversee" have a total budget in the billions and manpower in the tens of thousands—the exact figures are classified.

Mr. Speaker, a Joint Committee on Intelligence will not solve all these problems overnight. Nor would it attempt to try. But it has become evident that the present "watchdog" structure would be well supplemented by this addition. Improved congressional oversight, with increased public trust at home and abroad, can only enhance the performance of these agencies.

I hope this matter receives consideration by the House.

The resolution we are introducing follows:

H. CON. RES. 700

A concurrent resolution to establish a Joint Committee on Intelligence, and for other purposes

Resolved by the House of Representatives (the Senate concurring), That there is established a Joint Committee on Intelligence (hereafter, in this concurrent resolution, referred to as the Joint Committee) to be composed of seven Members of the Senate to be appointed by the President of the Senate, and seven Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Not more than four members from either the House or the Senate shall be members of the same political party. Of the seven members to be appointed by the House of Representatives, two shall be members of the Committee on Foreign Affairs, and two shall be members of the Committee on Armed Services. Of the seven members to be appointed by the Senate, two shall be members of the Committee on Foreign Relations, and two shall be members of the Committee on Armed Services.

SEC. 2. (a) The Joint Committee shall make continuing studies of the intelligence activities and problems relating to the gathering of intelligence affecting the national security and of its coordination and utilization by the various departments, agencies, and instrumentalities of the Government. The Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, the Bureau of Intelligence and Research of the Department of State, Army Intelligence, Navy Intelligence, Air Force Intelligence, and other services engaged in foreign intelligence activities shall keep the Joint Committee fully and currently informed with respect to their activities. The Joint Committee shall seek to eliminate unnecessary competition and duplication of effort by the services engaged in foreign intelligence activities.

(b) All bills, resolutions, and other matters in the Senate or House of Representatives relating primarily to the agencies referred to in subsection (a) and to any other agency engaged in foreign intelligence activities shall be referred to the Joint Committee.

(c) The Joint Committee shall seek to insure that covert action programs are as few as necessary to guarantee the national security and that such programs are not inconsistent with publicly expressed national policy.

(d) The Joint Committee shall make continuing investigations and studies, and shall make recommendations, with respect to the practices and methods used in the intelligence services to classify information.

(e) Two members of the Joint Committee, one a member of the House and the other a member of the Senate, shall be appointed by the chairman to serve, at the invitation of the President, as representatives to, and nonvoting members of, the United States Intelligence Board.

(f) The members of the Joint Committee who are Members of the Senate shall from time to time report to the Senate, and the members of the Joint Committee who are Members of the House of Representatives shall from time to time report to the House, by bill or otherwise, their recommendations with respect to matters within the jurisdiction of their respective Houses which are (1) referred to the Joint Committee or (2) otherwise within the jurisdiction of the Joint Committee.

SEC. 3. Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee, and shall be filled in the same manner as in the case of the original selection. The Joint Committee shall select a chairman and vice chairman from among its members.

SEC. 4. The Joint Committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require, by subpena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable.

SEC. 5. The Joint Committee is empowered to appoint such experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable. The committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government on a reimbursable basis with the prior consent of the heads of the departments or agencies concerned.

SEC. 6. The expenses of the Joint Committee shall be paid from the contingent fund of the House of Representatives upon vouchers signed by the chairman.

SEC. 7. The Joint Committee shall take special care to safeguard information affecting the national security.

SITUATION IN NORTHERN IRELAND NEARLY BEYOND REDEMPTION

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

Mr. BIAGGI. Mr. Speaker, for the sixth night in a row, Northern Ireland has been rocked by riots. The press accounts read like the battle reports from Southeast Asia. The fact is, the ill-will on both sides and the failure of the British Government to properly mediate the dispute have resulted in a situation that is nearly beyond redemption.

Several weeks ago, I informed this body that I had requested the United Nations Commission on Human Rights to investigate this situation. I have just received a letter from the official in charge at the U.N. informing me that the Subcommission on the Prevention of Discrimination and Protection of Minorities will take up the Northern Ireland question when their meeting begins next Monday. I only hope this U.N. investigation is not too late.

As each day of violence unfolds, it becomes more and more apparent that the solution to the very serious Northern Ireland suppression of its Catholic minority will have to be a political one. Although the long sought after civil rights have been granted to everyone as far as the law is concerned, fanaticism on both sides continues to block a final settlement of differences.

This fanaticism is being stoked to the breaking point by the continued radical, anti-Catholic ravings of Ian Paisley. Although a public official holding the public trust, he shows no interest in maintaining the dignity of the law or preserving order in his country. His words and deeds are meant to incite, not unite, the populace.

Paisley's defiance of law and order was recently brought home when he opposed two bills being considered in the Northern Ireland Parliament. The measures would have discouraged rioting by providing sentences up to 5 years for engaging in riots and make "incitement of hatred" a punishable offense.

His reaction to the bills was so repugnant to his colleagues that he was suspended for the day. As the sergeant-at-arms led him out, he shouted:

Lend me your sword and I'll decapitate a few of them before we go.

As long as the religious antagonism between the two factions exists, no real peace will come to Northern Ireland. The Catholics will be afforded a large measure of political control over the country under the new laws. They now form approximately one-third of the population and their share is on the rise. Should they come into the majority, the Protestant suppression over the years will help push radical leaders among the Catholics into power.

It certainly behooves those in power today to be mindful of the future. Every effort should be made to insure a peaceful and complete integration of both religious factions. Fanaticism on both sides must be condemned and curtailed.

Northern Ireland has the industrial potential to build a strong economy that will mean better jobs and income for all citizens. The present conflict and the ever increasing Protestant sectarianism is blocking this development.

I only hope that the majority in power today will see the wisdom of orderly change and a fair share for all, so as to spare themselves much undue suffering now and in the future. Should the Protestant leaders fail to follow such a course

of action, without a doubt the British Government should abolish the Northern Ireland Government and install a fair and impartial ruling body based on equal opportunity and justice for every citizen.

WHY NO GREAT OUTCRY FOR U.S. POW'S?

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

Mr. BUCHANAN. Mr. Speaker, I am inserting into the RECORD today an article by Columnist Victor Riesel, from the Birmingham News, of Wednesday, July 29, 1970, entitled "After Much Ado on 'Tiger Cages'—Why No Great Outcry for U.S. POW's?"

I feel that Mr. Riesel has made a telling point: That while we do well to decry the conditions of the "Tiger Cages" in South Vietnam, we need a great hue and cry for our 1,500 POW's and missing-in-action American soldiers, whom the Communists will not even let us know are living or dead, whose rights they have so callously abused, and who have been subjected in many cases to such terrible treatment in Communist prison camps.

I commend this article to the reading of my colleagues. I would say if we could have even an expression of outrage on their behalf equal to that which has been raised with respect to the "Tiger Cages" it would be a great step forward for our prisoners of war in Southeast Asia.

The article follows:

WHY NO GREAT OUTCRY FOR U.S. POW'S?

(By Victor Riesel)

NEW YORK.—Right. Those tiger cages in the Poulo Condor (Con Son) prison are rotten. Their guards are sadistic. The torture is white heat hell and monkey-sized cells are not for humans. Right.

But where amid the outcry is there a strong voice sobbing for the American prisoners of war held by the government in North Vietnam, caged by the underground Communist cadres in Laos and imprisoned by the Viet Cong in South Vietnam?

There is a voice, scarcely heard amid the din of those who always are horrified by Saigon's depredations and never once take Hanoi as a personal insult.

The voice is that of Ross Perot, the Dallas computer genius whom the public recalls mostly as the man with the magic electronic touch who lost over $100 million daily for over a week last May.

I talked with Mr. Perot the other day shortly after he had used the transcontinental telephone to urge his South Vietnamese friends to clean up Con Son.

"Over 1,500 American prisoners of war are rotting in North Vietnam, Laos and South Vietnam," said Perot who has flown the world, knocked on all doors, beseeched all diplomats including the utterly inscrutable Oriental envoys from Hanoi now in Paris, Stockholm and once in Cambodia.

"These men are kept in bamboo cages, caves, holes, chained to trees and held in solitary confinement. Some of these men have been prisoners longer than any other prisoner of war in our nation's history.

There are scores of diplomats who know these grimnesses. There are Americans who have been to Hanoi (they shuttle in regularly) and who know or should have known of the caged Americans.

Like the 21 protesting senators, they bleed over the tiger cages—though some Arkansas prisons are well up in that dark league. Yet they will not antagonize Hanoi with a single harsh word or even appeal for the Americans' freedom, or even a quiet demand for the list of prisoners' names so young women will know if they are wives or widows and kids will know if they have a dad.

"The North Vietnamese have very little interest in the prisoners of war," Perot continued. "They will agree that upon completion of interrogation, a prisoner of war loses all military significance and becomes a burden to his captor, using food, facilities and guards.

"As for food, the American prisoners live on a diet of fish heads, pumpkin stew and pig fat. I had this diet prepared for a number of newsmen. No one sampled it. You would have to be starving to eat it."

Yet some of the American soldiers, Marines and airmen have been in the bamboo cages for more than six years. Is a bamboo cage more safe a haven, more comfortable a prison than a concrete tiger's den?

Yet nowhere but in the U.S. is a voice or two raised in their behalf. One of those voices is that of the longshoremen's leader, Johnny Bowers, tough but soft toned, icy but run through with the compassion of a man who can't stand being shackled himself.

Since April 13, "Johnny," executive vice president of the 110,000-member International Longshoremen's Assn. (AFL–CIO) has asked the Soviet government at least to get the list of prisoners' names from its ally, North Vietnam. Never has Mr. Bowers raised a "hard hat" issue in his attempted dialogue. On that day he wrote to Soviet Ambassador Anatoly Dobrynin, offering to end the union's boycott of Soviet ships in Atlantic and Gulf Coast and Great Lake ports if the USSR would help.

Johnny Bowers is a bargainer. His men, he said, would unload one Soviet freighter or luxury liner for every five American prisoners of war which the Russians could convince Hanoi to release. But all "Johnny" got was a loud silence.

However, not so silent has the Soviet Press and radio been on the "tiger cages." And Hanoi's daily Nhan Dan has excorciated the Con Son prisons. And they say that American congressmen have not seen anything yet in South Vietnam. Now would be the time for these congressmen to petition Hanoi—on strictly a humanitarian, not political basis—for the chance to see Hanoi's prisons, pens and cells used for Americans and their own political prisoners.

In effect, this is what Ross Perot has been urging during his chartered flights across the world.

"The North Vietnamese consider the 1,500 prisoners of war unimportant," Perot related to me. "In one conversation they said, 'Why all this fuss over just 1,500 men? These prisoners are unimportant.' I tried to explain to them that in our country every life is precious, and that 200 million Americans can become deeply aroused over 1,500 helpless men being starved, tortured and beaten."

The North Vietnamese replied that they did not believe Mr. Perot.

"Your nation has lost over 40,000 men in this war," they told Perot. "Yet, after years at war, most of the American people have not become aroused in any way, either for or against the war. Why should we believe that your people care about just 1,500 prisoners?"

In this the enemy will be proven right if the horror billowing up over the tiger cages is not matched by an outcry for the well-being of Americans in bamboo cages.

SPANISH BASE AGREEMENTS

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

Mr. RIVERS. Mr. Speaker, I take this time to congratulate the Department of State on having the courage to go forward and accomplish the agreement between the United States and Spain providing for the continued American use of military bases in Spain.

Anybody who will take the time to look at a map will see that Spain is the anchor stone of the free world position in Europe and a key element in free access to the Mediterranean Sea. The Mediterranean Sea, of course, is crucial to the continuation of free world influence in the Middle East and is crucial to our ability to continue to support our allies in the southern flank of Europe.

This agreement is an extension of an agreement that has been in force since 1953. The agreement has worked well, it has been of invaluable benefit to the free world, and the Spanish Government has fully lived up to all its commitments under the agreement.

I have many times stated on the floor of the House and I have stated at meetings of the NATO Parliamentary Conference that I believe Spain should be admitted as a full partner in NATO. I have said frankly to the representatives of Western European governments that it is not logical to exclude Spain from NATO on the basis of past enmities between leaders of European governments and the Spanish Government.

These agreements have been sharply criticized and the cost of them overstated by some people who are more concerned about the governments they do not like in the western world than about the threat of Soviet communism. But anybody who will take the time to look at the awesome buildup of Soviet naval power and the frightening extension of that power in the Mediterranean in the past few years will see very quickly that our bases in Spain become more vital with each passing year.

To block the continued use of those bases would be to perform a valuable service for the Soviet Union.

These agreements cover two air bases and the naval station at Rota. Their value to our national defense is well worth the cost, and I might add that any action to strengthen the Spanish air force is a valuable addition to the anti-Communist forces in Western Europe.

In my years in this body, I do not recall that I have congratulated the Department of State an excessive number of times. I congratulate the Department now.

AGREEMENT WITH SPAIN

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

Mr. FRASER. Mr. Speaker. I listened with interest to the distinguished chairman of the Committee on Armed Services congratulating the Department of State on its decision to speed up the signing of an agreement with Spain.

What concerns me about this agreement is the prospect that it contains a new military commitment by the United States Government to Spain.

The National Security Policy and Scientific Developments Subcommittee of the Committee on Foreign Affairs, headed by the gentleman from Wisconsin (Mr. ZABLOCKI), has been holding hearings on when the President should have the right to deploy American forces abroad in armed combat. One of the conclusions that emerges from these hearings is that if this Congress cares about this country, it had better start taking a long hard look at executive agreements made by the President without the advice or counsel of the Congress and which result in new commitments for using American forces abroad.

It may be that this is a wise agreement. But, it may be, too, that it is not a wise agreement, taking into account the overall interests of the United States. I, for one, do not congratulate the Department of State or the President for apparently speeding up action on the agreement with Spain in a deliberate effort to circumvent hearings and inquiry by the the Congress. Such congressional inquiry is the only opportunity the people of America have to exercise some control or restraint over the President's making these commitments.

REPORTING POLLUTION SOURCES

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

Mr. EDWARDS of California. Mr. Speaker, today I am introducing a bill that would require federally subsidized air pollution control agencies to report publicly all sources of air pollution from commercial or industrial activities, the amounts and nature of that pollution.

The public has a right to know who is polluting its environment. The disclosure of such information should not be a matter of choice with the regulatory agency, but a matter of course.

The need for such legislation was pointed up recently in a suit by three University of Santa Clara law students against the Bay Area Air Pollution Control District. Last February the students, Phillip Sims, William Bassett, and Derek Simmons, sued BAAPCD to force it to disclose the identity of major industrial polluters in the Bay Area. BAAPCD was reluctant to disclose the information. The suit was lost on a technicality. However, in response to public opinion generated by the lawsuit and the editorial criticism of local newspapers, BAAPCD did voluntarily release a part of the information in March. It announced the names of major Bay Area industries who were in contining violation of the district's regulations. It did not disclose those operating under district-issued variances.

This belated and reluctant disclosure was a token to the public's right to know. Tokenism is unacceptable. The public's right to know is, or should be, inviolable. It is a cornerstone of our democratic society. They should know how their tax dollars are being spent and whether they are getting the job done. In fiscal year 1970 the BAAPCD received $210,000 in Federal funds under the Clear Air Act. Ten California agencies received more than $2 million total. The public has a right to know whether that money is being used effectively to clean up the air.

As helpful background for my colleagues, I am placing in the RECORD several articles from the San Jose Mercury and the Long Beach Independent-Press Telegram and a copy of the bill introduced today. If my colleagues find that the proposal has merit, I invite their support.

The articles follow:

BAY AREA POLLUTERS NAMED; OIL REFINERIES TOP THE LIST

(By Tom Harris, Mercury Staff Writer)

SAN FRANCISCO.—Two oil company refineries—Phillips Petroleum and Standard Oil—are two of the biggest single sources of air pollution in the Bay Area.

Figures released for the first time by the Bay Area Air Pollution Control District Wednesday showed that emissions from the Avon and Richmond plants account for more than 6.5 per cent of the total contaminants under its jurisdiction.

Together with the total estimated tonnage of contaminants discharged into the air by seven other firms which violated district regulations last month, they represent more than 11 per cent of the district's polluted air.

In order of their contribution to the district's total emissions in tons per day and with percentages in parentheses, they are:

Phillips Petroleum Co., Avon 90.1 tons (3.3 per cent); Standard Oil Co., Richmond, 89 tons (3.2 per cent); American Smelting & Refining Co., Crockett, 79 tons (2.9 per cent); Shell Oil Co., Martinez, 41.6 tons (1.5 per cent); Collier Carbon & Chemical Co., Rodeo, 6.2 tons (.2 per cent); Sequoia Refining Corp., Hercules, 4.8 tons (.17 per cent); Lloyd A. Fry Roofing Co., San Leandro, 8 tons (.03 per cent); and American Standard Co. (smelting) of Richmond and Chevron Chemical Co., Richmond, both .5 tons and .018 per cent.

The figures were released in line with the district's recently modified public disclosure policy. That change, in turn, was in response to citizen demands that it publish similar figures for all major sources, whether they have violated regulations or not. The district still faces court action over the unlimited release of pollution records.

Even though the figures purport to be the most recent information the district has at its disposal, they are still based on estimates made in 1968. Source figures for 1969 will not be published until sometime in June.

The initial release was not intended to identify the nine sources named as the biggest in the district, but they were the first major violators to come under provisions of the new policy. Similar disclosures are expected monthly.

But even while the district was releasing the listings based on total weight of the contaminants, it was being chided by a Stanford graduate student for oversimplifying and distorting air pollution problems and for misleading the public in the process.

The presentation by Ned Groth, leader of a Stanford workshop on air pollution for the past five months, urged that each contaminant be considered separately, rather than bunched together into a conglomerate reading. He also asked that more importance be paid to the toxicity and danger to health of each pollutant.

A close check of the individual contaminant percentages in Wednesday's list of violators seemed to bear Groth out.

Three plants, for instance—Phillips, Standard, and American Smelting—contribute more than 16.5 per cent of the total nitrogen oxides in the district. That is one of the most poisonous and potentially dangerous substances among air contaminants.

There was also a substantial individual contribution to the total amount of sulfur oxides in the air, with American Smelting accounting for 18.4 per cent; Phillips 12.2 per cent, and Standard 9.2 per cent. Together, they put out 39.8 per cent of the total sulfur oxides, a substance that corrodes metals, bleaches paints, damages vegatation and is injurious to the respiratory system of humans.

The measuring formula suggested by the Stanford biological science leader, attaching a weighted factor to toxicity and health danger based on state standards, showed a startling change in contributions of industry and motor vehicles.

District officials in the past have insisted that vehicles cause 71 per cent of the pollution here, but Groth's breakdown, based on the district's own figures, shows that vehicles cause only 43.3 per cent and industry 48.6 per cent.

[From the San Jose Mercury, Apr. 3, 1970]

"TELL ALL" BEST POLICY

The Bay Area Air Pollution Control District, however reluctantly, is beginning to give the public a peek into the ways of the smoggers, and what is revealed is at once frightening and intriguing.

Under a new district policy emission records of firms which violate district anti-pollution regulations are thrown open to public scrutiny. This week, the district listed nine such firms on its "smog list." Not surprisingly, a pair of oil refineries led the list.

More important, perhaps, the public disclosure policy is provoking increased public interest in air pollution and greater public determination to see that the danger is ended, or at least lessened substantially. This, of course, is what public disclosure is designed to do, and it serves to underline the need for broadening existing policy.

The district is facing court action designed to force it to list all smoggers by name, total tonnages and nature of contaminants—regardless of whether the individual pollution sources are in compliance with control regulations or in violation of them. It is greatly to be hoped that the courts order this broad disclosure. It is sure to be useful in two ways.

First, of course, it provides both a focus for and a stimulus to public pressure on the pollution sources. Such public pressure is the only force likely to have much effect in the long run. Obviously, voluntarism hasn't worked; neither has the fear of enforcement by the BAAPCD accomplished much in the past 15 years.

Second, and perhaps equally important, full public disclosure will enable the public better to understand the dangers of particular types of pollution—and again concentrate the greatest efforts on the points of greater danger.

For example, a Stanford University study team urged the BAAPCD this week to give greater emphasis to individual contaminants, rather than lump them together in a conglomerate report. The study group noted, after a five-month survey, that some pollutants, for example the oxides of nitrogen, have much greater toxicity than others. A firm which produced a great amount of hydrocarbon smoke, viewed in this context, might actually present a smaller danger to public health than a firm which produced lesser amounts of the oxides of nitrogen and sulfur.

Using this weighted scale, the Stanford group noted that the automobile's share of Bay Area smog production would drop from 71 per cent to 43.3 per cent, while industry's share would rise to 43.6 per cent. Industry, it

will be recalled, is wholly under the jurisdiction of the BAAPDC.

Smog is not a simple phenomenon, and there is no simple or easy way to fight it. That is why it is so important for the public to know as much about it as possible. That is why full disclosure of emission data is essential to the public health.

[From the Independent Press-Telegram, July 25, 1970]

A PROGRAM FOR CLEAN AIR

(By Gilbert Bailey)

NOTE.—This is the final article of a seven-part series analyzing factors that worsen the smog situation and representing corrective remedies. This newspaper published a Smog Table Tuesday through Saturday; today the table appears on Page C-9.)

Air pollution can be halted in the Los Angeles basin . . . the air can be returned to its quality of 1940 or earlier.

The quality of the air entering the basin, cleansed as it is by 5,000 miles of ocean, is the best in the world. All that has to be done is to control the pollution sources, all of them, within the basin itself.

There is no such comprehensive control program. Witness today's skies.

On the basis of numerous interviews with pollution control experts and on the basis of data developed in this series, the following emerges as the minimum acceptable air pollution control program. This program—effected at municipal, county, state and federal levels—is a start. It is not the final solution.

First, every Los Angeles Basin vehicle operator should have his engine's emission control system tested, and possibly repaired. Atlantic Richfield, as a special service, is making such tests available free at selected shopping centers.

Second, while so-called smog free gasolines are relatively ineffective in fighting pollution lead-free gasoline should be purchased whenever possible. Even so, functioning control devices are far more important than the type of gas used.

Lower horsepower cars should be purchased.

Care should be taken in the use of the auto and other pollution causing machines including electrical appliances, which create need for smog-producing power plants.

Finally, the concerned basin resident should contact his representative on the board of supervisors—the man who has first-level responsibility for smog in the basin—and his state legislator and his representatives in Congress to demand action.

On a county level the Board of Supervisors should call for a full-scale independent review of the operations of the Los Angeles Air Pollution Control District and its hearing board. This would be to determine how the district's operations can be improved and why, after 22 years and $60 million in expenditures, there is still intolerable smog in the district.

As much of the review as possible should be public and it should include testimony, backed by all the facts available, from authorities such as Dr. Kenneth Watts of the University of California at Davis, who have predicted "killer smogs" for the basin. If such predictions are based on facts, then the public needs those facts NOW. If they are not based on fact, then the public should know that too.

In addition, the district's statistics, open to question as they are, should be verified by a thorough scientific study of air pollution in the basin. This study should be conducted by an air pollution control laboratory such as the one at the University of California at Riverside. More information must be developed in special areas such as reduced visibility traceable to particulates.

Robert Chass, Los Angeles air pollution control officer properly has been critical about the failure of motor vehicle exhaust controls. However, Chass' responsibility and the responsibility of the district is for control of industrial sources—all sources other than the automobile. That responsibility should not be ignored because of the failure of the auto manufacturers to do their job.

Chass should be instructed to draft further regulations of industry, including oil refineries, chemical plants, power plants and foundries. Gasoline spills at service stations should be controlled. Some further regulations are now being studied; those studies should be broadened and speeded, and new regulations applied within the year.

No more fossil fuel generating plants should be allowed within the Los Angeles Air Basin, including Orange County. Nuclear plants must be built to fill the electrical power needs of the area.

Incumbent on officials as the final step in the program at the district level is to require air polluters to file reports on their pollution with the district. This should cover sulfur dioxides, lead, fluorides and any other contaminants for which monitoring is practical.

Beyond the purview of the APCD, a rapid transit system similar to that in the Bay Area is needed. Voters should support such a district, if they wish to breathe wholesome air.

On the state and national levels, new legislation should be implemented, as recommended by Chass. This would require auto makers to test emission controls on a go, no-go basis on the assembly line and to guarantee the device for no less than 25,000 miles.

State officials should divert gas tax funds, now used only for highways, to rapid transit and to fighting air pollution. A state constitutional amendment could authorize the diversion or a bill by State Sen. Alfred Alquist to raise the gas tax could accomplish the same objective.

The state and the federal governments, should require auto manufacturers at their own expense to provide cars for testing on a regular basis and should actually test car emissions at various mileages on a mass basis to determine the actual level of pollution.

Congress should pass legislation to require all air polluters to report their pollution and to require all air pollution control bodies that use any federal funds to report the sources of pollution within their jurisdiction and on the type and quantities of emissions from each source. Such legislation will be offered in the U.S. House of Representatives shortly by a group of California representatives headed by Don Edwards, D-San Jose.

At present federal air pollution control inspectors do not have the right to enter private property to check on violations. They would be given that right.

Additional powers should be given to the National Air Pollution Control Administration so that it can step in when local or state governments fail to control pollution.

The federal standards on carbon monoxide, particulates, nitrogen oxides and hydrocarbons should be strengthened and Detroit should be told to clean up the auto or face increasing economic penalties. Leaded gasoline should be phased out as Detroit changes its engines to no longer require such gasolines.

Finally, the federal government should help finance additional air pollution research and necessary rapid mass transit systems. Again, such funds could come out of gasoline taxes.

This program is incomplete. It is only a start, but it is a start. There could be a stronger program: Cease building new roads and use the funds for rapid and mass transit, tax cars further until they are no longer practical to drive, provide other means of transportation, and require polluting industries to either shut down or stop polluting.

The decision as to whether there will be air fit to breathe in the Los Angeles Basin should not rest in the hands of the polluters or of the politicians. It should, and does rest in the hands of the people, who make their wishes known by action or inaction.

Clean air has been the birthright of all mankind. It no longer is; instead the child born today must breathe poison. But for how long!

What do you want to breathe?

(A bill to amend section 105 of the Clean Air Act to require each air pollution control agency receiving a Federal grant for support of air pollution control programs to provide information and data on air pollution sources within its jurisdiction)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 105 of the Clean Air Act (42 U.S.C. 1857c) is amended by adding at the end thereof the following:

"(d) Within 60 days after the date of enactment of this subsection, the Secretary shall establish regulations requiring each air pollution control agency having a grant under this section to prepare and submit periodically (but not less frequently than once each calendar year) a list identifying all known stationary sources of air pollution from commercial or industrial activities within the jurisdiction of such agency, indicating the nature and amounts of pollutants discharged from each such source (or, if the agency cannot provide such information with respect to any source, the reasons why it cannot), and providing such other information as the Secretary may deem necessary or appropriate. All such information shall be published in the Federal Register so that all interested parties may be informed of the nature, sources, and extent of air pollution within the jurisdiction of such agency, thus enabling such interested parties to judge the adequacy of applicable standards, regulations, plans and programs for preventing and controlling such air pollution. Regulations issued by the Secretary under this subsection shall provide that each affected agency shall submit the first such list as soon as practicable after the date it receives a grant under this section, and, in the case of an agency having a grant on the date of enactment of this subsection, not later than 180 days after the date of the promulgation of the first such regulations by the Secretary."

FOREIGN TRADE

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

Mr. PELLY. Mr. Speaker, there is an old adage that exchange of surplus goods between nations of the earth is common gain. That adage is as true today as it always has been.

Throughout my business and political life I have tried to encourage foreign trade. It is vital to a prosperous national economy and nowhere more than in my own native State of Washington and in my home port city of Seattle.

Before I was elected to Congress, I visited the Philippines, Japan, and the Far East urging increased trade across the Pacific, and I helped sponsor and initiate an International Trade Fair to help carry out this idea.

But, Mr. Speaker, favoring exchange of goods between the nations of the world is not support for any nation dumping its products on the markets

of another nation so as to close the factories and throw high living standard workmen such as we have in America out of work.

To stop this practice, quotas on imports are not the best answer. Competition, and by that I mean fair competition, is desirable to lower living costs and combat monopoly.

A better answer than import quotas is found in other protective arrangements. For example, Japan and the United States have negotiated a voluntary plan. Japan, of course, protects its industry more than any nation on earth, but the Japanese are practical and no more intelligent traders exist on this earth.

The Japanese steel industry was flooding our market and our great steel plants were closing. Under these circumstances and rather than force the United States to institute protective measures, a voluntary agreement covering imports was negotiated. Such a compromise has not fully made either nation happy, but it prevented more drastic action.

Mr. Speaker, for years I have studied proposals to create formulas to protect our industries and workers and also the consumers of America. Likewise, I wanted a plan to protect other nations, so as to assure that they shared in the growth of America.

Fortunately, I have wanted to assure that a two-way flow of trade goes across the docks of our great ports while at the same time assuring that low living standard nations not force our factories to close.

Mr. Speaker, the ideal would be completely free trade, except for defense and our high standard of living. We must maintain our industries and not permit foreign nations to disrupt our economy.

I am not an advocate of high tariffs nor do I advocate low quotas. Rather, I am for fair competitive trade and the more the better.

Mr. Speaker, the products we produce as a nation plus all that which we import, less our exports, is the measure of our standard of living; but, only if the people have jobs and can buy and consume these products in the marketplace.

If foreign exporters dump foreign low-wage goods in our country to the extent it closes our factories, then our living standard goes down. There must be a proper balance so as not to flood our markets. Instead of indiscriminate dumping, let us arrange to share our economic growth and prosperity with other nations and buy their goods so they have dollars to buy our goods including our superior civilian transport airplanes.

Let us keep our ports and docks busy and also let us keep our factories open and men and women working.

What America must have, Mr. Speaker, is balanced trade.

WE HAVE NO REASON TO LOSE FAITH

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

Mr. HANLEY. Mr. Speaker, at this time, when our Nation is weighed down by a number of seemingly insoluble problems, it is important to recall America's underlying strength—a strength of spirit that stems from individuals and radiates into all areas of American life.

I am happy to share with my colleagues in the House the remarks of my good friend, the Honorable Arthur Levitt, comptroller of the State of New York, delivered before a meeting of the Allied Printing Trades Council in Albany and printed in the August 4, 1970, issue of the Syracuse Post-Standard:

THE STRENGTH OF AMERICA: WE HAVE NO REASON TO LOSE FAITH

The text of a speech delivered last Thursday by Arthur Levitt, state comptroller, before a meeting of the Allied Printing Trades Council in Albany, reached our desk yesterday. It makes such uncommonly good sense that we believe it would give everyone a spiritual lift to read it. We are glad to break a precedent by presenting it in full:

WHAT OF THE FUTURE?

It is time we talked about the strength of America, and not about all the things we think wrong with her.

And I am inspired to do this, because of your own history in the enlightened labor movement of our nation. Your economic power is two-fold. Not only has the union label affected every market of the nation, but your own buying power has become a major part of our whole economy.

This is as it should be. But your economic power must be related to the general health and prosperity of our nation. Forgetting the value of the dollar for a moment, what about our moral and civic values? Is Society in America really sick, or is the sickness mainly in the eye of the critic? Are you investing your labor in a sound enterprise—our national life itself?

In my own opinion, we have no reason to lose faith in the greatness of our nation. I do not say we should shut our eyes to social problems. I simply want to strive for a balance. I do not believe that campus disorders really reflect the majority of our students. I do not believe the struggle for civil rights means unending civil strife, when it is balanced by the common sense of the American people. I do not believe our communities will decay from overpopulation and pollution, when balanced with the capacity we have for scientific planning and for civic action.

We are like a giant, caught napping occasionally but powerful when the need arises. And we have been napping, perhaps, in relation to many problems which are now potentially explosive. Now that we are awake, are we really strong and prepared?

America was never stronger in my opinion. I do not speak of our military might, of which I know very little, nor do I speak of our vast national wealth, of which I have very little. I speak this morning about the inner strength we have as a free and responsible people. I speak of hundreds of our cities, thousands of our villages, and many more thousands of our towns all across the face of America, each vibrant with group after group of spirited citizens.

Sometimes we call this neighborliness, sometimes fraternalism, sometimes community spirit. Surely it is all these things, but I think it is also much more—it springs from the land in which we live, it thrives on the free society in which we move, and it matures in the full sunlight of what we know to be our national destiny. We can be thankful that this destiny has nothing to do with dominion over other peoples, and nothing to do with conquest over other nations. The true destiny of America is the destiny of the smallest town within her borders—the desire to live peacefully, to work honorably, to worship according to conscience, and to prosper according to merit.

Each person sees this inner strength of America in his own way. It may be in your schools, and the opportunities open to young people; it may be in your family or in your work, or in the rewards of creative skills; it may be in community organizations and the opportunity to serve and to be served.

In my own way, I see the good of America in public life.

Despite the occasional bad side to politics, despite the occasional betrayors of the public trust, we have basically honest government throughout our nation. I know of no more dedicated people than the career public servants on my staff. Much of our State business is done on personal trust—the word of one officer to another, sometimes just by telephone, and regardless of party differences. Most public officers want to do the right thing, if they can but see the right. It is not always easy.

And I speak not only of those who are paid to serve, but of those who are unpaid. I have been pleasantly surprised over the past years by the many bankers, lawyers, editors, college professors, accountants and labor leaders who have willingly donated their services to my Department without thought of personal gain. They have served on committees, worked on legislation, and advised on investments. Not one has ever submitted a bill, or asked for a reward in any other form. They have come from all major political parties, and from every area of the State. Here is the richest resource of our democracy: the deep capacity of all of the people to serve all of the nation.

By saying all this, I do not shut my eyes to very serious problems we have not yet solved. For example, our very prosperity has brought on the disease of inflation. And this brings me back to a remark I made at the beginning, when I referred to the value of the dollar. While most Americans are enjoying higher and higher levels of income, we must remember our fellow citizens, and particularly our older citizens, who are living on fixed incomes.

In summary, it seems to me the basic point is clear: America is strong, but we need all of our strength to solve our problems. Even such a problem as inflation can be solved if we unite in our efforts—government, industry and labor. In saying this, I am well aware that we cannot expect labor to hold the line, alone, in an upward trend of the economy. What we must seek is a nationwide solution, without unfair advantage to any group.

You and I need have no fear of the future so long as we have the spirit and the will to go forward with the great destiny of our nation.

FOOD AND DRUG ADMINISTRATION SHIRKING RESPONSIBILITY ON AMPHETAMINES

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

Mr. PEPPER. Mr. Speaker, I rise to call to the attention of you and my colleagues the announcement made by the Commissioner of the Food and Drug Adminstration yesterday, which accused the drug industry of shirking its responsibility by not helping to prevent abuse of amphetamines. As you know, hearings that have been held by the House Select Committee on Crime over the last few months, have shown exactly that point. Our hearings amply demonstrate that production of amphetamines in the

United States vastly exceeds the legitimate needs of this country. We have received testimony from the National Institute of Mental Health that there are over 8 billion dosage units manufactured annually. This figures out to 40 doses for every man, woman, and child in this country. Other evidence collected shows that over 50 percent of this so-called legitimately manufactured product is diverted into illegal channels.

As FDA Commissioner Charles Edwards properly indicated, there are really only three acceptable medical uses for amphetamines; two of them rare. The two rare conditions being narcolepsy and hyperkinetic children and a possible third allowable use would be suppressing appetite; however, this latter use should be limited to a period of a few weeks to prevent the patient's developing a psychological dependence on this drug.

Mr. Speaker, as Dr. Sidney Cohen, Director of the Narcotic Addiction and Drug Abuse Division of the NIMH, told our committee last November, the number of amphetamines needed to treat these diseases would be a few thousand a year, not the 8 billion which are now produced annually. Dr. Cohen went on to state that 99 percent of the total production that ends up being legally prescribed is used for weight control or as a mood elevator. The first use is highly questionable after 1 or 2 weeks; and in light of the dangers of abuse, the second use should probably never be attempted, except in rare instances. In fact, our hearings have shown the disturbing trend to overprescribe this drug because of the extravagant claims made by drug manufacturers. Mr. Speaker, 8 percent of the prescriptions written in this country are for amphetamines.

As my colleagues know, the street term for high dosage injection of amphetamines is "speed," and most of us have heard the phrase "speed kills." If it does not kill, it can well cause malnutrition and undermine an individual's health because of irregular sleeping and eating patterns. There was also numerous reported cases of brain damage. The abuse of this substance has spread in alarming proportions to most of the communities of this Nation.

Mr. Speaker, for the above reasons, I was happy to see the announcement by the Commissioner that legal moves will be made later this week, calling for changes in labeling of amphetamine products that will restrict their allowable medical claims and strengthen the warning on possible hazards. The reduction and amount of prescriptions written for this drug will, of course, be some help. However, I feel that these steps still are not adequate to deal with the problem of this dimension. Earlier this year a bipartisan majority of the House Select Committee on Crime came to the reluctant conclusion that manufacturing quotas would have to be imposed on amphetamine production in this country. These bills are known as H.R. 16123 and H.R. 16151. They are now before the Interstate and Foreign Commerce Committee and it would be my hope that our colleagues on that committee would adopt the stricter controls advocated in those bills.

Mr. Speaker, in my opinion, Commissioner Charles Edwards' new directive is a hopeful first step, but in my opinion, inadequate to solve the problem. We of the Congress will have to do more.

It would appear that the Nation's drug industry has been reluctant to get its own house in order. Failing substantial voluntary measures on their part to curtail unneeded production of this dangerous drug, we who are charged with the responsibility of seeing to the public health and welfare will have to do it for them.

BIRTHDAY TRIBUTE TO THE HONORABLE WRIGHT PATMAN

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

Mr. ANNUNZIO. Mr. Speaker, I rise today to congratulate and extend my best wishes to Hon. WRIGHT PATMAN, distinguished chairman of the House Banking and Currency Committee and Representative of the First District of the great State of Texas, on the occasion of his 77th birthday.

In November it will be 42 years since WRIGHT PATMAN won his first election to Congress from Texas. In those 42 years he has earned universal respect and admiration for his dedication and concern for the needs and interests of the "little man" in America, for his profound knowledge of our banking and currency system, and for his life-long record of courage and principle in fighting for causes he knew to be right despite the fact that these worthy causes were often opposed by some of the most powerful interests in our land.

It has been my privilege to serve on Congressman PATMAN's Banking and Currency Committee since I was first elected to Congress in 1965, and during this time, I have witnessed his determined and untiring efforts to champion the cause of the little people of America. Indeed, Congressman PATMAN is not afraid of anything.

When he first tried to enlist in the armed services in World War I, he was turned down because of a heart defect. He persisted and finally was enlisted as an Army private. Rising through the ranks, he became a first lieutenant in a machinegun battalion, and gave outstanding service to our country during those turbulent war years.

In 1928 he ran for Congress at the height of the Ku Klux Klan's power in an area of Texas where they were then strongest, and he won despite the Klan's fierce opposition.

In 1936, although the administration in power was opposed, he took a stand for the soldiers' bonus and in the face of overwhelming odds, won this battle, too. As a result of his efforts, bonus certificates were paid to the extent of $2 billion during the rockbottom days of the depression.

As chairman of the House Banking and Currency Committee, he has tangled with the most powerful monied interests in America. He has been author and sponsor of some of the most progressive and outstanding legislation to be passed in the last 40 years, and he is known as "father of the credit union." He played a crucial role in passage of the landmark Truth-in-Lending Act and, more recently, in House passage of the administration's welfare reform proposals.

Texans are devoted to WRIGHT PATMAN, and they have reason to be proud of that devotion. Representative PATMAN could have run for—and won—a seat in the Senate, but he chose not to run because he loved the House, and because he felt he could serve the people of his district and his State better here.

In his years of service in Congress, WRIGHT PATMAN has never failed this trust. He has served with honesty and dedication the people of his district and his State, and our Nation as well. As chairman of the House Banking and Currency Committee, he has been one of the most eminent leaders in Congress in this century.

I am proud to be his colleague, and to have had the opportunity of knowing him, working with him, and having the benefit of his wise counsel and advice. Once again, I add my birthday congratulations to those of his wonderful family, his legion of friends, his colleagues and his constituents, and I wish him continued good health and many more years of outstanding public service.

ARTS AND HUMANITIES

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

Mr. MORSE. Mr. Speaker, in this era of rapid and complex technological change, when our attention is constantly drawn to urgent domestic problems and international crises, moments of beauty seem all too fleeting and things of value all too fragile. Yet there is much of this country's culture to be enjoyed. Indeed, the beauty and pleasure derived from music, and art, for example, can be shared by all of our people, young and old, rich and poor, black or white. This mutual pleasure and appreciation provides a kind of communication and promotes greater understanding and a high sense of common interest among all peoples.

Creativity in the arts and humanities plays a vital role in the health of our Nation, and due to the enormous dedication and constant efforts of an extraordinary lady, Nancy Hanks, the National Foundation on the Arts and Humanities is accelerating its efforts to enrich American life and extend cultural opportunities to all Americans.

It is no small tribute to her intelligence, her vitality, and her deep belief in the importance of assisting and supporting artistic and humanistic developments, that there is growing congressional endorsement of the role of the Government in sustaining the arts. Due to her efforts, moreover, there is a significantly greater interest in and appreciation of the arts and humanities as an essential part of a meaningful life.

I have had the privilege of knowing Miss Hanks for a number of years. She assumed the chairmanship of the Foundation on the Arts and Humanities last year and brought to it extensive experience in the arts—both as the former head of the Associated Council of the Arts, a private organization which supports the arts, and as the director of a study sponsored by the Rockefeller Fund which resulted in a comprehensive report on financing of the performing arts. That study contributed significantly to the formation of the National Council on the Arts.

Miss Hanks' devoted and energetic leadership of the National Foundation has brought her increasing admiration and appreciation as evidenced by Marquis Childs' column which appeared in the Washington Post of August 1, 1970. I include it at this point in the RECORD.

PERSONABLE PERSUADER UNTIES HILL PURSESTRING FOR THE ARTS

Score a small triumph for the Nixon administration, and it is a triumph that could have a long reach. Congress has appropriated for the National Endowment for the Arts $40 million, which is twice the amount for the previous year.

The triumph owes a lot to a personable persuader who has made a strong impression since she arrived on the Washington scene last October. Nancy Hanks, chairman of the endowment, talked to more than 200 members of the Senate and House in making the case for the appropriation.

Lobbyists for more materialistic goals have reason to envy that record. Miss Hanks brings very special qualities to her task. She is an attractive woman with intelligence and perception that are evident without being in the least assertive.

The President took six months to come up with a replacement for Roger L. Stevens, the first chairman, who resigned after five years of guiding the federal government's grant program in the arts. Suspicion grew that he meant to leave the post vacant. Then the choice fell on Miss Hanks, to almost unanimous approval.

Shortly after her appointment the question arose as to how much to request from Congress in the coming fiscal year. There was a long flap over whether it should be $8 million or $10 million. After all, help for the arts—theater, ballet, music, painting—from Uncle Sam is something pretty radical. An old story in Western Europe where the arts have long been endowed, it is a new venture with us where political suspicion of anything as fancy as ballet and long-haired music runs deep.

The decision was finally reached to go for double. Miss Hanks and Presidential Assistant Leonard Garment played a leading part in that decision. And Miss Hanks promptly went to work on a list of Senate and House members who might be subject to persuasion.

She made the case again and again that the arts are not something remote and esoteric to be cherished by a special few with rarefied tastes. They are directly related to the quality of life. One of the chief aims of the endowment is to encourage relationship in every way possible—to get the arts out of the stuffy environment of concert halls and into the parks and streets. Relieve the tedium, the boredom, the emptiness of much of existence in a mechanized society—that is a principal objective of the endowment today.

It is not that the problems of the concert hall, and they are serious problems, are ignored. The nation's 88 symphony orchestras—28 major orchestras with budgets over $500,000 and 60 metropolitan orchestras with budgets under $500,000—have been going steadily in the red. While the endowment obviously cannot underwrite all the deficits, grants of $50,000 each were made to five orchestras for projects considered of outstanding national significance.

The contrast with practices abroad is startling. Austria with a population of 7,500,000 subsidizes music and the theater to the tune of about $35,000,000 a year, and as a consequence the performing arts are a foremost tourist attraction. But Miss Hanks believes we're on the way, with broad congressional acceptance of the role of the federal government in sustaining the arts as an enrichment of life.

Just out of Duke University with a Phi Beta Kappa key, Miss Hanks came to Washington in 1951 as a member of the staff of the Office of Defense Mobilization. That was when the Korean War was going full blast. She later went to work for Nelson Rockefeller when he was Under Secretary of Health, Education and Welfare and followed him to the White House when President Eisenhower asked Rockefeller to set up a series of foreign policy panels.

Outside government, with the magic of the Rockefeller Brothers Fund in New York, Miss Hanks was executive secretary in charge of naming a series of panels to do studies in a variety of fields. One of them was in the arts. And Miss Hanks herself directed the study that ended with a landmark report, "The Performing Arts: Problems and Prospects."

The report stimulated a lot of activity. One result was formation of the National Council on the Arts, of which Miss Hanks is today chairman. It is closely allied with the endowment. Cities and towns across the country formed their own councils, sponsoring a variety of programs.

Miss Hanks is descended in a line not too clearly defined from the Nancy Hanks who was Abraham Lincoln's mother. But she recalls with a glint of humor that the fame of a name owes a lot to a famous trotting horse, Nancy Hanks, a legend throughout the South. At 41, Miss Hanks is on the way to becoming one of this capital's Quiet-spoken movers and shakers.

USIA POLL RESULTS

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

Mr. LOWENSTEIN. Mr. Speaker, I regret the refusal of the U.S. Information Agency to release the results of a poll it commissioned in several countries to determine world reaction to the dispatch of American troops into Cambodia.

I had hoped that Mr. Frank Shakespeare, Director of the USIA, would agree that the American people should know the results of this poll, which they paid for and which has considerable significance if we are to make intelligent decisions about the validity of the President's policies in Southeast Asia.

It is very hard to understand how national security could be jeopardized by telling the public the results of this poll, unless it is assumed that national security is best served by protecting the American people from facts. But we do not make such assumptions in this country, and with good reason. In a democracy the formulation and implementation of sound policy depends on the public's having access to basic information, especially information they pay to collect.

That is why I have favored for many years the release of the results of all polls taken by the USIA. If there are occasions when they should be kept secret, these should be the exceptions rather than the rule. That is clearly not the case with the poll we are talking about today.

We usually know whose interest is being protected when agencies of the Government say it is not in the national interest to release information that could have no conceivable effect on national security. It is rarely the public interest, the only interest about which the Congress should be concerned.

I call again on the USIA to change its policy regarding the release of these polls. There is, may I repeat, no valid security reason nor any requirement under the law that they be concealed. As a beginning, Mr. Shakespeare should act immediately to provide the American people with the results of the particular poll I have mentioned today.

REFLECTIONS ON HIROSHIMA DAY

The SPEAKER pro tempore (Mr. BROWN of California). Under a previous order of the House the gentleman from California (Mr. HOSMER) is recognized for 30 minutes.

Mr. HOSMER. Mr. Speaker, 407,316 American servicemen were killed and 607,846 were wounded during World War II. That war ended just short of 25 years ago with Japan's formal surrender on V–J Day, September 2, 1945. But Japan actually had surrendered almost 3 weeks earlier, on August 14. Her surrender was triggered by two world-shaking events just days earlier: the atomic bombing of Hiroshima on August 6 and of Nagasaki on August 9. Prior to that the Japanese firmly intended to carry the war on and on and on until their entire homeland was captured foot by deadly, bloody foot by invading U.S. soldiers, sailors, and marines.

How ironic it is that today, August 6, 1970, the 25th anniversary of the atomic attack on Hiroshima, should be an occasion for degrading and vilifying the United States by some who enjoy the gracious bounties of its citizenship and who enjoy it in part because 1,078,162 Americans were casualties of World War II. How tragic it is that, with the hazy hindsight of a quarter century, some people have forgotten the end and choose only to remember the means.

In earlier times we celebrated V–J Day in thankful remembrance of peace after 3½ years of slaughter and misery in the Pacific. Today, and particularly on next Saturday, it is "Hiroshima Day," to be marked by protest demonstrations and disorders and marches on some of our outstanding American scientific institutions.

Several weeks ago I obtained a copy of a crude handbill distributed at the University of California at Berkeley announcing a meeting to plan "Hiroshima Day" protests at the Lawrence Radiation Laboratory locations at Berkeley and at Livermore. The handbill was distributed by an organization calling itself SESPA—Scientists and Engineers for Special and Political Action. It listed among its objectives the "commemoration of those who died by U.S. atomic weapons." A similar clamor is scheduled

at Los Alamos Scientific Laboratory in New Mexico.

These and like events in the United States and elsewhere in the world are 180° out of phase with reality. Although estimates vary, the combined total of Japanese casualties at both Hiroshima and Nagasaki did not exceed twice that many Americans, 250,000 men of our invading forces, would have perished.

It is more fitting that on "Hiroshima Day" we give thanks for these large numbers of Americans who were spared, who lived to return home and perhaps even to father some of today's protesters who might not have been born except for the event they decry and the page in our history they would erase. And, too, the Japanese people might realize that their dead at Hiroshima and Nagasaki died so that for each of them one or two or even more of those living would not die during a prolongation of the war. This is a perspective on history that ought to be utilized when we seek to characterize events of 25 years ago.

President Truman's decision to use the newly developed atomic bomb on the Japanese home islands has been debated for 25 years now, and it probably will be debated for at least another 25. It was a complicated and extremely difficult decision, one not easily understood or appreciated today.

Some argue in retrospect that the decision to drop the atomic bomb was unnecessary because Japan was ready to surrender anyway. This is not the fact. Others contend that a demonstration of this awesome weapon somewhere in the Pacific would have frightened the Japanese into surrender. This is erroneous. All evidence at the time of decision, July 1945, not August 1970, indicated that only a direct military use of the atomic bomb would bring Japan's ultramilitarist faction to its knees. In light of their fierce public statements, there was no assurance that even this would work.

For example, the Potsdam Proclamation of July 26, 1945, had fallen on deaf ears in the Japanese Cabinet. Prime Minister Suzuki issued a statement rejecting out of hand the Allies' appeal for surrender, vowing that his nation would fight on to total victory.

The possibility of demonstrating the bomb was carefully considered. Henry L. Stimson, Truman's Secretary of War, had been intrigued by the idea of using the bomb without causing any casualties. A special committee was formed to analyze all implications—military, political, and scientific—of the A-bomb. It considered this proposal from every angle. It finally concluded that no technical demonstration was likely to bring an end to the war. The Joint Chiefs of Staff also considered the idea, and not one of them could support it.

For one thing, A-bombs were essentially untried, and the uranium and plutonium fuel was extremely scarce in mid-1945. "Wasting" one of our few atomic weapons with a demonstration was felt to be unnecessarily risky. Second, despite the assurance of the scientists and the demonstration of an atomic test device in New Mexico, there was little assurance that the complicated device in bomb configuration would actually work.

Consequently, it was almost unanimously agreed that the options boiled down to a large-scale invasion of the Japanese islands; to a naval blockade and saturation bombing; or to use of the atomic bomb.

Plans for the invasion had already been drawn up, and General MacArthur was assembling his force in the Philippines. I was a member of that force as second in command of a large assault transport. We knew what was in store for us. When I learned that the bombs had been dropped and that Japan was surrendering, I felt like a man in death row who receives a clemency. So did everyone else involved.

The invasion plan called for an amphibious assault on the southern island, Kyushu, in November of 1945, followed by an attack on Tokyo and the main island of Honshu by March of 1946.

Up to 1 million Americans would take part in the invasion and one-quarter to over a half million of them were expected to become casualties before the Japanese mainland was subdued. This was to be one of the most dangerous and costly operations ever deliberately planned in military history. And, the numbers of dead and wounded on the Japanese side amongst military and civilians were expected at least to equal and, more realistically, exceed those on the American side by a considerable margin.

The Japanese military still had upward of a million men in its home army, plus a large well-armed home guard, plus a large armada of kamikaze planes. Military control of the government was still firm. In April, hundreds of Japanese had been arrested and imprisoned for suggesting surrender. And there was no evidence that their battlefield morale was weakening. If anything, Japanese soldiers were becoming even more fanatical.

As an alternative, conventional bombing was scarcely less awful than an atomic bomb. In March 1945, a huge B–29 raid on Tokyo had killed 78,000 people, burning out 16 square miles in the heart of the city and even boiling the water in Tokyo's canals. Such an offensive would have required months of bombing almost all major Japanese cities and hundreds of thousands of deaths. We would have, in effect, laid all of Japan to waste. Also weighing against this idea was history. Saturation bombing of major cities, in addition to being a gruesome kind of warfare, had largely failed. Experience in England, Germany, and even Japan had never resulted in a surrender.

President Truman thus was left with but one alternative, albeit an unpleasant one—use of the atomic bomb in the hope that it would bring a swift and decisive end to the war.

It can be noted that even after two A-bombs had devastated Hiroshima and Nagasaki, the Japanese Cabinet was still not ready to quit. It took a wholly unprecedented "imperial decision" by the Emperor to effect the surrender. Even then, shortly after the attack on Nagasaki, a coup was attempted in the Imperial Palace to prevent Japan's surrender.

While we may still debate those events and decisions of 25 years ago, it is clear to me that to use the atomic bomb was the only viable alternative to additional months of bloody war and thousands, perhaps even millions, more American and Japanese casualties. The atomic bomb was a fact of life in 1945. If it had not been dropped on Japan in August, even if it had not been tested in New Mexico on July 16, 1945, this weapon still would not have been suppressed. If we had not developed the bomb first, the Russians would have.

In looking back, it is important to remember that over the intervening 25 years, no one has ever again used a nuclear weapon in anger, perhaps because of the shock of Hiroshima and Nagasaki. For that we can be thankful and pray that it never has to happen again.

For the fact of Japanese surrender, and whatever prompted it, I am personally grateful. Along with hundreds of thousands of other veterans of the war in the Pacific, I may owe my life to it. Or, I may owe to it the fact that I am not living out my days in a broken body at some lonely veterans hospital ward.

HAPPY 101ST BIRTHDAY TO MRS. THEODOSIA SEARCY LOWREY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from South Carolina (Mr. WATSON) is recognized for 10 minutes.

Mr. WATSON. Mr. Speaker, next Monday a delightful resident of my State, Mrs. Theodosia Searcy Lowrey, will celebrate her 101st birthday.

Although a native of Arkansas and a resident of Mississippi for many years, Mrs. Lowrey has been a resident of Greenville, S.C., for the past 20 years, living with her daughter, Miss Sara Lowrey, a retired Furman University professor.

Mrs. Lowrey has been closely alined with the field of education nearly all her life and has left an indelible imprint upon the lives of unnumbered young people throughout this Nation.

At 16 she began college at Blue Mountain College in Mississippi and while an undergraduate there married the president of that college and the son of its founder, William Tyndale Lowrey.

She continued her studies and received a B.A. from Blue Mountain. For the next 45 years she was first lady at a number of colleges in Mississippi including Hillman, Mississippi College, and Gulf Coast Military Academy school at which she also taught.

After all her children were grown, Mrs. Lowrey returned to college and at the age of 60 earned her M.A. at Mississippi College.

For years after her formal association with colleges ended, Mrs. Lowrey continued her interest in education and tutored youngsters.

Throughout most of her life she has been active in the League of Women Voters and the American Association of University Women. She has voted in every election since women were given

the vote and plans to do the same this year.

Her only regret is that she cannot vote for her grandson, Congressman JOHN H. BUCHANAN, JR., of Alabama, an esteemed friend of mine and a most distinguished Member of this body.

Recently, Mrs. Lowrey cut the tricentennial birthday cake at the opening of the Piedmont Expo-Park in Greenville and received a plaque from Gov. Robert McNair congratulating her upon her life over the past 100 years. South Carolina is indeed proud of this lovely and outstanding citizen, and I am honored to single her out for special recognition on this, the eve of her 101st birthday. May God continue to bless her.

Mr. WHITTEN. Mr. Speaker, in these days of hurry, hurry, and rush and rush, all too seldom do we pause to honor those who have contributed so much to the finer things of life, to the molding of character while leading the way to education. In view of the needs of the hour I am especially proud to join here today in paying tribute to Mrs. Theodosia Searcy Lowrey who on August 10 will celebrate her 101st birthday. Mrs. Lowrey for 45 years presided as first lady of colleges throughout Mississippi.

A native of Arkansas, Mrs. Lowrey came to Mississippi at the age of 16 to attend Blue Mountain College. While still an undergraduate, she married William Tyndale Lowrey, who a year earlier, in 1885, became the school's president following the death of his father, Gen. Mark Perrin Lowrey, founder of Blue Mountain.

For 45 years thereafter, Mrs. Lowrey served as first lady at colleges in Mississippi including Hillman, Mississippi College, Blue Mountain, and Gulf Coast Military Academy. While her husband was president of Hillman, Mrs. Lowrey was administrator of that school and she has taught at Hillman and Blue Mountain.

Mrs. Lowrey took courses periodically and, at the age of 60, received her master of arts degree from Mississippi College.

Last year on her 100th birthday, Mrs. Lowrey returned by jet to Mississippi from South Carolina, where she now makes her home, to be with her family.

Mrs. Lowrey has been active in civic affairs and for many years has been a member of the League of Women voters and the American Association of University Women. She has voted in every election since women have been permitted to vote.

Since severing her formal association with colleges, Mrs. Lowrey has continued to be interested in the educational field, tutoring youngsters and doing research for her daughter, Miss Sara Lowrey, a college professor, lecturer, and author.

Mr. Speaker, many Members know Mrs. Lowrey contributed much to the people of a number of generations in my State. Much of such contributions were at Blue Mountain College, a fine Baptist College of which my wife is a graduate and her mother before her.

Professor Ellitt, a relative of mine, taught there for many years. One of my predecessors, a Congressman from the Second District, was Hon. B. G. Lowrey, an outstanding legislator. Today Hon. JOHN BUCHANAN, a grandson of Mrs. Lowrey is a distinguished Member of this Congress.

Mr. Speaker, I wish Mrs. Lowrey many happy returns of the day and congratulate her for her wonderful contributions to the people of Mississippi and of the Nation.

Mr. GERALD R. FORD. Mr. Speaker, may I join in these felicitations to Mrs. Theodosia Lowrey on the occasion of her 101st birthday. I extend my heartiest congratulations to Mrs. Lowrey on this happy anniversary of her birth, and I want to express my congratulations, also, to my esteemed colleague, JOHN BUCHANAN, on having chosen such a fine and venerable lady for a maternal grandmother.

It is an interesting coincidence that Mrs. Lowrey was born just 101 years before the House of Representatives is scheduled to act on a constitutional question concerning equal rights for women.

The many illustrious accomplishments of Mrs. Lowrey's teaching career and talented life were achieved in spite of this alleged discrimination—goodness knows what she might have attained had she enjoyed equal rights.

But on this occasion we celebrate an accomplishment all men envy, and few will ever equal: and that is to have lived 101 vital years, and still be a useful and valuable member of society.

A happy, happy birthday to Theodosia Lowrey. And may God bless you on this auspicious anniversary.

Mr. BUCHANAN. Mr. Speaker, 1 year ago it was my privilege to travel to New Albany, Miss., with other family members to join in the celebration of my grandmother's 100th birthday. She, herself, had jetted there from her home in South Carolina.

On that occasion, as a part of a brief ceremony, I read Solomon's beautiful tribute to a virtuous woman as recorded in the 31st chapter of Proverbs.

It seemed to me then, as it does now, that this constituted a perfect description of the beloved matriarch of my family of whom we are all extremely proud.

It is gracious and kind of the gentlemen from South Carolina and my other colleagues to pay tribute to her this day. On behalf of the family I would like to express our sincere and heartfelt gratitude.

It also seems fitting and proper for me to respond not only with a statement of appreciation but to join in the words of scripture in rising up to call her blessed.

Her zest for life, her gentle wisdom, and her unfailing sense of humor are but a few of the reasons she has been an inspiration not only to her children, but to the many other people whose lives she has blessed in more than a century of living.

She finishes the first year of her second century on earth with the same sharp knowledge and interest in world affairs and people which has marked her life through the years.

She remains an active member of the American Association of University Women and the League of Women Voters.

Through many years, first as the wife of a college president and then the mother of a distinguished college professor at Baylor University and then at Furman University, she has not only been of great assistance to each in their work, but has formed many friendships with young people all over the world and remains, to this day, herself, the youngest and most delightful of them all.

The fine sense of humor which has brought so much joy to those about her is still in tact, and her fine mind continues to be in daily use.

With gratitude to my colleagues I join, Mr. Speaker, in their tribute to a virtuous woman "for her price is far above rubies."

Mr. EDWARDS of Alabama. Mr. Speaker, August 10 marks the 101st birthday of a lady who has given much to the South, Mrs. Theodosia Searcy Lowrey.

Mrs. Lowrey was born in Arkansas but moved to Mississippi to attend college. She married the president of Blue Mountain College and for 45 years spread her influence through colleges in that State as first lady to the president, administrator and teacher.

She is now residing in South Carolina where she was recently honored by being asked to cut the tricentennial birthday cake at the Piedmont Expo-Park.

Her influence, however, is not limited to the States in which she has lived.

She is the grandmother of my colleague the Honorable JOHN H. BUCHANAN, JR., of Birmingham, whose father has been a noted Baptist minister and civic leader for 50 years and whose mother, Mrs. Lowrey's daughter, was active in church activities, including teaching Sunday School for many years.

I wish Mrs. Lowrey the best on her 101st birthday and congratulate her for her life's work in the South.

JUSTICE FINALLY PREVAILS AT THE SAN FRANCISCO PRESIDIO

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

Mr. LEGGETT. Mr. Speaker, I have entitled this speech "Justice Finally Prevails at the San Francisco Presidio."

On June 30, 1970 the U.S. Army Court of Military Review overturned the last of the mutiny convictions of those who had come to be known as the "Presidio 27" and affirmed a verdict of guilty on the lesser included charges of disobedience of the lawful order of a superior commissioned officer. So ended a long drawn out battle in which the Army legal system patently failed in its duty to serve the ends of justice.

At this time in our nation's history, true justice in military proceedings is especially important. At present, there are nearly 4 million men in the Armed Forces, many of them unwillingly. They are seeing at first hand, an institution which is increasingly under attack. These men often acquire life long attitudes during their years in the service. For many, this is their first exposure, at close hand, to any legal system. If they see a military justice system which operates at the whims of men in positions of power and

does not impartially and effectively strive toward a true determination of the facts and a just disposition of cases, they can hardly be blamed for getting the impression that true justice is unattainable in our society.

All around us, constituted authority is under attack, some legitimate and some merely destructive. At this time, if that authority does not wish to foster a disregard and disrespect for law, it is most important that it function in a just manner so as to deserve respect and support.

Over the past year because of a number of episodes our military service has lost prestige. Gen. Stanley Swede Larsen, in his management of the Presidio trials in San Francisco has played no small part in that reduction of military prestige.

On March 18, 1969 last, I discussed the mutiny trials on the floor of this House and was joined by many of my colleagues from California and elsewhere in expressing doubts about the quality of military justice as shown in this series of cases.

The conditions at the Presidio stockade were long known before the supposed mutiny. An editorial from the San Francisco Chronicle of March 28, 1968, which I entered in the RECORD outlined the situation graphically. The stockade was consistently overcrowded. Captain Lamont, confinement officer, testified that the stockade population was over its expanded limit of 103 men for 52 days preceding the October 14, 1968 protest. On that date, the population reached 140.

Men were forced to live in areas too small to be called humane, even by Army regulations. This blatant disregard by the Army of its own rules led to further troubles. The stockade had rations for only 104 men. As Roy Pulley, one of the prisoners testified, the food shortage was so acute as to cause him to be "hungry all the time." The stockade was filthy; sanitary standards were ignored. The toilets were plugged up continually and human excrement floated in the shower areas. Many of the men in the stockade, by the Army's own records, were psychologically unfit for service. Many had been recommended for discharge. The guards on duty were mostly untrained in confinement work in violation of Army regulations in effect. There were repeated complaints that the provost, Sergeant Woodring, abused his authority and physically abused prisoners or condoned such action.

What was most appalling and frustrating was that there was no attempt by the authorities to remedy the situation and no way to legally effectively express complaints. The Army grievance procedure seemed to be at best haphazardly run and at times nonexistent. Repeated complaints were ignored.

Here we have the situation—a stockade run by General Larsen with absolute disregard for Army regulations intended to protect the interests of the prisoners. The men in charge were not just insensitive to the grievances of the men but in many cases were the cause of the grievances.

There seemed to be no procedure open to the prisoners to present their case. In this atmosphere Pvt. Richard Bunch, confined for the simple offense of being a.w.o.l., was shot and killed while running from a work detail. Private Bunch had a history of mental disturbance, and had left notes which I earlier introduced in the record which indicate this was a deliberate suicide, a deliberate suicide attempt on his part since he had expressed hope he would be shot. He was shot in the back by a shotgun carried by one of the guards.

On October 14, 1968, 27 men left morning formation chanting and singing, and they sat down on the lawn in a circle and asked to see their commanding officer. I might point out that they sat down in the center of the stockade with many guards having automatic weapons trained upon them. Captain Lamont appeared, and one of the men read him a list of grievances which included, No. 1, that they requested a psychological evaluation of all guards before their employment in the stockade, in accord with army regulations in effect.

Second, they requested that the conditions be improved in the way of cutting down overcrowding, inadequate plumbing, the rationing of food, in accord with army regulations.

Third, they wanted an end to shotgun arming of the guard details.

And at this time I would like to point out the striking resemblance between the complaints as recommended by these men at the time they sat down in alleged mutiny and the recommendations made by the subsequent Army blue-ribbon panel that was later formed by Army Secretary Resor.

In item No. 2 of their recommendations they recommended that the arbitrary space allowance of an overall capacity of 250 square feet per prisoner be removed, and that a more realistic criteria be established for the allowance of space in the design and construction of new permanent stockades.

Seven, they recommended that, wherever steps are necessary, they be taken to insure that personnel assigned to stockades are equipped in terms of training, experience, maturity, et cetera.

And in recommendation No. 19, they recommended that work details outside the enclosure of the stockades be encouraged, and that the use of armed guards on such details be eliminated.

The commander of the stockade at this point read the men the Code of Military Justice, particularly the section concerning mutiny, and then ordered them to return to their buildings.

I might point out that he had determined in advance the charge with which he was going to charge them, and with which he deemed that they were guilty. He was drowned out by their chanting on both occasions, and the order was not obeyed.

The military police then took the men back into the building. All were nonviolent, and the demonstration was over in 30 minutes. Unless there were other motives involved in the case, than merely serving the ends of justice, no one would expect this illegal but hardly serious demonstration could be called a mutiny. However, the commander of the 6th Army, General Larsen, chose to make this case an example to others who might consider registering protests of any kind during their tour of duty in the Army.

For proof of mutiny, concert in action and intent to override military authority must be shown. This admittedly illegal demonstration does not fit this definition. It was a nonviolent response to intolerable conditions. I might add it was certainly relatively short. It was not an attempt to override military authority, but rather an appeal to it for a redress of grievances.

Mr. Speaker, at this point I would like to insert into the RECORD a portion of the pilot opinion of the Court of Military Review handed down last June 16, 1970, in which it overturned the mutiny conviction of Nesrey Dean Sood, one of the men involved in the demonstration.

I ask unanimous consent to insert this court conclusion in the RECORD at this point.

The SPEAKER per tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The material referred to follows:

SUFFICIENCY OF THE EVIDENCE

Without further recital of the facts, I will now move to a consideration of the factual sufficiency of the evidence on which the Government relies to support the finding of guilty of mutiny.

Mindful that a concerted intent to override lawful military authority is a requisite element which must be proved, the facts of this record shout its absence. The words and deeds of the appellant and his co-actors do not evince, either singularly or collectively, any intention to usurp or override military authority. Rather, the common thread of evidence throughout this entire voluminous record demonstrates an intention to implore and invoke the very military authority which they are charged with seeking to override.

The record evinces a collective intent to defy authority by refusing to obey Captain Lamont's order. As mentioned earlier a collective intent to defy authority, as here, falls far short of a collective intent to usurp or override military authority. The former is not shorthand for the latter. This record does not reflect any direct evidence of personal involvement on the part of appellant Sood other than his membership in the group. Apart from the activity of the group in defying the authority of Captain Lamont, there is no evidence in this record to suggest that appellant did or said anything to manifest an intention to override or usurp military authority. On the contrary, following the demonstration he walked away from the group under his own power when he was in turn signaled by a military policeman to enter building 1213. No member of the group overtly resisted or defied the military policemen, nor was the authority of the commanding officer or anyone else supplanted. The factual recital clearly shows that Captain Lamont had absolute and unfettered control over the incidents of his command although his specific orders to the inmates were disobeyed. The inmates' demonstration was nonviolent and they did not cast aside all control.

These men did not respond to the inhumane conditions of the stockade and the death of their fellow prisoner as hardened criminals might have by killing a guard or trying to take over the stockade. Their response was rather to petition constituted authority, to dramatize their condition, and to do what they could to improve conditions at the

facility. Some expressed hope that their plea would fall on more receptive ears after it reached those above Captain Lamont. But, in fact, the attitude of the higher-ups was already known. Lt. Col. John Ford, Presidio provost marshal, earlier had flatly denied all charges of mismanagement of the stockade and asserted:

These allegations are just the result of prisoners having it too easy. They have too much time to sit around and try to build up a case that they should be let out. None of these charges can be substantiated because they just are not true.

General Larson supported this position.

Lieutenant Colonel Ford's denial is put in a different light when one reviews the extensive improvements made at the Presidio stockade immediately after the protest. Extensive renovation was done. New rooms and buildings were constructed. Medical and sanitary facilities were improved. The staff was increased. Training was begun for the prisoners and staff. If this extensive list of improvements were required after the alleged protest, the stockade could not possibly have been up to regulations before October 14, 1968.

It is worth noting that on November 19, 1968, about one month after the mutiny, Lieutenant Colonel Ford received the Army's Merit Unit citation for outstanding performance by the unit under his command.

General Larson no doubt was quite proud of his performance and I understand he is still in full charge of the 6th Army at the Presidio.

When the commander of a unit feels a crime may have been committed by someone in his command, he is to appoint an officer to conduct a pretrial article 32 investigation to see if the charges are substantiated by the evidence and in civilian terms to see if the person should be charged. In this case, three different men were appointed. The first, Capt. Richard Millard recommended that there be no mutiny charges, instead urging charges of willful disobedience. As he wrote in his report which I earlier inserted into the RECORD:

The charge of mutiny under article 94 does not apply to the facts of 14 Oct. 1968. There are three elements to the offense of mutiny, one of which is the intent to override lawful military authority. The element absent in the present case. . . .

As far as a deterrent to crime is concerned, I feel that a 6 month sentence . . . is an adequate deterrent against demonstrations such as the one that occurred 14 Oct. 1968. If it is not, then the focus of command should be to those conditions which lead to such demonstrations.

His recommendations were not binding on the commander and were ignored. Captain Millard as a practical matter wrote the final decision that was adopted by the court of appeals in these trials a year later, that I intended to insert in the RECORD.

A second officer, Capt. James Bander, also recommended the lesser charge of willful disobedience. Finally, the third officer appointed recommended mutiny and through this irregular procedure of a non-unanimous recommendation by the investigating officers, General Larson had his way and had one man to support his position.

This result came as no real surprise. The term "mutiny" had been bandied about for several days before the demonstration by Captain Lamont, Sergeant Woodring, and Lieutenant Colonel Ford. During the demonstration, before Lamont gave his crucial order to the men to disperse, Sergeant Woodring, though at the time unaware of the requirements of the mutiny statute, labeled it a mutiny. So did the lieutenant, commanding at the demonstration. Obviously, the commanders wanted this charge preferred and worked until they got it.

I stated in the original special order on this matter over a year ago that what had happened in fact constituted an entrapment, and I include that statement again at this point in the RECORD:

The confinement officer admitted that he was aware of the pending demonstration the night before but did nothing to prevent it. He admitted that his plan of action was that they should be charged with mutiny. He probably, and with prior consideration, refused to follow the standard operating procedure so as to inflame the situation. He probably guided the situation so as to create an incident and to permit it to get out of control. I would call this entrapment. This is an example of the most dangerous and most deplorable conduct on the part of the U.S. Army that I have ever had the misfortune to observe.

The actual trials present vivid examples of the miscarriages of justice which can occur under the present military justice system, especially in court-martials in which the commander assumes a personal interest. The commanding general who is preferring the charges appoints the jury, the defense counsel, and the prosecutors. The accused may have civilian counsel if he can afford it. However, at the very least, the prosecutors and the jury are men under the command of the man who is bringing the charges and will later evaluate their performance as officers and make recommendations on possible future promotions. The defense counsel does not apply to an impartial judge for subpenas for witnesses, but must obtain them from the prosecutor. In these trials, the prosecution refused to issue subpenas for two witnesses the defense counsel believed were essential to its case.

The selection and composition of the jury showed still another defect in the system. The juries were heavily loaded with infantry and intelligence officers. When the accused did exercise his option and request that one-third of the jury be enlisted men, the commander, as is usual practice, appointed only seasoned senior enlisted men. The possibilities of facing a jury with a cross section of rank and attitudes is virtually nonexistence. When the jurist is challenged for cause, the rest of the jury votes to see if he should sit on the case.

In Bob Sherill's book, "Military Music Is to Music as Military Justice Is to Justice," which I would commend to everybody who has time to read the CONGRESSIONAL RECORD, he points out that our military justice is to justice as military music is to music, and he cites the following colloquy from the trial:

DEFENSE ATTORNEY. Colonel, do you believe in the right to demonstrate?

COLONEL. No.

ATTORNEY. Maybe you didn't understand my question. Let's forget about the Army for a moment. Do you believe that civilians have the right to express their views in peaceful demonstrations in support or in opposition to an official policy?

COLONEL. No.

MILITARY JUDGE (interrupting). Colonel, you know the Constitution provides that right.

COLONEL. I don't care.

ATTORNEY. OK. We'll challenge him for bias.

In a case considering the propriety of a demonstration this is considerable bias. The officers on the jury voted to accept this man and the military judge was powerless to prevent it.

This, I submit, is the kind of Army leadership that led to this debate.

The procedures outlined with examples from these trials show the many opportunities for command influence in this case and it was apparent from the very beginning. Three article 32 investigations were instituted until the desired charge was returned. Defense efforts were hampered. Juries contained friends of the commander. Harsh sentences were urged by the prosecution.

As Capt. Brendan Sullivan, one of the military defense counsels, said right after the first trial:

If the conditions at the stockade were a scandal then the Army has two scandals on its hands: the stockade and the way military justice is applied here. In these proceedings it's been captains trying to enforce the code against the wishes of majors, colonels and at least one general. Whom do you think the odds favor?

The announcement of the first decisions and sentences on February 13 and 14, 1969, brought an outcry from the public: Louis Osczepinski received 16 years, at hard labor, Larry Reidel, 14 years, and Nesrey Sood, 15 years. As the public outcry continued and Congress took notice, the convening authority, General Larsen and the Judge Advocate General of the U.S. Army, General Hodson reduced the sentence of Nesrey Sood to 7, then 2 years at hard labor. The reduction of the early sentences served as a cue for later courts-martial which meted out much less severe sentences to the "mutineers." Command influence was obvious as some of the men tried later received sentences of 15 months instead of 15 years. The Army brass finally began to realize what kind of a legal mess the commanding general of the 6th Army had gotten them into.

I hope we in the Congress contributed significantly to the public pressure which forced the reductions of these sentences. However, the military justice system should be such that it is not open to outside pressure, be it political or otherwise.

When this is the case and courts-martial are tried before an impartial forum, in an adversary contest between equal opponents, there will be no need for political pressure. As I said at the time:

I believe that the evidence in this case indicates very strongly that there has been passion, anger, and all the things that should be separated from judicial administration.

The Army commanders in the 6th Army area had become so sensitive to criticism, that when legitimate protests concerning the stockade system were voiced in an illegal, but nonviolent way, they were viewed as an attack on the whole system of Army discipline. They felt compelled to crush this protest with the heaviest charges available to them and make this an example to all others. Holding the possibility of 15 years in prison over the head of every enlisted man who disobeys an order, can only be described as terror tactics. In reality, as some of the recent cases concerning Vietnam massacres have shown, there are times when unthinking blind obedience to orders is not to be desired. The Mylai coverup was subject to the same pressures, no doubt. The Con Son tiger cages lack of disclosure and the lack of protest by military personnel undoubtedly has been subjected to the same kind of harassment from inside the military.

The public outcry also prompted the Secretary of the Army Resor to appoint the Special Civilian Committee for the Study of the U.S. Army Confinement System, who made recommendations, as I mentioned earlier. The committee concluded that the problems of the Army's operation of its confinement system were manifold and included the following:

An almost threefold increase in stockade population between January 1964 and March 1969;

A definite and significant lack of adequate confinement facilities;

An insufficient effort to expand, construct and modernize Army confinement facilities especially in the CONUS;

A definite and significant inadequacy of personnel, officers and enlisted men, to effectively operate Army stockades;

A lack of sufficient constructive programs to successfully handle, train, and rehabilitate prisoners for return to military status or civilian life; and

A projected increase in prisoner population between 1969 and 1975 that would aggravate existing problems to the point of being overwhelming unless solutions are forthcoming.

I would like to insert into the RECORD the major conclusions and recommendations of the committee at this point, including their 35 recommendations for upgrading of stockades generally throughout the United States, as well as seven recommendations for improvement of correctional training facilities, six recommendations on disciplinary barracks, three recommendations on regulation and control, and eight recommendations respecting organization and management:

CONCLUSIONS AND RECOMMENDATION OF COMMITTEE

SUMMARY OF MAJOR CONCLUSIONS

In its study and evaluation of the Army's confinement facilities, the Committee was mindful of the stated objectives of the overall Army Correction Program. Essentially, these objectives are corrective rather than punitive. The Committee was mindful, too, of the Army's expressed concern for providing rehabilitation and incarceration in the fairest, most enlightened and most humane manner possible. While there were numerous examples of superb leadership and dedication at all levels, of sound organization principles, and of maximum utilization of resources, the Committee found that the Army fell short of meeting its goals in many respects. The following conclusions refer to these deficiencies.

Stockade operations are hampered by serious personnel inadequacies in terms of the maturity, training and experience of assigned personnel. There are too many officers and enlisted men with little or no training in confinement or correctional work. Too many custodial personnel look upon their assignment as undesirable, boring, and unrewarding. And all too many personnel are detailed to temporary duty at stockades for short periods, thus creating high turnover. Further, Army stockades make very little use of civilian personnel in such fields as education, social work and counseling.

The Committee considered the use of armed guards as supervisors of prisoner work details outside the confines of stockades to be a dangerous practice.

Permanent stockade buildings are poorly designed and have many features which are inconsistent with modern correctional standards.

Some temporary stockade buildings are in reasonably good condition; others are in a sad state of repair. Many temporary stockades have small, makeshift and inadequate facilities for programs and activities. One of the most common deficiencies of temporary stockades is the lack of dayroom space. Another is the lack of individual cells and small bays. Questionable use of fences topped with barbed wire to divide enclosures into sub-compounds was evident as were excessive use of wire, locked interior gates and manpower to prevent escapes. Further, most administrative and disciplinary segregation sections did not meet acceptable standards.

There is a paucity of complete and accurate statistics on the prisoner population of Army stockades, and an even greater lack of information on the characteristics of prisoners. Practically all stockade prisoners are young and many of them are markedly immature in their emotional make-up, judgment and self-control. From 80 to 90 percent of them are charged with or convicted of absence without leave. However, there are those confined for drug addiction, sex deviation and the like who are in need of more medical, psychiatric or other individualized treatment than they are receiving.

In many stockades there are too few motivated, trained and experienced NCO's assigned as counselors. In some stockades counseling service is virtually nonexistent. With few exceptions, stockades require additional fully qualified professional counselors and social workers.

One of the most difficult problems facing stockade commanders is providing meaningful work for prisoners. While many commanders are resourceful in this area, each should have the services of at least one civilian who is knowledgeable, resourceful and experienced in developing work projects appropriate for facilities with a rapid turnover of unskilled labor. Commanders, too, have need of staff members trained and skilled in developing vocational training and occupational therapy activities, and recreational programs.

Adequate psychiatric services are lacking in practically all stockades, and there is wide disparity in the amount of other medical assistance available. But the failure to provide adequate psychiatric services is the more serious. Emotionally disturbed and physically sick prisoners need more attention than is now provided.

In many instances, prisoners in disciplinary segregation are not receiving even the 15 minutes of daily exercise required by regulations. The exercise period for such prisoners should be increased. The Committee concludes, too, that the present restricted diet for men in disciplinary segregation is overly-severe and should be discontinued.

While the Committee was most favorably impressed with the Army's Correctional Training Facility, it concurs with the recommendation of the commander of that installation that the program be broadened to include Military Occupational Specialty (MOS) training and additional research. Further, those trainees scheduled for administrative separation should live apart from those to be restored to duty.

At the Army's Disciplinary Barracks, the Committee found a competent staff whose primary interest was the rehabilitation of the prisoners lodged there. Their efforts in this regard would be greatly enhanced by giving the Commandant authority to withhold execution of punitive discharges and to suspend forfeitures of pay. The prisoner employment program could be expanded, too, by using a work-release program similar to that of the Federal Bureau of Prisons. And last, but not least, the renovation and modernization of the Disciplinary Barracks' old facilities should be continued.

The Committee was cognizant of the requirements imposed on the Army to protect meticulously the rights of those incarcerated. In doing so, however, judicial review occasions prolonged delays. These delays are costly to the Army, and sometimes unjust to the prisoner. Another cause of concern is the lack of uniformity in dealing with soldiers recently apprehended for AWOL or other offense. All too frequently the disposition of these men, particularly at Special Processing Detachments, is dependent on the subjective judgment of young and inexperienced officers.

It is clear that the Army is justifiably concerned with the confinement of offenders. But it is not so evident that there is as much concern for the prevention of offenses. Could the Army do a better job of rapidly identifying the unfit and unsuitable, and discharging them before the offense is committed? The Committee feels such is the case. And could the Army show more concern for the innumerable problems of the young enlistee or inductee who fully intends to serve honorably but is apt to go AWOL impulsively? Counseling by trained junior officers and NCO's at the company level during the first few months of training would pay large dividends.

The Committee's studies and observations lead to the belief that the problems of the Army Correction Program are so broad, complex and delicate that substantial changes in organization are required to cope with them. A well-balanced formula of centralized control of a decentralized system should be practiced to yield continuity, coordination and uniformity. Authority and responsibility for the management, control and treatment of military offenders should be vested in a separate correctional command at the highest possible level. Related organization changes should be made at Army area and post levels. Further, to enhance the opportunity for a realistic factual base for policy decisions, the Committee concludes the Army has need of an advisory committee on research and statistics of correctional administrators, statisticians and researchers. It is recommended, too, that a civilian committee of experienced correctional administrators be established to serve in a consultant capacity to the Army Correctional Command.

RECOMMENDATIONS

In furtherance of the above conclusions, the Committee makes the following recommendations:

Stockades

1. It is recommended that the "Fort Knox Stockade Plan" be replaced for all future construction by a new approved plan more consistent with contemporary correctional and confinement concepts. (9 ff., 14)[1]

[1] Figures in parentheses following each recommendation denote page numbers where subject material is covered and recommendation is repeated in the report.

2. It is recommended that the arbitrary space limitation on overall capacity of 250 square feet per prisoner be removed and that more realistic criteria be established for the allowance of space in the design and construction of new permanent stockades. (12 ff., 14)

3. It is recommended that all temporary structures now converted to stockade use in CONUS be replaced with modern specially designed facilities. (12 ff., 14)

4. It is recommended that in planning new modern stockade facilities careful consideration be given to flexibility in both uses and capacities to accommodate changing needs brought about by fluctuations in the numbers of men in the Army. The reorganization proposals in chapter VI, if implemented, will affect facility planning—especially when the regional concept is being developed. (9 ff., 14)

5. It is recommended that the practice of using armed guards as supervisors on work details outside the confines of the stockades be discontinued. (16 ff., 24)

6. It is recommended that appropriate steps be taken to insure that the staffing pattern provided for by Table of Organization and Equipment 19–500G is placed in effect at the earliest possible date. Commands responsible for the operation of stockades should be given deadline dates by which time such facilities will be fully and appropriately staffed. (22–24)

7. It is recommended that whatever steps are necessary be taken to insure that personnel assigned to stockades are equipped in terms of training, experience and maturity for the task of supervising and participating in the rehabilitation of Army prisoners. The practice of assigning immature soldiers as prisoner guards without any specific training for such an assignment and for a relatively short period of time has contributed greatly to the Army's confinement problems. (16 ff., 24)

8. It is recommended that the military personnel turnover among stockade staff be reduced to a minimum by maximum stabilization of tours of duty. Personnel assigned to stockades should be assigned for a normal tour of duty. This is especially a problem in the Continental United States where many personnel assigned to stockades may spend only from a few weeks to a few months at such assignment. (19, 24)

9. It is recommended that the work schedule on personnel on stockade staffs be similar to and involve no longer time than that imposed on other post personnel. The Committee feels that the nervous strain, anxiety and tension involved in assignment to stockades are greater than other post duty. (21, 24)

10. It is recommended that civilians be employed in the operation of stockades wherever appropriate, thus providing for greater continuity in the administration and operation of stockades. Civilians can readily be used in many positions in stockades very probably at a lower cost to the government than through the utilization of military personnel. (22, 24)

11. It is recommended that there be an increase in the number of Reserve and/or National Guard units whose mission is the treatment and custody of prisoners in confinement. Such a policy would insure the ready availability of trained personnel wherever the strength of the armed forces is substantially increased. (21, 24)

12. It is recommended that a training program be provided to insure that all personnel assigned to stockade duty have appropriate training. For enlisted personnel coming in contact with prisoners, the correctional MOS (95C) should be mandatory. (19 ff., 24)

a. Additionally an ongoing inservice training program should be provided to insure that all personnel are fully trained and work as a team. A variety of training resources and devices are available, including mental health personnel assigned to base hospitals, nearby colleges or universities, state operated correctional facilities, and the U.S. Bureau of Prisons.

b. Provide travelling teams of trainers who would go from stockade to stockade conducting special intensive staff development training for all personnel assigned to stockade operations.

c. Make it possible for persons assigned to stockades to participate in professional meetings where they could learn of and discuss rehabilitative techniques in general use in civilian confinement facilities.

d. Provide specialized training as appropriate for personnel such as counselors, social workers, and key supervisory and administrative personnel.

13. It is recommended that consideration be given to the establishment of a correctional training academy at Fort Riley or Fort Leavenworth to supplement the training programs now being conducted at Fort Gordon. (21, 25)

14. It is recommended that consideration be given to developing ways and means for coordinating the correctional and confinement training programs in all the services in the Defense Establishment. (21, 25)

15. It is recommended that prisoners requiring continuing psychiatric or medical management and treatment or extended diagnostic procedures not be confined in stockades, and that other appropriate facilities be provided at each post. It seemed to the Committee that provision for a security ward in the post hospital would be a reasonable and feasible solution to the problem. (28, 30)

16. It is recommended that sufficient trained counselors be made available in all stockades to permit counseling services to be provided in accordance with Technical Bulletin 36, Office of The Provost Marshal General. (31 ff., 43)

17. It is recommended that appropriate training be provided for counselors before they are assigned to such duty, and that an ongoing inservice training program for counselors be established. (32 ff., 45)

18. It is recommended that provisions be made for professional direction of the counseling services. In the larger stockades such services should be under the direction of a commissioned officer, preferably one with a background in the behavioral sciences. Additionally, more leadership in this area should be exercised by Army commands. (33, 45)

19. It is recommended that work details outside the enclosure of the stockades be encouraged, and that the use of armed guards on such details be eliminated. (33 ff., 45)

20. It is recommended that legal changes be made, if necessary, to permit commingling of prisoner classification in work details. (33, 45)

21. It is recommended that in each stockade with 150 or more prisoners civilian administrative and technical personnel be employed or assigned to assist in the development of work programs. (34, 45)

22. It is recommended that the Army put forth a continuing effort to find ways to make greater use of the resources of Federal Prison Industries, Inc., in developing work opportunities for stockade prisoners. (34, 45)

23. It is recommended that there be continuous coverage in each stockade by medical doctors, corpsmen, and related emergency medical and para-medical services. (34, 45)

24. It is recommended that the Army provide as much psychological and psychiatric clinical service as good professional standards call for in each stockade. In most installations the Committee believes that such services are inadequate. (34–35, 45)

25. It is recommended that the cells or rooms provided for administrative segregation be adequately secured, but that they not be so designed and equipped as to take on the character and atmosphere of places of punishment. (36, 45)

26. It is recommended that cells for administrative or disciplinary segregation either be brought up to the standards set forth in Army regulations or that their use be abandoned. (36, 45)

27. It is recommended that administrative segregation not be used as a lesser form of punishment but only for the protection of the prisoner, or for the safety and good order of the stockade, or during the period required for the preliminary investigation of a case. It is further recommended that all cases in administrative segregation be subject to continuing review by the Commanding Officer of the confinement facility with a view to reducing the use of these facilities to a minimum. (36, 45)

28. It is recommended that a mature, experienced NCO be in immediate charge of the administrative and disciplinary segregation cell sections at all times. It is further recommended that professional personnel such as physicians, chaplains, and counselors give special attention to prisoners confined therein and that administrative authorities see to it that all needed professional services are provided. (35 ff., 45)

29. It is recommended that a study in depth be made in all stockades to evaluate the use being made of disciplinary segregation and possible alternatives. Related to such a study there should be an analysis of the use of deprivation of privileges as a disciplinary measure. (38 ff., 46)

30. It is recommended that the restricted diet in disciplinary segregation be abolished and that the regular ration be served in amounts consistent with the sedentary condition of the prisoners, but in no case less than 2100 calories per day. (38–39, 46)

31. It is recommended that the amount of physical exercise outside the cell for men in disciplinary segregation be left to the discretion of the Correctional Officer, but that it not be restricted to less than 1 hour in each 24 hour period. (38, 46)

32. It is recommended that the post educational centers be made responsible for the educational needs of the men in the stockades, and that funds and resources be specially allocated for this purpose. (40 ff., 46)

33. It is recommended that the library services at the stockades be enlarged and strengthened. (43, 46)

34. It is recommended that the Frankfurt Stockade be deactivated, without waiting for the completion of the new stockade in Fuerth, Germany, and prisoners at the Frankfurt Stockade be transferred to the Mannheim Stockade as soon as that stockade can accommodate them without overcrowding. (55, 57)

35. It is recommended that the Nuernberg Stockade be deactivated, without waiting for the completion of the new stockade in Fuerth, Germany, and prisoners at the Nuernberg Stockade be transferred to the Mannheim Stockade as soon as that stockade can accommodate them without overcrowding. (55–57)

Correctional training facility

1. It is recommended that the Correctional Training Facility be continued with no fundamental changes in its basic philosophy, policy and mission, or in the program of military and motivational training by which it seeks to accomplish its mission. It is recommended that continuous analysis and appraisal of its program and procedures be carried on with a view to determining how they can be improved, especially in the direction of meeting the needs of the individual trainee. (60, 72)

2. It is recommended that the Research and Evaluation Division (Provisional) of the Correctional Training Facility be provided with funds for equipment and personnel to enable it to conduct research of value not

only to the Correctional Training Facility, but also the Army, other Armed Services, governmental agencies, and civilian institutions and agencies that are concerned with problems of confinement and corrections. The Division should be enabled particularly to provide expeditiously complete and accurate data by which the effectiveness of the Correctional Training Facility's operations and the Army's total program of dealing with military offenders can be appraised. (65, 71)

3. It is recommended that the commanders of all stockades and other facilities which transfer men to the Correctional Training Facility maintain close liaison with that Facility, in the order that their selections of those to be transferred will be made with full knowledge of the Facility's capabilities and operations. (68, 70, 71)

4. It is recommended that the Commandant of the United States Disciplinary Barracks be authorized to withhold the execution of punitive discharges in order that, among other benefits, more men may be transferred from the Disciplinary Barracks to the Correctional Training Facility as trainees to prospective restoration to duty. (68, 71)

5. It is recommended that necessary funds and personnel be made available to the Correctional Training Facility to conduct a structured and well-staffed program for refresher training of trainees with military occupational specialties and for training of others for MOS qualification as an integral part of the entire training program. (70, 71)

6. It is recommended that the Commander of the Correction Training Facility be authorized to separate, in living quarters and in all activities, men being processed administratively for separation as unsuitable or unfit from the men undergoing training for restoration to duty. (70, 71)

7. It is recommended that the Army as a whole accept the Correctional Training Facility as an essential element of the Army's prorgam to conserve all possible manpower. Commanders and other personnel of units to which the trainees restored to duty are assigned should receive and treat them as soldiers who have been officially given honorable status and are entitled to the quality of leadership that is the right of all soldiers. (70, 71)

Disciplinary barracks

1. It is recommended that a work-release program for selected prisoners, similar to those operated by federal, state and county institutions, be studied and implemented. (97ff., 99)

2. It is recommended that the Disciplinary Barracks' pre-release and after-care program be encouraged and expanded. (84, 99)

3. It is recommended that the Commandant of the Disciplinary Barracks be delegated authority to suspend all or a portion of forfeitures of pay and to withhold execution of punitive discharges. This recommendation is made in the belief that such authority carefully administered would be a powerful morale factor, and would facilitate rehabilitation and produce an incentive for restoration to duty. This would be completely possible if the Commandant were authorized to withhold execution of a punitive discharge until completion of sentence. It is noted that the Department of the Navy now follows a procedure under which the execution of a punitive discharge is stayed until an individual is released from confinement for separation. (99)

4. It is recommended that parole of prisoners be utilized to a greater degree, in line with the knowledge that the chances of a man succeeding after release are enhanced if he is under strict and helpful parole supervision. (IV.29, 85, 99)

5. It is recommended that the reassignment and transfer of senior officers of the Disciplinary Barracks be staggered so that continuity of policies and operating procedures is not disrupted. (79, 99)

6. It is recommended that more funds be provided the Disciplinary Barracks to continue its program of renovation and modernization of the institution's old facilities. (80, ff., 99)

Regulation and control

1. It is recommended that a limit by law or regulation be placed on the amount of time a case can be held for final review. (101–103)

2. It is recommended that prisoners awaiting trial and those adjudged be given an opportunity to waive their rights to be kept separated from sentenced prisoners, or that the law or regulation requiring separation be changed. (101, 103)

3. It is recommended that oversight and control of Special Processing Detachments be placed in the Office of The Provost Marshal General. (103 ff., 105)

Organization and management

1. It is recommended that the Army take steps to review its standards, criteria and procedures for induction and enlistment with a view to initiating new screening methods aimed at eliminating at the point of intake a larger proportion of men unsuitable for service. (109–110)

2. It is recommended that the Army provide trained counselors in every company-sized unit containing substantial numbers of young, first-term soldiers. In addition, special training in counseling techniques for senior noncommissioned officers and company officers should be provided. (110)

3. It is recommended that the Army reexamine its policies and procedures for the apprehension of deserters and AWOL's, and that consideration be given to a stepped-up campaign of apprehension. (110-111)

4. It is recommended that an Army Correctional Command with substantial independent status be established under the Office of The Provost Marshal General, to be headed by a general officer, who would have under his direction all personnel and all activities—other than those of a judicial nature—concerned with the supervision, management, confinement and correction of Army personnel charged with or convicted of violations of the Uniform Code of Military Justice. (The recommended organization structure is shown in figure VI.1.) (113, 115)

5. It is recommended that there be established regional correctional training facilities for all offenders with sentences in excess of 30 days. (114–115)

6. It is recommended that a new organizational pattern for the management of military offenders at Army posts be authorized and established as soon as the Army Correctional Command becomes operational. This envisions the establishment of a new command position of correctional marshal at each post in Continental United States which maintains a stockade and a special processing detachment. (See Figure VI.1.) (114, 115)

7. It is recommended that the Office of The Provost Marshal General continue to conduct frequent inspections of the overseas stockades to insure that their management and the control and treatment of their population are consistent with the management, control and treatment in stockades within the United States (115)

8. It is recommended that a civilian committee of experienced correctional administrators be established to serve in a consultant capacity to the Army Correctional Command. (115)

Research and statistics

1. It is recommended that the Army take steps to implement and make operational the specially designed information system (WAMPOIS) concerning military offenders to provide essential data to the decision makers and administrative personnel of the system. (117)

2. It is recommended that the Army appoint an Advisory Committee on Military Offender Research and Statistics, composed of a balanced mixture of Army correctional administrators, statisticians, correctional researchers from advanced civil systems, and specialists in computerized information system design. (117 ff., 118)

The committee found major deficiencies in the confinement system including, in too many cases, inadequate training and screening of personnel, inadequate information on the problems and background of the prisoners and treatment of their problems, and inadequate training, work programs, and facilities for the prisoners.

The appeal process has finally yielded a more appropriate charge and sentence for those involved in the incident on October 14, 1968. The opinion of the Court of Military Review in the first case that came before it is revealing for its straightforward assertion that neither on points of law nor sufficiency of fact does the evidence in the cases support the mutiny convictions. Its reads in part:

Reversal of the principal offense charged is required as a matter of law by reason of trial judge error. Reversal is also required as a matter of fact for each of the cases.

I wish to enter the entire opinion in the RECORD at this time for each of the cases:

CM 420276: U.S. ARMY COURT OF MILITARY REVIEW, WASHINGTON, D.C.

Before Porcella, Bailey and Hagopian, Appellate Military Judges.

Dated, Filed and entered, Clerk of Court, U.S. Army Court of Military Review, June 16, 1970.

United States v. Private (E–1) Nesery D. Sood, U.S. [redacted], SSAN: [redacted], U.S. Army, Special Processing Detachment, Presidio of San Francisco, California 94129.

General Court-Martial Convened by Headquarters Sixth United States Army, Presidio of San Francisco, California (G. R. Robinson, Military Judge)

Sentence adjudged 13 February 1969. Approved sentence: Dishonorable discharge, forfeiture of all pay and allowances, and confinement at hard labor for 7 years (By Action of The Judge Advocate General of the Army dtd 18 March 1969, CHL reduced to two years).

Appellate Council for the Accused: Paul N. Holvonik, Esquire, Cpl. Paul C. Saunders, JAGC.

Appellate Council for the United States: Cpt. Salvatore A. Romano, JAGC; Cpt. David K. Fromme, JAGC; Maj. Edwin P. Wasinger, JAGC; Col. T. Bryant, JAGC.

OPINION OF THE COURT

Hagopian, Judge.

The appellant was charged, in conjunction with twenty-six co-accused, with the offense of mutiny which allegedly occurred on 14 October 1968 at the Presido Stockade, Presidio of San Francisco, California.

He pleaded not guilty at the trial below but was convicted by general court-martial for the offense of mutiny in violation of Article 94, Uniform Code of Military Justice, 10 U.S.C. § 894.

The trial lasted six days and on 13 January 1969 he was sentenced to dishonorable discharge, to a term of confinement for 15 years and to accessory punishments. At the first level of appellate review, the convening authority, on 17 March 1969, reduced the sentence by approving a lesser sentence of dishonorable discharge and a term of confinement for 7 years and accessory punishments. The following day, 18 March 1969, The Judge Advocate General of the Army invoked his statutory authority [10 U.S.C.

§ 874] and reduced the term of confinement to a period of two years. The appellant's case is now before this Court on automatic appellate review. Article 66, Code, supra, 10 U.S.C. § 866.

Following the lengthy trial below, appellate defense counsel urges eighteen assignments of error together with an argument on sentence appropriateness for our appellate consideration. Each error assigned is not related here because our disposition today renders some of them moot. Some of the errors assigned are without merit and others warrant discussion. Apart from our consideration of the errors assigned, the Congress has charged this Court which it created with the grave independent responsibility of determining the correctness, both in law and in fact, of the appellant's conviction and his sentence. Article 66, Code, supra, 10 U.S.C. § 866.

STATEMENT OF FACTS

On 11 October 1968, a prisoner in the post stockade, Presidio of San Francisco, was shot and killed by a guard when the prisoner attempted to escape from a work detail. That evening the aroused prisoners protested the killing and a disturbance ensued. On the same evening, Captain Lamont, the confinement officer, addressed the prisoners, as did Sergeant Woodring, the stockade provost sergeant, and quieted them by giving the inmates an explanation of the shooting. Scores of complaints of abuse had been previously lodged against the guards; complaints of racial abuse, complaints of inadequate rations, complaints of overcrowding and sanitary conditions. In short, tension in the stockade was running high on several days next preceding the date of the alleged mutiny.

On 14 October 1968, a formation was held at the Stockade, Presidio, San Francisco for the purpose of assigning prisoners to work details and for sick call. The formation consisted of approximately 80 to 90 prisoners. When the first name for sick call was called by the sergeant in charge, approximately 25 to 30 prisoners left the formation en mass, and proceeded to a grassy area within the stockade walls where they sat in a circle. The appellant was in this group of prisoners. As they left the formation, the prisoners were chanting and singing "Freedom, freedom, we want freedom"; "We Shall Overcome." While sitting in the circle the prisoners continued the chanting, saying in unison: "We want Colonel Ford", the Provost Marshal; "We want Lamont", the confinement officer; "We want Terence Hallinan", an attorney; "We want Glass"; and "We want the press." The arms of the prisoners were linked and some held their fingers in a "V".

Captain Lamont arrived at the stockade shortly thereafter and was informed as to what had taken place. After calling the provost marshal, Captain Lamont conferred with the provost marshal operations officer about getting extra manpower to "cope with the situation." The provost marshal operations officer also made arrangements to get a photographer.

A company of about 75 military policemen arrived, dressed in helmets, web gear and carrying night sticks. Fire trucks also arrived on the scene. After the military policemen were in place, Captain Lamont then approached the group of prisoners and directed a photographer in taking pictures for purposes of identifying the members of the group. Captain Lamont, standing approximately five feet from the group then asked the prisoners for their attention and began reading the discussion of mutiny from the Uniform Code of Military Justice. At this point prisoner Pawlowski stood up and addressed Captain Lamont and informed him that he wanted to read a list of grievances to him. The group of prisoners became quiet. Prisoner Pawlowski said:

" 'Captain Lamont, we want the elimination of all shotgun-type details here at the stockade'; then he said, 'Two we want a psychological evaluation of all custodial staff, people who work here at the stockade, prior to their being allowed to work here: and three, we want improved sanitation facilities' ".

After listening to three grievances Captain Lamont again asked the group for their attention repeating the request two or three times. He then attempted to read the mutiny discussion again but could not be heard or understood. Both Captain Lamont and Prisoner Pawlowski were talking at the same time. Captain Lamont continued in his attempts to get the group's attention and as he began reading from the Code the chanting by the group started again. As the captain raised his voice to be heard, the chanting rose louder.

Frustrated in his attempts to gain the attention of the group and in reading the mutiny discussion, Captain Lamont left the compound and positioned a military police vehicle close to the fence perimeter at a distance of about 50 feet from the group. Using the microphone in the vehicle, he twice asked the group for their attention and began reading the mutiny discussion from the Code.

He then gave the group a direct order to return inside building 1213. He repeated the order two or three times. Captain Morris, who was standing about ten feet from the group of prisoners which included the appellant, heard Captain Lamont's order.

None of the prisoners from the group complied with the order to return to the building. Military police who were standing by were then dispatched and began taking the prisoners into the stockade building. None of the members of the group physically resisted the military police and some began walking back to the building when it was indicated that they were next to go into the building. The accused was one of those prisoners who entered the building on his own power. Other members of the group had to be dragged or carried into the building.

TRIAL JUDGE'S INSTRUCTIONS

Appellate defense counsel urges that the judge prejudicially erred in his prefinding instructions on the essential elements of the offense of mutiny. The thrust of his contention on the claimed instructional deficiency is that the factfinders were not told that a conviction requires a finding that the appellant's intent to override lawful military authority was shared by at least one other coactor.

Government counsel contends that the judge's instructions clearly delineated the requisite shared intent. The Government relies heavily on the proof of intent in the record and says that such proof taken together within the instructional framework fairly conveyed an instruction on the challenged element of a shared intent. The correctness of the trial judge's instructions may not be measured by the quantum of proof of the requisite intent. Rather, the precise question must be answered by an examination of the instructions.

Turning to the instructions relevant to the precise question before us, the trial judge instructed the factfinders on the elements of a non-violent type mutiny with which we are here concerned. He instructed:

"Now, it is not necessary in order for you to find the accused guilty of this offense that you find each of the 26 mentioned individuals are guilty. However, as to the offense of mutiny as here charged and alleged, it is necessary that the accused in conjunction with at least one other person, acted in a concert of action, and I shall define 'concert of action' later."

* * * * *

"Now, in either type it is necessary that there be a concert of action and that there be an intent to override or usurp military authorities. In other words, with the military there are no degrees of mutiny as such, but there is a technical distinction between the two types, and the accused here is charged with a non-violent type of mutiny, and in order to find the accused guilty of the offense as alleged, the court must be satisfied by legal and competent evidence, beyond a reasonable doubt, that each of the following elements have been established by the government:

"One, that on or about 14 October 1968, at the Presidio of San Francisco, California, the accused had knowledge of and refused to obey an order of Captain Robert S. Lamont, to enter the Stockade Building 1213;

"Two, that the accused refused to obey the order and acted in concert with another person or persons; that it, with at least one other individual alleged in this case, did in conjunction with one or more or all of the 26 individuals named in the specification before you; and

"Three, that the accused so acted with the intent to override lawful military authority.

"The court is further advised that the term 'in concert with' means together with another person or persons in accordance with a common intent, design or plan, whether or not this intent, design or plan was preconceived.

"However, you are advised that where several persons are proved to have acted in concert in the commission of a crime and thus have combined for the same unlawful purpose, the acts and declarations of the one co-actor in pursuance of the common act or design are admissible against any other co-actor on trial for the crime. When once an unlawful combination is established, the act or declaration of one accomplice in the prosecution of the enterprise is considered the act or declaration of all and, therefore imputable to all. All are deemed to assent to, or command, what is said or done by any one in furtherance of this common object.

"Thus, if you find beyond a reasonable doubt that the accused voluntarily acted in concert with other prisoners pursuant to a common plan or enterprise to commit the offense of mutiny, the acts and declarations of any one co-actor pursuant to this common plan or enterprise may be considered by you and given such weight as you feel that the evidence deserves."

After delineating these elements the trial judge admonished the court members:

" I would like to caution you that the mere joint disobedience of orders unaccompanied by an intent to override lawful military authority does not constitute mutiny, and that mere disobedience of orders does not necessarily, in and of itself, furnish evidence of such an intent, though under the proper conditions it may."

Code, supra, Article 94, 10 U.S.C. § 894, provides:

"(a) Any person subject to this chapter who—

"(1) with intent to usurp or override lawful military authority, refuses, in concert with any other person, to obey orders or otherwise do his duty or creates any violence or disturbance is guilty of mutiny; . . ." (Emphasis supplied)

In United States v. Duggan, 4 USCMA 396, 15 CMR 396 (1954), the United States Court of Military Appeals exhaustively considered the mutiny article of the Code and there pointed out that the mentioned article embraced two distinct types of mutiny. One involves the creation of violence of disturbance with intent to override or usurp authority. This form of mutiny may be committed by a single person and in that case the specific intent mentioned need be only a singular one. The other form of mutiny with which we are here concerned, embraced by the article may be committed by the persistent refusal to obey lawful orders or otherwise do one's duty with a shared intent to override or usurp lawful military authority.

This latter form of mutiny, which both parties at trial concede is the basis of the charge here, "requires both collective action and a collective intent to override military authority". United States v. Woolbright, 12 USCMA 450, 31 CMR 36, at 38 (1961). Simply, there must be concert of action and concert of intent. Mutiny is "the gravest and most criminal of the offences known to the military code", (Winthrop, Military Law and Precedents, 2d Ed. (1920 Reprint) at 578), and the Congress today recognizes it as the gravest of military crimes by authorizing the sanction of the death penalty. A persistent refusal in concert to obey lawful orders coupled with a specific concerted intent to override lawful military authority has been long recognized in military law as constituting the heinous crime of mutiny. Its most distinguishing feature, however, is the requirement of mutuality of a specialized intent to usurp or override military authority. As Colonel Winthrop noted:

"It is this intent which distinguishes it from the other offences with which, to the embarrassment of the student, it has often been confused both in treatises and General Orders." (Winthrop, supra at 578)

The type of alleged mutiny before the court today "requires concerted action with at least one other person who also shares the accused's intent to usurp or override lawful military authority". United States v. Woolbright, supra. The absence of this shared intent aspect would mean that a mere joint disobedience of orders or a joint refusal to do duty would constitute mutiny.

United States v. Woolbright, *supra*, teaches, and the trial judge correctly recognized in his instructions, that a mere joint disobedience of orders does not constitute mutiny. Yet, the trial judge failed to instruct that the offense of mutiny, as here, requires *a concert of intent* as well as a concert of action. His instructions read as a whole erroneously puts the emphasis on a collective intent to disobey orders rather than the concerted intent to override military authority. In a conviction for mutiny, as here, it is the latter intent which controls and not the collective intent to do the act of disobeying. In summary the trial judge instructed that the crime of mutiny required (1) that the accused had knowledge of and refused to obey an order; (2) that the accused refused to obey the order and *acted* in concert with another person or persons and (3) *the accused so acted* with the intent to override lawful military authority.

The judge then instructed that "in concert with" meant in accordance with a common intent, design or plan, whether or not preconceived. Measured by these instructions the factfinders could have erroneously convicted the appellant of mutiny if they found: a. that the appellant disobeyed the order in question, b. that he disobeyed in concert with another, and c. that the appellant alone, had the intent to override lawful military authority by such disobedience. This was the very error condemned in Woolbright. He failed to instruct the factfinders that in order to convict they must find a concert of intent to override military authority as well as a concert of action. Absent an instruction on this essential element of a concerted intent, a finding of guilt as to mutiny is not permissible. The judge's instructional deficiency gives rise to another prejudicially erroneous instruction which he gave with respect to the admissibility of the acts and declarations of co-actors in pursuance of the common act or design. Mutiny involves a specialized conspiracy. Since no instruction was given as to the requisite concerted intent to usurp or override military authority, of necessity it follows that the statements of any one actor would not be admissible against any other for the purpose of imputing a concerted intent. See paragraph 140*b*, Manual for Courts-Martial, United States, 1951 and 1969. Simply stated, the specific intent to override military authority by any single co-actor may not be imputable to all co-actors absent an instruction and proof on a shared intent to override military authority. United States v. Woolbright, supra.

His agency instruction, which declares otherwise in this context, creates a fair risk of misleading the factfinders to believe that the requisite intent to override military authority could be imputable. These instructional failures are prejudicial error and reversal is required.

Although reversal is required because of the mentioned instructional deficiencies, the appropriateness of a rehearing on the mutiny charge requires consideration. I conclude that the interests of justice would not be measurably served by ordering a rehearing on the charge of mutiny.

SUFFICIENCY OF THE EVIDENCE

Without further recital of the facts, I will now move to a consideration of the factual sufficiency of the evidence on which the Government relies to support the finding of guilty of mutiny.

Mindful that a concerted intent to override lawful military authority is a requisite element which must be proved, the facts of this record shout its absence. The words and deeds of the appellant and his co-actors do not evince, either singularly or collectively, an intention to usurp or override military authority. Rather, the common thread of evidence throughout this entire voluminous record demonstrates an intention to implore and invoke the very military authority which they are charged with seeking to override.

The record evinces a collective intent to defy authority by refusing to obey Captain Lamont's order. As mentioned earlier a collective intent to defy authority, as here, falls far short of a collective intent to usurp or override military authority. The former is not shorthand for the latter. This record does not reflect any direct evidence of personal involvement on the part of appellant Sood other than his membership in the group. Apart from the activity of the group in defying the authority of Captain Lamont, there is no evidence in this record to suggest that appellant did or said anything to manifest an intention to override or usurp military authority. On the contrary, following the demonstration he walked away from the group under his own power when he was in turn signaled by a military policeman to enter building 1213. No member of the group overtly resisted or defied the military policemen, nor was the authority of the commanding officer or anyone else supplanted. The factual recital clearly shows that Captain Lamont had absolute and unfettered control over the incidents of his command although his specific orders to the inmates were disobeyed. The inmates demonstration was nonviolent and they did not cast aside all control.

The Congress has conferred factfinding power in this Court which we invoke today on the factual question of the appellant's guilt of the alleged offense of mutiny. Article 66, Code, supra, 10 U.S.C. § 866.

In the exercise of our appellate responsibility and power "recognizing that the trial court saw and heard the witnesses" we are not convinced beyond a reasonable doubt that the appellant Sood entertained in concert the requisite intent to usurp or override lawful military authority.

Accordingly, reversal of the principal offense charged is required as a matter of law by reason of trial judge error. Reversal is also required as a matter of fact. However, the evidence of record is amply sufficient to support, as a lesser included offense, willful disobedience of the lawful command of a superior commissioned officer.

Accordingly, only so much of the findings of guilty of the Charge and specification as finds that the appellant, at the time and place alleged, having received a lawful command from Captain Robert S. Lamont, his superior commissioned officer, did, willfully disobey his order, in violation of Article 90, Code, supra, are affirmed.

Reassessing the sentence on the basis of the above-indicated errors and on the entire record the Court affirms only so much of the sentence as provides for bad conduct discharge, forfeiture of all pay and allowances, and confinement at hard labor for one year.

Senior Judge PORCELLA and Judge BAILEY concur.

Official: William O. Morris, Captain, JAGC, Clerk of Court.

CM 420444: U.S. ARMY COURT OF MILITARY REVIEW, WASHINGTON, D.C.

United States *v.* Private (E–1) Louis S. Osczepinski, RA 11 823 156, SSAN: [redacted] xxx-xx-..., and Private (E–1) Lawrence W. Reidel, RA 18 963 282, SSAN: [redacted] XXXX, both of US Army, Special Processing Detachment, Presidio of San Francisco, California 94129.

Before Porcella, Bailey and Hagopian, Appellate Military Judges.

Dated, filed and entered, Clerk of Court, U.S. Army Court of Military Review, June 17, 1970.

General Court-Martial Convened by Headquarters Sixth United States Army, Presidio of San Francisco, California 94129 (G. R. Robinson, Military Judge)

Sentences adjudged 15 February 1969 Approved sentences: *Each Accused:* Dishonorable discharge, forfeiture of all pay and allowances, and confinement at hard labor for five (5) years. (As to each accused: By Action of The Judge Advocate General, dtd 29 Apr 69, so much of sentence pertaining to confinement at hard labor as is in excess of confinement at hard labor for 2 years is remitted)

Appellate Counsel for the Accused: Capt. Bernard J. Casey, JAGC; Capt. Thomas R. Maher, JAGC; Lt. Col. Charles W. Schiesser, JAGC.

Appellate Counsel for the United States: Capt. Benjamin G. Porter, JAGC; Maj. William A. Pope, II, JAGC; Maj. Edwin P. Wasinger, JAGC; Col. David T. Bryant, JAGC.

OPINION OF THE COURT

Hagopian, Judge:

The appellants were tried in common and stand convicted by general court-martial for the offense of mutiny in violation of Article 94, Uniform Code of Military Justice, 10 U.S.C. § 894. The offense was allegedly done in conjunction with 25 other persons at the Presidio Stockade, Presidio of San Franciso, California on 14 October 1968. At trial each appellant pleaded not guilty and their cases are before this Court on automatic appellant review. Article 66, Code, supra, 10 U.S.C. § 866.

Our decision in United States v. Sood, CMR (ACMR 1970) is dispositive of the case of the appellants at bar. There in United States v. Sood we held that the trial judge prejudicially erred in his prefinding instructions. There, as here, the trial judge failed to instruct that a conviction for mutiny, as here alleged, requires a finding that the appellants' intent to usurp or override military authority was shared by at least one other co-actor. United States v. Sood, supra. Thus the cases at bar are insufficient as a matter of law and reversal is required. Additionally, here as in United States v. Sood, supra, we hold the cases of these two appellants to be insufficient in fact to support a conviction of mutiny. Article 66, Code, supra, 10 U.S.C. § 866.

Only so much of the findings of guilty of the Charge and specification as finds that each appellant, at the time and place alleged, having received a lawful command from Captain Robert S. Lamont, his superior com-

missioned officer, did willfully disobey his order, in violation of Article 90, Code, supra, are affirmed.

The sentence as to each appellant on the basis of the trial judge error and on the entire record is reassessed.

The Court affirms:

As to appellant Osczepinski, a sentence of bad conduct discharge, forfeiture of all pay and allowances, and confinement at hard labor for nine months.

As to appellant Reidel, a sentence of bad conduct discharge, forfeiture of all pay and allowances, and confinement at hard labor for six months.

Senior Judge Porcella and Judge Bailey concur.

Official:

WILLIAM O. MORRIS,
Captain, JAGC, Clerk of Court.

CM 420896: U.S. ARMY COURT OF MILITARY REVIEW, WASHINGTON, D.C.

Before Porcella, Bailey and Hagopian Appellate Military Judges.

Dated, filed and entered, Clerk of Court, U.S. Army Court of Military Review, June 17, 1970.

United States *v.* Private First Class John D. Colip, U.S. 56 836 917 ([redacted]), U.S. Army, Transient Company, U.S. Army Personnel Center, Oakland, California 94626.

General Court-Martial Convened by Headquarters Sixth United States Army, Presidio or San Francisco, California 94129 (R. W. Snyder, Military Judge).

Sentence adjudged 28 February 1969. Approved sentence: Dishonorable discharge, forfeiture of all pay and allowances, confinement at hard labor for four years, and reduced to the lowest enlisted grade, E–1 (By action of The Judge Advocate General of the Army, dtd. 26 June 69, so much of the confinement at hard labor as is in excess of two (2) years is remitted).

Appellate Counsel for the Accused: Cpt. David S. Cooper, JAGC; Cpt. Thomas R. Maher, JAGC; Ltc. Charles W. Schiesser, JAGC.

Appellate Counsel for the United States: Cpt. Salvatore A. Romano, JAGC; Maj. Edwin P. Wasinger, JAGC; Col. David T. Bryant, JAGC.

OPINION OF THE COURT

Per curiam:

Our decision in United States v. Sood, No. 420276 (ACMR June 1970) is dispositive of the case of the appellant at bar. There in United States v. Sood we held that the trial judge prejudicially erred in his prefinding instructions. There, as here, the trial judge failed to instruct that a conviction for mutiny, as here alleged, requires a finding that the appellant's intent to usrup or overrides military authority was shared by at least one other co-actor. United States v. Sood, supra. Thus the case at bar is insufficient as a matter of law and reversal is required. Additionally, here as in United States v. Sood, supra, we hold the case of this appellant to be insufficient in fact to support a conviction of mutiny. Article 66, Code, supra, 10 U.S.C. § 866.

Only so much of the findings of guilty of the Charge and specification as finds that appellant, at the time and place alleged, having received a lawful command from Captain Robert S. Lamont, his superior commissioned officer, did, willfully disobey his order, in violation of Article 90, Code, supra, are affirmed.

Reassessing the sentence on the basis of the trial judge error and on the entire record the Court affirms only so much of the sentence as provides for bad conduct discharge, forfeiture of all pay and allowances, and confinement at hard labor for nine (9) months.

Official:

WILLIAM O. MORRIS,
Captain, JAGC, Clerk of Court.

[CM 421117: U.S. ARMY COURT OF MILITARY REVIEW, WASHINGTON, D.C.]

Before Porcella, Bailey and Hagopian, Appellate Military Judges.

Dated, filed and entered, Clerk of Court, U.S. Army Court of Military Review.

June 29, 1970.

United States *v.* Privates (E–1) Ricky L. Dodd, TSN 56 841 789, Harold J. Swanson, [redacted], and Edward O. Yost, [redacted], all of US Army, Special Processing Detachment, Presidio of San Francisco, California 94129, and Private (E–1) William G. Hayes, [redacted], US Army, Correctional Holding Detachment, Presidio of San Francisco, California 94129

General Court-Martial Convened by Headquarters Sixth United States Army, Presidio of San Francisco, California (J. G. Lee, Military Judge).

Sentences adjudged 28 March 1969. Approved: *DODD:* Dishonorable discharge, forfeiture of all pay and allowances, and confinement at hard labor for five years (TJAG remitted CHL in excess of 2 yrs; and S/A changed DD to BCD). *SWANSON:* Dishonorable discharge, forfeiture of all pay and allowances, confinement at hard labor for three years, and reduction to grade of E–1 (TJAG remitted CHL in excess of 2 yrs.). *YOST:* Bad conduct discharge, forfeiture of all pay and allowances, confinement at hard labor for nine months, and reduction to grade of E–1. *HAYES:* Dishonorable discharge, forfeiture of all pay and allowances, confinement at hard labor for two years, and reduction to the grade of E–1.

Appellate Counsel for the Accused: Cpt. Paul C. Saunders, JAGC, Cpt. Monte Engler, JAGC, Cpt. Bernard J. Casey, (Hayes, only) Ltc. Charles W. Schiesser, JAGC.

Appellate Counsel for the United States: Cpt. James S. Mathews, JAGC, Maj. William A. Pope, II, JAGC, Maj. Edwin P. Wasinger, JAGC, Col. David T. Bryant, JAGC.

OPINION OF THE COURT

Hagopian, Judge:

The appellants were tried in common and stand convicted by general court-martial for the offense of mutiny in violation of Article 94, Uniform Code of Military Justice, 10 U.S.C. § 894. The offense was allegedly done in conjunction with 23 other persons at the Presidio Stockade, Presidio of San Francisco, California on 14 October 1968. At trial each appellant pleaded not guilty and their cases are before this Court on automatic appellate review. Article 66, Code, supra, 10 U.S.C. § 866.

Our decision in United States v. Sood, —— CMR —— (ACMR 16 June 1970) is dispositive of the case of the appellants at bar. There in United States v. Sood we held that the trial judge prejudicially erred in his prefinding instructions. There, as here, the trial judge failed to instruct that a conviction for mutiny, as here alleged, requires a finding that the appellants' intent to usurp or override military authority was shared by at least one other co-actor. United States v. Sood, supra. Thus the cases at bar are insufficient as a matter of law and reversal is required. Additionally here as in United States v. Sood, supra, we hold the cases of these appellants to be insufficient in fact to support a conviction of mutiny. Article 66, Code, supra, 10 U.S.C. § 866.

Only so much of the findings of guilty of the Charge and specification as finds that each appellant, at the time and place alleged, having received a lawful command from Captain Robert S. Lamont, his superior commissioned officer, did, willfully disobey his order, in violation of Article 90, Code, supra, are affirmed.

The sentence as to each appellant on the basis of the trial judge error and on the entire record is reassessed.

The Court affirms:

As to appellant Dodd, a sentence of bad conduct discharge, forfeiture of all pay and allowances, and confinement at hard labor for eight months.

As to appellant Swanson, a sentence of bad conduct discharge, forfeiture of all pay and allowances, and confinement at hard labor for seven months.

As to appellant Yost, a sentence of bad conduct discharge, forfeiture of all pay and allowances, and confinement at hard labor for six months.

As to appellant Hayes, a sentence of bad conduct discharge, forfeiture of all pay and allowances, and confinement at hard labor for seven months.

Senior Judge Porcella concurs.

Judge Bailey absent.

Official:

WILLIAM O. MORRIS,
Captain, JAGC, Clerk of Court.

[CM 421558: U.S. ARMY COURT OF MILITARY REVIEW, WASINGTON, D.C.]

Before Porcella, Bailey, and Hagopian, Appellate Military Judges.

Dated, Filed and entered Clerk of Court U.S. Army Court of Military Review.

United States v. Private (E–1) Michael E. Murphy, [redacted] and Private (E–2) Laurence J. Zaino, TSN [redacted], both of US Army, Special Processing Detachment, Presidio of San Francisco, California 94129

General Court-Martial Convened by Headquarters Sixth United States Army, Presidio of San Francisco, California 94129 (R. L. Jones, Military Judge)

Sentences adjudged 24 June 1969. Approved sentences: MURPHY: Dishonorable discharge, forfeiture of all pay and allowances, and confinement at hard labor for one year.

ZAINO: Dishonorable discharge, forfeiture of all pay and allowances, confinement at hard labor for two years, and reduction to Private E–1 (By dir of S/A 2 Apr 70, the unexecuted port of sentence of Zaino, remitted, except for that port of CHL served and that port of the forfeitures applied).

Appelate Counsel for the Accused: Cpt. Paul C. Saunders, JAGC, Cpt. Monte Engler, JAGC, LtC. Charles W. Schiesser, JAGC.

Appellate Counsel for the United States: Cpt. James S. Mathews, JAGC, Maj. William A. Pope, II, JAGC, Maj. Edwin P. Wasinger, JAGC, Col. David T. Bryant, JAGC.

OPINION OF THE COURT

Hagopian, Judge:

The appellants were tried in common and stand convicted by general court-martial for the offense of mutiny in violation of Article 94, Uniform Code of Military Justice, 10 U.S.C. § 894. The offense was allegedly done in conjunction with 25 other persons at the Presidio Stockade, Presidio of San Francisco, California on 14 October 1968. At trial each appellant pleaded not guilty and their cases are before this Court on automatic appellate review. Article 66, Code, supra, 10 U.S.C. § 866.

Our decision in United States v. Sood, —— CMR —— (ACMR 16 June 1970) is dispositive of the case of the appellants at bar. There in United States v. Sood we held that the trial judge prejudicially erred in his prefinding instructions. There, as here, the trial judge failed to instruct that a conviction for mutiny, as here alleged, requires a finding that the appellants' intent to usurp or override military authority was shared by at least one other co-actor. United States v. Sood, supra. Thus, the cases at bar are insufficient as a matter of law and reversal is required. Additionally, here as in United States v. Sood, supra, we hold the cases of these two appellants to be insufficient in fact to support a conviction of mutiny. Article 66, Code, supra, 10 U.S.C. § 866.

Only so much of the findings of guilty of the Charge and Specification as finds that each appellant, at the time and place alleged, having received a lawful command from Captain Robert S. Lamont, his superior commissioned officer, did, willfully disobey his order, in violation of Article 90, Code, supra, are affirmed.

The sentence as to each appellant on the basis of the trial judge error and on the entire record is reassessed.

The Court affirms:

As to appellant Zaino, a sentence of bad conduct discharge, forfeiture of all pay and allowances, confinement at hard labor for (7) months, and reduction to the grade of Private E–1.

As to appellant Murphy, a sentence of bad conduct discharge, forfeiture of all pay and allowances, and confinement at hard labor for eight (8) months.

Senior Judge Porcella concurs.

Judge Bailey absent.

Official:

WILLIAM O. MORRIS,
Captain, JAGC, Clerk of Court.

[CM 421750: U.S. ARMY COURT OF MILITARY REVIEW, WASHINGTON, D.C.]

Before Porcella, Bailey and Hagopian, Appellate Military Judges.

Dated, filed and entered, Clerk of Court, U.S. Army Court of Military Review.

United States *v.* Private (E1) Stephen R. Rowland, [redacted], U.S. Army; Private (E1) Roy A. Pulley, [redacted], U.S. Army; Private (E1) Alan L. Rupert, [redacted], U.S. Army; Private (E1) Danny R. Seals, [redacted], U.S. Army; Private (E1) Richard B. Stevens, [redacted], U.S. Army; all of Special Processing Detachment; Private (E1) Richard N. Duncan, TSN, 56 829 186, U.S. Army; Private (E1) Michael J. Marino, [redacted], U.S. Army; Private (E1) Francis E. Schiro, [redacted], U.S. Army; Private (E1) Buddy J. Shaw, TSN 18 920 140, U.S. Army; Private (E1) Ernest C. Trefethen, [redacted], U.S. Army; Private (E1) Danny L. Wilkins, [redacted], U.S. Army; Private (E1) Patrick A. Wright, [redacted], U.S. Army; all of Correctional Holding Detachment; and Private (E2) Richard L. Gentile, [redacted], U.S. Army, Headquarters Company, Sixth U.S. Army Special Troops, all of Presidio of San Francisco, California 94129.

General Court-Martial Convened by Headquarters Sixth United States Army, Presidio of San Francisco, California 94129 (J. A. Hagan, Military Judge).

Sentences adjudged 7 June 1969. Approved sentences: Rowland & Shaw: Dishonorable discharge, forfeiture of fifty dollars a month for fifteen months, confinement at hard labor for fifteen months and reduction to the lowest enlisted grade; Rupert; Schiro; Trefethen & Wright: Dishonorable discharge, forfeiture of all pay and allowances, confinement at hard labor for one year, and reduction to the lowest enlisted grade; Duncan: Dishonorable discharge, forfeiture of all pay and allowances, confinement at hard labor for twelve months, and reduction to the lowest enlisted grade; Marino & Pulley: Dishonorable discharge, forfeiture of all pay and allowances, confinement at hard labor for fifteen months, and reduction to the lowest enlisted grade; Stevens: Dishonorable discharge, forfeiture of fifty dollars a month for twelve months, confinement at hard labor for twelve months, and reduction to the lowest enlisted grade; Wilkins: Dishonorable discharge, forfeiture of fifty dollars a month for nine months, confinement at hard labor for nine months, and reduction to the lowest enlisted grade; Seals & Gentile: Bad conduct discharge, forfeiture of all pay and allowances, confinement at hard labor for six months, and reduction to the lowest enlisted grade.

Appellate Counsel for the Accused: Capt. Paul C. Saunders, JAGC; Capt. Monte Engler, JAGC; Col. Daniel T. Ghent, JAGC.

Appellate Counsel for the United States: Capt. Merle F. Wilberding, JAGC; Capt. James S. Mathews, JAGC; Capt. Benjamin G. Porter, JAGC; Col. David T. Bryant, JAGC.

OPINION OF THE COURT

Hagopian, Judge: The appellants were tried in common and stand convicted by general court-martial for the offense of mutiny,[1] in violation of Article 94, Uniform Code of Military Justice, 10 U.S.C. § 894. The offense was allegedly done in conjunction with 14 other persons at the Presidio Stockade, Presidio of San Francisco, California on 14 October 1968.[2] At trial each appellant pleaded not guilty and their cases are before this Court on automatic appellate review. Article 66, Code, supra, 10 U.S.C. § 866.

The Congress has conferred factfinding power in this Court which we invoke today on the factual question of each appellant's guilt of the alleged offense of mutiny. Article 66, Code, supra, 10 U.S.C. § 866.

In the cases at bar, Government counsel seeks to factually distinguish the instant cases from those of United States v. Sood, ——CMR——(ACMR 16 June 1970) and its companion cases which were disposed of by this Court on the basis of our factual holding in *Sood, supra.*

Government urges that the facts here, unlike those in *Sood, supra* and its companion cases, amply demonstrate concerted insubordination on the part of these appellants. They reason that the factual proof of concerted insubordination in these cases is equated to the factual existence of a concerted intent to override lawful military authority. This record indeed factually evinces concerted insubordination on the part of these appellants, but Government's argument misses the mark. Their contention was put to rest in our decision in United States v. Sood, supra. Here, as in *Sood, supra:*

"The record evinces a collective intent to defy authority by refusing to obey Captain Lamont's order. As mentioned earlier a collective intent to defy authority, as here, falls far short of a collective intent to usurp or override military authority. *The former is not shorthand for the latter.*" United States v. Sood, supra. (Emphasis added).

The factual basis of this Court's decision in United States v. Sood, supra, is dispositive of the case of each appellant at bar. What was said there is apropos here:

"Mindful that a concerted intent to override lawful military authority is a requisite element which must be proved, the facts of this record shout its absence. The words and deeds of the appellant[s] * * * do not evince, either singularly or collectively, an intention to usurp or override military authority." *Sood, supra*

In the exercise of our appellate responsibility and power "recognizing that the trial court saw and heard the witnesses" we are not convinced beyond a reasonable doubt that the appellants entertained in concert the requisite intent to usurp or override lawful authority. 10 U.S.C. § 866. Rather, the common thread of evidence throughout this entire voluminous record demonstrates an intention on the part of these appellants to implore and invoke the very military authority which they are charged with seeking to override.

We hold today that the evidence in this record, consisting of eighteen volumes, is insufficient as a matter of fact to support a conviction of mutiny. Thus, reversal is required. The evidence of record, however, is amply sufficient to support the lesser included offense of willful disobedience of the lawful command of a superior commissioned officer.

Accordingly, only so much of the findings of guilty of the Charge and specification as finds that each appellant, at the time and place alleged, having received a lawful command from Captain Robert S. Lamont, his superior commissioned officer, did, willfully disobey his order, in violation of Article 90, Code, supra, are affirmed.

The sentence as to each appellant on the basis of the entire record is reassessed.

The Court affirms:

As to appellants *Rowland* and *Shaw*, a sentence of bad conduct discharge, confinement at hard labor for eight months, and forfeiture of $50.00 per month for eight months.

As to appellants *Pulley* and *Marino*, a sentence of bad conduct discharge, confinement at hard labor for eight months and forfeiture of all pay and allowances.

As to appellants *Trefethen, Wright, Schiro* and *Rupert*, a sentence of bad conduct discharge, confinement at hard labor for seven months, and forfeiture of all pay and allowances.

As to appellant *Gentile*, a sentence of confinement at hard labor for six months, and forfeiture of $50.00 per month for six months.

As to appellant *Seals*, a sentence of bad conduct discharge, confinement at hard labor for six months and forfeiture of all pay and allowances.

As to appellant *Stevens*, a sentence of bad conduct discharge, confinement at hard labor for seven months, and forfeiture of $50.00 per month for seven months.

As to appellant *Duncan*, a sentence of bad conduct discharge, confinement at hard labor for seven months, and forfeiture of all pay and allowances.

As to appellant *Wilkins*, a sentence of bad conduct discharge, confinement at hard labor for six months, and forfeiture of $50.00 per month for six months.

Senior Judge Porcella and Judge Bailey concur.

Official:

WILLIAM O. MORRIS,
Captain, JAGC, Clerk of Court.

Between June 16, 1970, and June 30, 1970, all mutiny convictions were thrown out and findings of guilty on lesser included charges were affirmed. The Court of Military Review reduced the confinement of the men by as much as 15¼ years from their original sentences.

No one was given more than a year at hard labor. All those who had earlier received dishonorable discharges had these reduced to bad conduct discharges.

All the men are now out of prison.

Three of the men, sensing what was to happen, escaped from custody in late 1968 and have never stood trial, and are at large at this time. One can hardly blame them for this revolt against clearly intolerable and unjust conditions, and unjust trial procedure.

These men clearly should be given some type of amnesty.

The Court of Military Review dismissed all charges against one of the men on grounds he was not mentally responsible for the offense alleged.

The protest did serve a useful purpose by calling Washington's attention to the intolerable conditions in the stockades around the country. I would hope the recommendations of the committee will be carefully considered and that the Army will soon ask for legislation for their implementation, if that is required.

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[1] The appellant Seals, however, was acquitted of mutiny and found guilty of the lesser included offense of willful disobedience in violation of Article 90, Uniform Code of Military Justice, 10 U.S.C. § 890.

[2] The instant cases are the last of the alleged mutiny cases tried at the Presidio of San Francisco.

The military appeals process finally, 20 months after the incident, delivered an equitable verdict in these cases. Yet the men were still subjected to a travesty of justice. They were confined in military prisons after they should have been released. If they were paroled and their service time was up, they could not be discharged from the Army until the appeal process was completed. They are forever labeled unjustly as mutineers, as serious criminals, and had to endure the mental anguish of what obviously was an ordeal.

This all cannot be wiped away by a long delayed reversal on appeal. Such injustices cannot be allowed to be repeated.

At this point, Mr. Speaker, I request permission to insert in the RECORD a detailed account of the cases of each one of these men and their sentences, and the modification by the convening authority, the modification by the Judge Advocate General, and finally the modifications that were finally effected by the Court of Military Review.

Mr. Speaker, I would ask unanimous consent to include these analyses at this point in the RECORD.

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

There was no objection.

The information is as follows:

PRESIDIO MUTINY TRIALS—COMPLETE RECORD

1. Louis Osczepinski—

Sentenced 14 Feb. 69—mutiny charge: 1. Dishonorable discharge; 2. Forfeiture of all pay and allowances; 3. Confinement at hard labor for 16 years.

Convening authority—General Larsen—Commanding General 6th Army: Reduced confinement to 5 years—14 April 69.

The judge Advocate General—Major General Hodson—29 Apr. 69: Reduced confinement to 2 years.

The Court of Military Review—17 June 1970: Dismissed charge of mutiny; Convicted of lesser included offense of willful disobedience of the lawful order of a superior commissioned officer. Sentence reduced to: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. Nine months at hard labor.

Commandant's parole had been given 28 Feb. 1970.

2. Larry Reidel—

Sentenced 14 Feb. 69—mutiny charge: 1. Dishonorable discharge; 2. Forfeiture of all pay and allowances; 3. 14 years at hard labor.

Convening authority—Gen. Larsen—24 Apr.. 69: reduced confinement to 5 years.

The JAG Maj. Gen. Hodson—29 Apr. 69: reduced confinement to 2 years.

The Court of Military Review—17 June 70: Dismissed charge of mutiny; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 6 Months at hard labor.

3. John David Colip—

Sentenced 28 Feb. 69—mutiny charge: 1. Dishonorable discharge; 2. Forfeiture of all pay and allowances; 3. 4 years at hard labor.

Convening authority—23 June 69: approved the sentence.

The J.A.G.: reduced confinement to 2 years.

The Court of Military Review—17 June 70: Dismissed mutiny charge: Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 9 months at hard labor.

4. Ricky Dodd—

Sentenced 27 March 69—mutiny charge; 1. Dishonorable discharge; 2. Forfeiture of all pay and allowances; 3. 6 years at hard labor.

Convening authority—28 July 69: reduced confinement to 5 years.

The J.A.G.—4 Aug. 69: reduced confinement to 2 years.

The Court of Military Review—29 June 70: Dismissed mutiny charge; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 8 months hard labor.

Commandant's parole had been given 24 March 70.

5. Billy Hays—

Sentenced 27 March 69—mutiny charge: 1. Dishonorable discharge; 2. Forfeiture of all pay and allowances; 3. 2 years at hard labor.

Convening authority: approved sentence.

The J. A. G.: approved sentence.

The Court of Military Review—29 June 70: Dismissed charge of mutiny; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 7 months at hard labor.

6. Harold Swanson—

Sentenced 27 March 69—mutiny charge: 1. Dishonorable discharge; 2. Forfeiture of all pay and allowances; 3. 3 years at hard labor.

Convening authority: approved sentence.

The J.A.G.: reduced confinement to 2 years hard labor.

The Court of Military Review—29 June 70: Dismissed mutiny charge; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 7 months at hard labor.

Commandant's parole had been given 14 March 70.

7. Ed Yost—

Sentenced 27 March 69—mutiny charge: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 9 months at hard labor.

Convening authority: approved sentence.

The J.A.G.: approved sentence.

The Court of Military Review—29 June 70: Dismissed charge of mutiny; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 6 months hard labor.

Had been released from confinement 17 Nov. 69.

8. Michael Murphy—

Sentenced 24 June 69—mutiny charge: 1. Dishonorable discharge; 2. Forfeiture of all pay and allowances; 3. 1 year at hard labor.

Convening authority: approved sentence.

The J.A.G.: approved sentence.

The Court of Military Review—26 June 70: Dismissed charge of mutiny; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 8 months hard labor.

Had been released from confinement 3 Apr. 70.

9. Larry Zaino—

Sentenced 24 June 69— mutiny charge: 1. Dishonorable discharge; 2. Forfeiture of all pay and allowances; 3. 2 years at hard labor.

Convening authority: approved sentence.

The J.A.G.: approved sentence.

The Court of Military Review—26 June 70: Dismissed mutiny charge; Convicted of willful disobedience; Sentence reduced: 1. Bad Conduct discharge; 2. Forfeiture of all pay and allowances; 3. 7 months at hard labor.

Had been released from confinement 7 Apr. 70.

10. Nesrey Sood—

Sentenced 13 Feb. 69—mutiny charge: 1. Dishonorable discharge; 2. Forfeiture of all pay and allowances; 3. 15 years at hard labor.

Convening authority—17 March 69: reduced confinement to 7 years at hard labor.

The J.A.G.—18 March 69: reduced confinement to 2 years hard labor.

The Court of Military Review—17 June 70: Dismissed mutiny charge; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 1 year at hard labor.

11. Larry Sales—

Sentenced 6 June 69—acquitted on mutiny charge, convicted of failure to obey a lawful order: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 3 months hard labor.

Convening authority: approved sentence.

The J.A.G.: approved sentence.

The Court of Military Review—22 May 70: Dismissed all charges on the ground that not satisfied he was mentally responsible for the offense alleged.

12. Keith Mather—escaped 24 Dec. 68: not captured.

13. Walter Pawlowski—escaped 24 Dec. 68: not captured.

14. Linden Blake—escaped 27 Feb. 68: not captured.

15. Richard Gentile—

Sentenced 6 June 69—mutiny charge: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 6 months hard labor.

Convening authority: approved sentence.

The J.A.G.: approved sentence.

The Court of Military Review—30 June 70: Dismissed mutiny charge; Convicted of willful disobedience; Sentence reduced: 1. No punitive discharge; 2. Forfeiture of $50 pay for six months; 3. 6 months hard labor.

16. Richard Marino—

Sentenced 6 June 69—mutiny charge: 1. Dishonorable discharge; 2. Forfeiture of all pay and allowances; 3. 15 months hard labor.

Convening authority: approved sentence.

The J.A.G: approved sentence.

The Court of Military Review—30 June 70: Dismissed charge of mutiny; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 8 months hard labor.

17. Roy Pulley—

Sentenced 6 June 69—mutiny charge: 1. Dishonorable discharge; 2. Forfeiture of all pay and allowance; 3. 15 months hard labor.

Convening authority: approved sentence.

The J.A.G.: approved sentence.

The Court of Military Review—30 June 70: Dismissed mutiny charge; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 8 months hard labor.

18. Stephen Rowland—

Sentenced 6 June 69—mutiny charge: 1. Dishonorable discharge; 2. Forfeiture of $50 pay per month for 15 months; 3. 15 months at hard labor.

Convening authority: approved sentence.

The J.A.G.: approved sentence.

The Court of Military Review—30 June 70: Dismissed mutiny; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of $50 pay per month for 8 months; 3. 8 months hard labor.

19. Buddy Shaw—

Sentenced 6 June 69—mutiny: 1. Dishonorable discharge; 2. Forfeiture of $50 per month for 15 months; 3. 15 months at hard labor.

Convening authority: aproved sentence.

The J.A.G.: approved sentence.

The Court of Military Review—30 June 70: Dismissed mutiny; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of $50 pay per month for 8 months; 3. 8 months hard labor.

20–24. Richard Duncan, Alan Rupert, Francis Schiro, Ernest Trefethen, Patrick Wright.

Sentenced 6 June 69—mutiny: 1. Dishonorable discharge; 2. Forfeiture of all pay and allowances; 3. 12 months at hard labor.

Convening authority: approved sentences.

The J.A.G.: approved sentences.

The Court of Military Review—30 June 70: Dismissed charge of mutiny; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of all pay and allowances; 3. 7 months at hard labor.

Alan Rupert had received a Commandant's parole 3 March 70.

25. Danny Seals—

Sentenced 6 June 69—acquitted on mutiny charge, convicted on charge of willful disobedience of the lawful order: 1. Bad

conduct discharge; 2. Forfeiture of all pay and allowances; 3. 6 months hard labor.

Convening authority: approved sentence.

The J.A.G.: approved sentence.

The Court of Military Review 30 June 70—approved.

26. Ricky Stevens—

Sentenced 6 June 69—mutiny: 1. Dishonorable discharge; 2. Forfeiture of $50 pay per month for 12 months; 3. 12 months hard labor.

Convening authority: approved sentence.

The J.A.G.: approved sentence.

The Court of Military Review—30 June 70: Dismissed mutiny charge; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of $50 per month for 7 months; 3. 7 Months hard labor.

27. Danny Wilkins—

Sentenced 6 June 69—mutiny: 1. Dishonorable discharge; 2. Forfeiture of $50 per month for 12 months; 3. 12 months hard labor.

Convening authority: approved sentence.

The J.A.G.: approved sentence.

The Court of Military Review—30 June 70: Dismissed charge of mutiny; Convicted of willful disobedience; Sentence reduced: 1. Bad conduct discharge; 2. Forfeiture of $50 per month for 6 months; 3. 6 Months hard labor.

Mr. LEGGETT. Mr. Speaker, many important lessons can be drawn from the experiences of these cases. The rule of law and the use of punishment can be justified on many grounds; however, the mutiny convictions were indefensible on all of them.

The law can function as a deterrent to future acts. However, when the punishment becomes so out of proportion to the severity of the crime, as it did in these cases, so as to clearly be unjust and unenforceable, the punishment fails as a deterrent, and the Army looks ridiculous, including Gen. Stanley Larsen.

The treatment of the case and the men cannot be seen as an effort to protect the moral fiber of society, of the Army or of the individual men. Subjecting them to the inhuman conditions of the Presidio Stockade and the injustice of the trials could serve no such purpose. Authoritarian responses are not effective ways to improve public or private morality.

The rule of civil law allows people to know the consequences of their acts—which acts are disapproved by society and which will bring punishment. However, military law, as evidenced by this case, is so arbitrary and variable in its application and severity of punishment as to fail totally as a deterrent.

Revenge is the most likely motive of these mutiny charges, revenge for drawing attention to intolerable conditions and, in a nonviolent way, expressing dissent and protest within the Army. The use of law for personal revenge is not something to be encouraged or even allowed in civilized society. General Larsen deserves the severest criticism that we can bring upon him, and certainly has deserved everything that he has received, although I am yet to hear the Army formally chastise him.

The Army criminal justice procedure and confinement operations were obviously unacceptable and need drastic improvement.

The trials were open to too much command influence, since all power rested in the men in the direct chain of authority from the commanding officer. No one standing outside this line of authority had the power to counter the wishes of the zealous commander. I might point out that there were people in Washington in very high positions who wanted to intervene and modify the charges as pending.

Juries were stacked. Unequal resources were available to the defense and prosecution. It was not an adversary proceeding of equal opponents which we hold to be one of our best cherished constitutional traditions.

Military justice procedural guarantees may be adequate for some cases or most cases that do not have political overtones. However, these cases show how easily a zealous commander can impose his own politics on a nonpolitical trial.

Drastic reforms are needed which will establish an independent impartial power in the courtroom in the person of the military judge. He should have the power to issue writs and subpenas. The military courts and independent prosecutors, not the commanding officer, should conduct pretrial investigations and decide if charges are to be pressed. The rights of servicemen should be protected in the courtroom in the same way as those of civilians are. The man who enters the Armed Forces to defend the Constitution should not be required to give up its protection. What is needed is a new blue-ribbon commission now appointed by Secretary Laird to review and report on our system of military justice.

The commanding general of the 6th Army, in his zeal to suppress all protests within this command, began with a small prison grumble over intolerable stockade conditions and blew it up into a nationwide scandal, which hurt the Army, the Nation, and the men involved. The men were charged with a crime far beyond that warranted by the evidence. The law was used to satisfy the wishes of the commander. When the law is used for any purpose and not impartially administered, justice is not served and all involved suffer. The ramifications of the case and the public interest in it show that all of us have much at stake here. The Army disregarded the spirit of its own legal system and fostered an increased contempt for law at a time when we can ill afford it. The Army by its actions has done the country a great disservice and the men involved a great injustice.

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

Mr. LEGGETT. I am glad to yield to the distinguished gentleman from New York.

Mr. LOWENSTEIN. Mr. Speaker, I simply want to say that in the time I have been in the House of Representatives I have not heard many statements as comprehensive, as careful, and as necessary as the one the gentleman has made today. I am grateful to the gentleman, as I know many other Members are, for doing such a remarkable job of compiling this sad record, and for working so hard to see these wrongs corrected. Without his efforts and the efforts of Fred Gardner and a very few other people, the miscarriage of justice at the Presidio would not have been reversed, and precedents would have been allowed to stand that would have been the cause of future injustices.

I wonder if the gentleman has recommendations about how Congress might act to protect enlisted personnel from similar situations that might arise in the future?

Mr. LEGGETT. I want to thank the gentleman for his contribution and for his contribution a year ago that helped to stimulate the command authority to reverse some of these decisions. I suspect in retrospect perhaps these men have not been charged in vain because if you take a long look at the situation they did stimulate the creation of the blue-ribbon panel and did stimulate the better than 50 to 75 recommendations by the blue-ribbon panel to make the military service live up to the regulations in effect and actually to expand them.

But I would say that certainly this has not cured the situation. I have received information in my office just over the past week that the Navy Department and the Marine Corps have continued to keep prisoners in stockades in excess of authorized numbers, and have modified those numbers rather radically during times whenever a congressional investigation has been programed.

I think that this is a situation that we constantly need to review. And as I said a year ago, that when a forum's dirty linen is hanging out usually it is in their punitive incarceration mechanisms.

I think conclusively that the greatest history of the United States is in our prisons, because that history is still there. Prisons are made to last a long time, and we have got in this country almost all of our original correctional facilities save a few.

So I think that this is something that Congress ought to address itself to further. The Armed Services Committees of both Houses, I am not satisfied have fully addressed themselves to this problem. And I would suggest particularly now the views expressed in Bob Sherrill's book and some of the other treatises. One of those that I could recommend is by Fred Gardner, which is titled "The Unlawful Concert," which is in a paperback. I could also recommend the full report of the Special Civilian Committee for the Study of the U.S. Army Confinement System. It not only includes 50 recommendations, but 133 pages of report in addition to that.

I would hope we could stimulate the formation of a blue-ribbon committee made up of prosecutors and defense lawyers from inside and outside of Congress, to try to overhaul our system of military justice, because it does not really make a lot of sense to enforce the Escobito case and some of the other constitutional guarantees by the Supreme Court in the civilian area, and then ignore those guarantees of appointment of counsel at the appropriate levels of all our military trials, as is currently practiced. I would think a blue-ribbon panel could address itself to those very important procedural safeguards, and to see that everyone has those guarantees in the military service, particularly in cases of serious crimes.

Mr. LOWENSTEIN. Mr. Speaker, if

the gentleman will yield further, I want to support his suggestion about a blue-ribbon panel. Some of us who have looked into problems of violence, racial tensions, and dissent—problems relating to the application of the Uniform Code and to conditions in stockades on various bases around the country—and who have discussed some of these problems with Defense Department officials including Secretary Laird, have come to the same conclusion the gentleman has.

We cannot undo the injustice done to the man involved, but we must try to make something positive come out of what everyone now concedes was an inexcusable miscarriage of justice at the Presidio. The first step in that direction would be the creation of a panel empowered to make recommendations about how to prevent such abuses of power in the future. If we do not press for basic changes now, we assure a continuation of a myriad of lesser injustices on military bases everywhere and invite recurrences of massive ones like the one at the Presidio from time to time. Apart from questions of morality, the continuation of the present situation in this regard does a great deal to undermine the morale of the armed services, and that can hardly be said to contribute to the security of our country.

Mr. LEGGETT. I want to thank the gentleman for his additional remarks. It does bring in mind that many times these prosecutions are brought because men exercise their alleged right of dissent. This is a matter to which the individual services have addressed themselves.

I am not acquainted with any uniform rules for dissent or uniform rules for the expression of rights under the Constitution promulgated by the Office of the Secretary of Defense.

I am aware of some very outstanding analyses and recommendations made by the Department of the Army. But I am not knowledgeable that those recommendations have been implemented throughout the Army or even adopted by other branches of service.

Certainly a blue ribbon panel appointed in this general area could address itself to that particular problem as well and perhaps recommend some general regulations which the members in the armed services could come to understand, as an armed services bill of rights as they don the uniform of Uncle Sam to protect its freedom around the world.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 10 minutes.

A $20,000 FARM PAYMENT LIMITATION

Mr. FINDLEY. Mr. Speaker, yesterday afternoon on a teller vote the House voted by a margin of 161 to 134 not to accept my substitute which would have imposed a $20,000 limitation of individual farm payments, but instead accepted a limit at $55,000. Some may have viewed this as but another victory for big cotton interests in the South, Southwest, and Far West, and I must admit that in the moments immediately following the vote, I was somewhat glum myself.

With the dawn of a new morning, however, I think we can all take great satisfaction in one aspect of the action of the House yesterday. As I look back over the 8 years that I have offered amendments limiting payments to giant farm producers, I can see great progress was achieved yesterday. While the limitation voted yesterday was not as low as I would have preferred, nevertheless it does represent substantial progress—progress which would not have been made had it not been for efforts made in the past.

It is clear that the only reason the Department of Agriculture and the House Agriculture Committee finally agreed—after tortuous negotiations—to any limitation at all was because of the pressure put on them by a Congress impelled by public opinion.

Big cotton interests knew that a $20,000 limit would be imposed upon them if they were unsuccessful in their attempt to set a higher level.

Progress has also been made in building numerical support for a meaningful limitation on payments to big farm producers. During the early 1960's when I offered similar limitation amendments, it was hard to muster even 60 votes in favor of such a proposal. At one time the vote was as low as 47.

Yesterday, however, support for my amendment and the $20,000 level was the greatest total ever cast in a teller vote on a payment limit amendment. One hundred thirty-four Members walked through the tellers in favor of the lower limit. Previous to that time, the largest teller vote in favor of a $20,000 limitation was 112. Progress is being made each year, and it will continue to be made.

On reflection, then, when I consider the progress that has been made since 1963 when I first offered an amendment limiting payments to farmers, I do find some hope in yesterday's limitation. It is a hope for future farm programs, a hope I shall pursue at every opportunity, just as I have in the past. When the next bill dealing with agricultural matters is before Congress, I shall be prepared to again offer an amendment limiting big farm payments.

The following is a chronology of amendments to restrict big payments to farm producers which I have offered in past years:

June 6, 1963: Amendment offered by Representative Paul Findley to the Agricultural Appropriations Act for fiscal year 1964. (Congressional Record, p. 10411):

"On page 33, after line 12, insert the following:

"SEC. 607. None of the funds provided herein shall be used to pay the salary of any officer or employee who negotiates agreements or contracts or in any other way, directly or indirectly, performs duties or functions incidental to supporting the price of Upland Middling Inch cotton at a level in excess of 30 cents a pound."

The division vote was 105 in favor—131 against.

January 26, 1965: Amendment offered by Representative Paul Findley to the appropriations for the Commodity Credit Corporation Act (Congressional Record, p. 1185):

"On page 2, line 3, strike the period at the end of the sentence and insert the following:

"Provided, That no part of this appropriation shall be used to formulate or carry out any price support program providing further payments during the fiscal year 1965 to any person, partnership, firm, joint stock company, corporation, association, trust, estate, individual, or other legal entity, pursuant to the provisions of section 348 of the Agricultural Adjustment Act of 1938, as amended."

The division vote was 45 in favor—105 against.

August 19, 1965: Amendment offered by Representative Paul Findley to the Food and Agricultural Act of 1965 (Congressional Record, p. 21061):

"On page 54, line 25, insert the following:

"SEC. 707. Notwithstanding any other provision of law, the total amount of payments made by the Secretary to any producer or producers on any farm under the provisions of titles II, III, IV, V and VI of this act shall not exceed $25,000 in calendar year 1966 or in any calendar year thereafter. In the case of any producer or producers owning, operating, or controlling more than one farm, the limitations set forth in the preceding sentences shall apply to such producer or producers. For the purpose of this section the term 'producer' shall mean an individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof and the term 'payments' shall include price support payments, diversion payments, incentive payments, rental payments, and the value of both domestic and export wheat marketing certificates."

The division vote was 59 in favor—144 against.

April 26, 1966: Amendment offered by Representative Paul Findley to the Agricultural Appropriations Bill for fiscal year 1967 (Congressional Record, p. 8962):

"On page 21, on line 23, strike the period, and insert a colon and the following:

"Provided, That none of these funds shall be used to make payments exceeding in the aggregate $100,000 to any sugar producer."

The amendment was rejected on a voice vote.

June 6, 1967: Amendment offered by Representative Paul Findley to the Agricultural Appropriations Bill for fiscal year 1968 (Congressional Record, p. 14353):

"On page 34, line 18, after the word 'hereof' strike the period and insert the following:

"Provided further, That none of the funds appropriated by this Act shall be used to formulate or carry out price support or commodity programs during the period ended June 30, 1968, under which the total amount of payments in excess of $25,000 would be made to any single recipient as (1) incentive payments, (2) diversion payments, (3) price support payments, (4) wheat marketing certificate payments, (5) cotton equalization payments, (6) cropland adjustment payments, and (7) compliance payments."

The division vote was 47 in favor—136 against.

May 1, 1968: Amendment offered by Representative Paul Findley to the Agricultural Appropriations Bill for fiscal year 1969 (Congressional Record, p. 11281):

"On page 33, line 5, after the word 'hereof',

"Provided further, That none of the funds appropriated by this Act shall be used to formulate or carry out price support or commodity programs during the period ending June 30, 1969, under which the total amount of payments in excess of $10,000 would be made to any single recipient as (1) incentive payments, (2) diversion payments, (3) price support payments, (4) wheat marketing certificate payments, (5) cotton equalization payments, and (6) cropland adjustment payments."

A teller vote was taken with 79 in favor—129 against.

July 31, 1968: Amendment offered by Rep-

resentative Paul Findley to the extension of the Food and Agriculture Act of 1965 (Congressional Record, p. 24402):

"SEC. 2. Such Act is further amended by adding at the end thereof the following new section:

"SEC. 710. Notwithstanding any other provision of this Act, effective with the 1970 crop, annual payments made pursuant to provisions of Titles II, III, IV and V shall not exceed in the aggregate $10,000 to any single recipient."

The division vote was 71 in favor—115 against.

March 12, 1969: H.R. 8773, a bill introduced by Representative Paul Findley to limit payments to farmers, increase the authorization for food stamps, and increase water-sewer grant authority for rural communities:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Food and Agriculture Act of 1965, as amended, is amended by adding at the end thereof the following new title:

" 'TITLE IX—LIMITATIONS ON PAYMENTS

" 'SEC. 901. Notwithstanding any other provision of law, beginning with the 1970 program for wool, feed grains, cotton, wheat, cropland adjustments, and sugar, the total annual amount of any payments made to any farm under such programs shall not exceed $20,000, nor shall any payment for any such single program exceed $10,000.'

"SEC. 2. Section 16a of the Food Stamp Act of 1964, as amended, is amended by striking the figure '$340,000,000' and inserting in lieu thereof '$440,000,000' and by striking the figure '$170,000,000' and inserting in lieu thereof '$220,000,000.'

"SEC. 3. Section 306(a)(2) of the Agricultural Act of 1961, as amended, is amended by striking the figure '$50,000,000' and inserting in lieu thereof the figure '$150,000,000'."

May 26, 1969: Amendment offered by Representative SILVIO CONTE and supported by Representative PAUL FINDLEY to the agricultural appropriations bill for fiscal year 1970 (CONGRESSIONAL RECORD, p. 13757):

"On page 22, line 17, strike the period and insert the following:

" 'Provided further, That no part of the funds appropriated by this Act shall be used to formulate or carry out any price support program (other than for sugar) under which payments aggregating more than $20,000 under all such programs are made to any producer on any crops planted in the fiscal year 1970.' "

A teller vote was taken with 112 in favor, 100 against.

June 9, 1970: Amendment offered by Representative Paul Findley to the Agriculture Appropriations Bill for fiscal 1971 (Congressional Record, p. 18997):

"An Page 23, line 8, after the word "regulations", strike the period, add a colon and the following:

"Provided further that none of the funds appropriated by this act shall be used during the period ending June 30, 1971 to formulate or carry out a 1971 crop-year program under which the total amount of payments to a person would be in excess of $20,000."

The amendment was rejected on a voice vote.

August 5, 1970: Amendment offered by Representative Paul Findley to the Agriculture Act of 1970 (Congressional Record, p. 27454):

"Strike the Committee Amendment beginning on page 1 and insert in lieu thereof the following:

"TITLE I—PAYMENT LIMITATION

"SEC. 101. Notwithstanding any other provision of law—

"(1) The total amount of payments which a person shall be entitled to receive under each of the annual programs established by Titles III, IV, V, and VI of this Act for the 1971, 1972 or 1973 crop of the commodity shall not exceed $20,000.

"(2) The term "payments" as used in this section includes price-support payments, set-aside payments, diversion payments, public access payments, and marketing certificates, but does not include loans or purchases.

"(3) If the Secretary determines that the total amount of payments which will be earned by any person under the program in effect for any crop will be reduced under this section, the set-aside acreage for the farm or farms on which such person will be sharing in payments earned under such program shall be reduced to such extent in such manner as the Secretary determines will be fair and reasonable in relation to the amount of the payment reduction.

"(4) The Secretary shall issue regulations defining the term "person" and prescribing such rules and further limitations as he determines necessary to assure a fair and reasonable application of such limitation and to prevent the circumvention or evasion of such limitation, whether the circumvention or evasion be attempted by means of the subdivision of farms, production allotments or bases thereof through sale or lease, or by other means; Provided, that the provisions of this Act which limit payments to any person shall be applicable to lands owned and operated by states, political subdivisions, or agencies thereof."

A teller vote was taken with 134 in favor—161 against.

THE BLACK PANTHERS: LIBERALS TO THE RESCUE

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

Mr. ASHBROOK. Mr. Speaker, it is almost unbelievable to witness the effort of the American liberal community to whitewash one of the most radical, dangerous groups this Nation has even seen. I am speaking of the violence-prone, revolutionary Black Panthers. Our major media has embarked on what appears to be a systematic campaign to paint them as romantic Robin Hoods. One is reminded of the concerted effort of the New York Times to make Fidel Castro appear as a folklore Robin Hood who would lead the Cuban people out of their captiviity. Just as the left was wrong on Castro, they are dead wrong on the Black Panthers. No amount of brainwashing can side the brutal un-American nature of the Black Panthers.

The New York Times, along with best selling magazines like Time and Life have presented a distorted view of the Panthers and their radical activities. A good example is the news report in the December 9, 1969, New York Times which stated:

> The Los Angeles police and members of the Black Panther party fought a four-hour gun battle here today following a pre-dawn raid on Panther headquarters. Three policemen and three Panthers were wounded but there were no fatalities.

The article reported this incident like it was a tea party. Think of the implications of this. The police properly and legally raid the militants' headquarters based on valid information about illegal weapons. The Panthers engage in a shoot-out with the police and it is made to appear like a football game in which there was a stand-off. Police, incidentally, found two submachineguns, 12 rifles or carbines, eight hand guns and several hundreds rounds of ammunition.

The illegal conduct of the panthers—shooting at the police who were conducting a raid to protect the safety of the community—is glossed over. The Times article quotes a local Negro leader as saying: "This is part of a national plan of political repression against the Panthers." Thus the brain washing goes. Bear in mind, there was a shoot out with the police for 4 hours. This is treated like the plaintiff-defendant adversary proceeding in a court which the average, nonviolent citizen would use.

Just an isolated example? Time magazine in its April 6, 1970 issue prints a picture of a sympathetic figure, Bobby Seale, with the caption "We must civilize white America." Roy Wilkins, usually responsible, explains away violence in his syndicated column with the statement:

> If some among them (Black militants) exceed the bounds, they should be met with understanding firmness, rather than punitive action.

This for those who set out to assassinate police, blow up buildings and establish sniper perches in big city buildings.

Whitney Young tries to shift the blame by telling a cheering audience in East Harlem, to quote the New York Daily News of October 27, 1969, that: "White middle-class America has a minibrain." The director of the National Urban League branded most white middle-class people as "affluent peasants," culturally and educationally deprived racists who have continued to hold the black man down.

Mary McGory wrote in the Washington Evening Star that the Panthers had unity in adversity and advances the theory that the Panthers were winning sympathy among blacks and whites.

Charles G. Hurst, president of Malcolm X Junior College, part of the Chicago junior college system, says he respects the Panthers because "they have made none of the compromises my generation made." He thinks Panthers are merely demanding genuine equality of economic opportunity and justice for black people. He hedged a little by saying:

> While their methods of advancing the black cause aren't mine, I've never doubted the depth of their social concern and love of the people.

And so the propaganda mill goes on and on.

Rev. Ralph D. Abernathy, speaking at the funeral of Panther leader Fred Hampton, killed under circumstances still under investigation, declares that the black community would "make a shrine" of the place where Hampton was killed and ventures this eulogy:

> I don't think you'll rest in peace, Freddy, because there isn't going to be any peace.

The National Commission on the Causes and Prevention of Violence, headed by Milton Eisenhower, fails to come close to putting the Panthers in their proper perspective. It even credited them with helping young blacks to maintain good report cards and keeping

Oakland, Calif., "cool" during racially tense periods.

Society is blamed, the white community is blamed, good hardworking black Americans are blamed—everybody but the Panthers and their radical, Communist-connected leadership.

The liberal news media credits the Panthers with helping cool a protest rally at Yale in May of this year. Scant attention is given to the obscene, vitriolic speeches of the Panthers like David Hilliard but there was cooing over the fact that there was no violent weekend. Why should there be at Yale? President Kingman Brewster had already lined up with the Panthers in suggesting that it would probably be impossible for a Panther to get a fair trial in America.

Hundreds of universities throughout the country pay honorariums up to $1,000 and $1,500 to visiting Panthers who speak in violent, obscene rhetoric to cheering students. I have been present at two such speeches and it is impossible in standard English to convey the depravity of their rantings. I heard Eldridge Cleaver speaking at George Washington University here in Washington. He started out his speech by saying:

I came here to tell you that George Washington was a mother ——— liar.

That was just the start and rather tame by comparison to the rest of his tirade.

Enlisted in the cause to publicly baptize the Panthers and excuse away their excesses are such respected liberals as Arthur Goldberg and former Attorney General Ramsey Clark. Leonard Bernstein hosts a swank party for the Panthers and suddenly it becomes chic in leftwing circles to carry on a dialog with the radical militants. On and on the liberal grist mill turns.

In its February 6, 1970, issue, Life magazine carries a feature article about Eldridge Cleaver who was visited in Algiers, where he is a fugitive from justice, by Gordon Parks. Parks treated the fugitive with kid gloves—almost a respect and reverence—and at one point wrote:

He gently massaged the boy's (his son) back. In the soft, rain-filtered light from the sea, he looked like any other father trying to burp his child. But his mind was on a tragic more violent thing—the killing of his fellow Panthers. Fred Hampton and Mark Clark, by Chicago police. "It was cold-blooded murder," he said in a low, caustic tone.

Of course it was murder from the Panther point of view. Anything done by society at any time or any place to or against them is criminal, an act of repression or white racism. Like the Communists who have a semantic interpretation of every word from "peace" to "treaty," the Panthers talk in a different language. This language can be understood by anyone who tries. The liberal press evidently has not tried or is covering up.

Gentle people? Listen to Panther "chief of staff" David Hilliard last December 2:

Richard Nixon is an evil man. This is the ——— ——— that unleashed the counter-insurgent teams upon the Black Panther Party. This is the man that's responsible for all the attacks upon the Black Panther Party nationally. This is the man that sends his vicious, murderous dogs out into the black community and invade upon our Black Panther breakfast program, destroy food that we have for hungry kids and expect us to accept ——— like that idly. ——— that ——— ——— man, we will kill Richard Nixon, we will kill any ——— that stands in the way of our freedom. We ain't here for no ——— peace, because we know that we can't have no peace because this country was built on war. And if you want peace you got to fight for it.

Gentle people? Listen to Eldridge Cleaver as he was interviewed by Mike Wallace on CBC, January 6, 1970:

WALLACE. What purpose is served by talking of shooting your way into the Senate of the United States, taking off the head of Senator McClellan and shooting your way out? . . .

CLEAVER. The goal is to take Senator McClellan's head. . . . I can't just walk in and take his head . . . so to me I think that would mean shooting my way in and shooting my way out . . .

WALLACE. But right now we are at the point of trying to understand. When the American people hear that you want to shoot your way into the U.S. Senate, take off the head of a Senator———

CLEAVER. And take off the head of Richard Nixon.

Take one small example. I could cite scores of them. Michael Tabor, a Panther, was being tried earlier this year in New York City on a bombing conspiracy charge. He did not cooperate with the court and showed defiance in his entire testimony. Questioned by Assistant District Attorney Joseph Phillips, Tabor spoke in the usual semantic terms which Panthers use. Right is wrong, up is down, in is out—if you only believe that way. Killing a policeman can be defensive if you consider them an oppressor, and so forth. But, listen to his own words in answer to the assistant district attorney:

Q. Is it your testimony that you only used a knife?

A. I never used a knife during the course of these, what you refer to as being crimes.

Q. Well, do you refer to them as being crimes?

A. No, I don't.

Q. What do you refer to them as?

A. I refer to crime as being the exploitation of poor people by filthy rich, money mad, avaricious capitalist pigs.

Q. What do you describe the criminal activities I have asked you about?

A. I describe them as being the result and the product of my oppression and my exploitation that instilled in me a profound and desperate need to escape that oppression, and in the course of doing so, I used the drug, heroin, which had the tendency to produce euphoric delusions which served to cloud and obscure my nauseous and disgusting reality. I became a member of the Cloud Nine Society.

Thus, what society calls a crime is not considered a crime by the Panthers. Murder can easily be twisted into self-defense. One Panther went so far as to talk about "liberating the peoples' goods." He was referring to what you and I would call outright larceny—stealing food and clothing from small stores.

If then, Mr. Speaker, the liberal community has succeeded in creating a belief that there is a plot against the Panthers and there is really nothing all that wrong with the militant group, what is the truth about the Panthers? Having studied their activities very closely since their inception, I will detail their background and record more clearly so they can be understood.

HISTORY OF THE PARTY

The Black Panther Party, established in 1966 in Oakland, Calif., as a local group to protect black people against alleged police brutality and the oppression of the black people of the United States, continues to be, according to FBI Director Hoover, the most dangerous and violence prone of all extremist groups in our Nation. Viewing the Government of the United States as racist and charging that "the American racist has taken part in the slaughter of over 50 million black people," the BPP advocates and practices guerrilla tactics and the stockpiling of guns and explosives to be used against this country's custodians of law and order—the local police. As Mr. Hoover stated in his March 5, 1970 testimony before a House Appropriations subcommitee, BPP attacks have not been limited to the police. While falsely claiming their intent to protect the black community, Panthers have, in fact, assaulted and threatened Negro citizens who have tried to assist the police. Neighborhood stores have been forced to "contribute" food, supplies, and money under fear of Panther violence. Many other persons have been the victims of these hoodlums as shown by the fact that in 1969 alone 348 BPP members were arrested for serious crimes including murder, armed robbery, rape, bank robbery, and burglary. With the aid of radical left-wing groups in the United States and cooperating with various Communist and left-wing governments abroad, leaders of the BPP, flaunting their Marxist-Leninist and Maoist philosophies, have declared the BPP to be a vanguard group in the revolutionary struggle with world revolution its eventual goal.

Since its inception as a local group, the BPP has grown into a national organization with some 30 chapters now established in various cities, with an estimated 800 to 900 hardcore members and supporters numbering in the thousands.

As previously stated, the BPP was originally formed to protect against claimed police brutality in addition to combating oppression of the black people. The Panthers were organized by the 10x 10x10 method of recruiting. Each of the initial 10 men were to be squad leaders and were to recruit 10 men for himself, they in turn to form their own squads. By this method the black community was to be policed by BPP members who in effect sought to police the police.

When, on October 28, 1967, Huey Newton allegedly shot and killed Officer John Frey of the Oakland, Calif., Police Department, and was subsequently sentenced to 2 to 15 years imprisonment, the future of the BPP seemed very much in doubt. In early 1968 the BPP elite decided to add three extremist figures to its ranks, namely, Stokely Carmichael as prime minister, Rap Brown, as minister of justice, and James Forman as minister of foreign affairs. The backgrounds of Carmichael and Brown are well known,

but James Forman was later to be remembered for his black manifesto, which sought to assess white religious denominations sums of money as reparations to the black communities. Carmichael, Brown, and Forman have since parted company with BPP.

The BPP elite also decided that Newton's birthday, February 17, 1968, should be celebrated with rallies both in Oakland and Los Angeles with such luminaries as Carmichael, Brown, and Forman present. Both events, in Oakland on the 17th and Los Angeles on the 18th, provided a much needed shot in the arm for the BPP financially, organizationally, and psychologically. The addition of Carmichael, Brown, and Forman, along with the two birthday celebrations proved to be the necessary catalyst needed to reverse the fortunes of the BPP and launch it on its way nationally.

In May, 1969, the BPP issued a call for a "Revolutionary Conference for a United Front Against Fascism" to be held in Oakland, Calif., July 18–21, 1969. In anticipation of the event the BPP paper devoted several articles to the forthcoming conference and quoted extensively from speeches delivered in 1935 by Georgi Dimitroff, to the 7th World Congress of the then existing Communist International. Ray "Masai" Hewitt—most often called just Masai—presently the minister of education, set forth qualifications for attendance at the conference:

> First, you've got to be against Fascism, second you can't be anti-communist.

He also revealed the hope that one of the major results of the conference would be "community control of the police," and announced that the program would begin with "the circulation of petitions based on this demand." Speakers at the conference included Herbert Aptheker, theoretician of the Communist Party, U.S.A., Charles R. Garry, the Panthers' chief attorney, William Kunstler, the Panthers' attorney on the east coast, Jeff Jones of the SDS and others.

A top priority of business at the conference was the establishment of the National Committee to Combat Fascism—NCCF—branches of which the Panthers sought to establish in various cities. The NCCF today is actually the organizing and political arm of the BPP, and in cities where no BPP chapter exists, Panther activity is carried on through the NCCF office. According to Director Hoover, the NCCF, along with the Black Community Information Centers, are mere subterfuges to conceal actual Black Panther sponsorship.

The Panthers revolutionary conference came on the heels of the 19th National Convention of the Communist Party, U.S.A., which met in a plenary session at the Towers Hotel in Brooklyn on May 3, 1969, at which time they unanimously adopted resolutions on the black liberation movement in the United States. The CP's resolution concerning the Panthers stated in part:

> Be it resolved that our party, wherever possible, join forces and initiate cooperation with the Black Panther Party . . . That we actively support the Black Panther Party in its determined effort to survive and develop.

It was not surprising, then, that some attendees of the conference in July were reportedly disenchanted with the close ties the Panthers seem to have built with the Communist Party.

Other domestic alliances, mostly of a temporary nature, indicate further the radically leftist trend the BPP has taken in recent years. A short merger with the Student Non-Violent Coordinating Committee—the Committee has since dropped the "Non-Violent" from its title—began in February 1968, and ended in August of that year.

At its national convention in June 1969, the Students for a Democratic Society—SDS—expelled its progressive labor party faction for "failure to support the Black Panther Party, the NLF and other Revolutionary struggles." When SDS declined to go along with the Panthers' proposal to circulate petitions calling for community control of the police in white communities, the Panthers broke with the SDS.

Members of the Black Panther Party were among speakers at the 8th national convention of the Young Socialist Alliance in November and December 1968. The YSA is the youth arm of the Socialist Workers Party, a dissident Communist organization with a Trotskyite orientation.

The National Emergency Civil Liberties Committee was cited as a Communist front under its old name, Emergency Civil Liberties Committee, by the House Committee on Un-American Activities Committee and the Senate Internal Security Subcommittee. The NECLC assisted three Panthers who were arrested in New York in January 1969. A defense fund was set up, and according to the Guardian of February 1, 1969, contributions to the Panther Defense Fund should be sent to Gerald Lefcourt at the NECLC office in New York City.

In 1968 the BPP formed a coalition with the Peace and Freedom Party. During the 1968 election the PFP ran candidates for national and State offices with Eldridge and Kathleen Cleaver, Bobby Seale, and Huey Newton as candidates. After the arrest of the 21 New York Panthers, the PFP held several rallies to raise bail funds, and to protest the indictment of the Panthers and the amount of bail which had been sent. Contributions were to be sent to the PFP in New York City.

On the international level, the BPP has greatly broadened its relationships overseas in the past several years. The May 25, 1969, issue of the BPP paper declared:

> We must have international allies in order to succeed.

Panther alliances or efforts at mutual cooperation have been extended to Communist China, Cuba, Algeria, and more recently to North Korea and with the National Front for the Liberation of South Vietnam—NLF-Vietcong. In a release of July 14, 1970, FBI Director Hoover commented on the BPP's relationships with Communist and radical allies abroad. He noted that Eldridge Cleaver is presently living in Algiers, had traveled to North Korea last September and has also developed close ties with Al Fatah, the Arab guerrilla organization. This relationship has influenced the Panthers to a point where they have issued a flood of anti-Zionist and anti-Semitic propaganda and leaves no doubt that they are solidly behind Al Fatah, the Arab terrorist organization. According to Mr. Hoover, the Black Panthers have also made it a point to praise the government of North Korea on many occasions, to criticize United States "imperialism" in the Orient, and to brag that the Party is now recognized by such "revolutionary governments" as North Vietnam, North Korea, and Cuba.

The present international development of the BPP is not at all surprising in view of BPP pronouncements. In typically totalitarian fashion, the BPP conveniently ignored the oppression of the Chinese people since 1949 by the Chinese Reds and adopted as their motto a quote from Mao Tse-tung's "Little Red Book":

> We are advocates of the abolition of war; we do not want war; but war can only be abolished through war; and in order to get rid of the gun it is necessary to pick up the gun.

In February 1970, the national office of the Black Panther Party further emphasized its sympathy for other wars of liberation abroad and its Marxist-Leninist orientation:

> The Black Panther party stands for revolutionary solidarity with all people fighting against the forces of imperialism, capitalism, racism and fascism. Our solidarity is extended to those people who are fighting these evils at home and abroad. Because we understand that our struggle for our liberation is part of a worldwide struggle being waged by the poor and oppressed against imperialism and the world's chief imperialist, the United States of America, we—the Black Panther party—understand that the most effective way that we can aid our Vietnamese brothers and sisters is to destroy imperialism from the inside, attack it where it breeds.

The revolutionary theme was further expounded by Huey Newton in the Black Panther of February 17, 1969:

> As far as blacks are concerned, we are not hung up on attempting to actualize or express our individual souls because we're oppressed not as individuals but as a whole group of people. Our evolution, or our liberation is based first on *freeing our group*. . . .
>
> A people who have suffered so much for so long at the hands of a racist society, must draw the line somewhere. We believe that the Black communities of America must draw the line somewhere. We believe that the Black communities of America must rise up as one man to halt the progression of a trend that leads inevitably to their total destruction . . .

In true Marxist-Leninist fashion Newton continues:

> The Black Panther Party is a vanguard group leading the revolutionary struggle, playing a part in it, because this is world revolution; all colonied people are now resisting. To work as one of the administrators of this revolutionary action, you have to view yourself as an oxen to be ridden by the people. This is what the Black Panther party teaches—that we should all carry the weight, and those who have extreme abilities will have to carry extremely heavy loads.

Eldridge Cleaver, the party's minister of information, now in Algeria to avoid outstanding criminal charges here in the United States, indicated in an interview with CBS's Mike Wallace which was viewed in the United States on January 6, 1970, that a war of liberation from the "Fascist imperialist social order" in the United States would have to be fought and that he expected to be a part of it even if he has to slip back into the country.

BPP PLATFORM AND PROGRAM

The 10 points of the BPP platform and programs were adopted in October 1966, and continued in their original form until revised in the July 5, 1969, issue of "The Black Panther." The revision indicates no doubt the new "world outlook" of the BPP as enunciated by the International Communist Movement down through the years. Point 3 was changed from "We want an end to the robbery by the white man of our Black Community" to "We want an end to the robbery by the Capitalist of our Black Community."

Following are the 10 points of the BPP platform and program:

BLACK PANTHER PARTY—PLATFORM AND PROGRAM

WHAT WE WANT—WHAT WE BELIEVE

1. We want freedom. We want power to determine the destiny of our Black Community.

We believe that black people will not be free until we are able to determine our destiny.

2. We want full employment for our people.

We believe that the federal government is responsible and obligated to give every man employment or a guaranteed income. We believe that if the white American businessmen will not give full employment, then the means of production should be taken from the businessmen and placed in the community so that the people of the community can organize and employ all of its people and give a high standard of living.

3. We want an end to the robbery by the CAPITALIST of our Black Community.

We believe that this racist government has robbed us and now we are demanding the overdue debt of forty acres and two mules. Forty acres and two mules was promised 100 years ago as restitution for slave labor and mass murder of black people. We will accept the payment in currency which will be distributed to our many communities. The Germans are now aiding the Jews in Israel for the genocide of the Jewish people. The Germans murdered six million Jews. The American racist has taken part in the slaughter of over fifty million black people; therefore, we feel that this is a modest demand that we make.

4. We want decent housing, fit for shelter of human beings.

We believe that if the white landlords will not give decent housing to our black community, then the housing and the land should be made into cooperatives so that our community, with government aid, can build and make decent housing for its people.

5. We want education for our people that exposes the true nature of this decadent American society. We want education that teaches us our true history and our role in the present-day society.

We believe in an educational system that will give to our people a knowledge of self. If a man does not have knowledge of himself and his position in society and the world, then he has little chance to relate to anything else.

6. We want all black men to be exempt from military service.

We believe that Black people should not be forced to fight in the military service to defend a racist government that does not protect us. We will not fight and kill other people of color in the world who, like black people, are being victimized by the white racist government of America. We will protect ourselves from the force and violence of the racist police and the racist military, by whatever means necessary.

7. We want an immediate end to POLICE BRUTALITY and MURDER of black people.

We believe we can end police brutality in our black community by organizing black self-defense groups that are dedicated to defending our black community from racist police oppression and brutality. The Second Amendment to the Constitution of the United States gives a right to bear arms. We therefore believe that all black people should arm themselves for self-defense.

8. We want freedom for all black men held in federal, state, county and city prisons and jails.

We believe that all black people should be released from the many jails and prisons because they have not received a fair and impartial trial.

9. We want all black people when brought to trial to be tried in court by a jury of their peer group of people from their black communities, as defined by the Constitution of the United States.

We believe that the courts should follow the United States Constitution so that black people will receive fair trials. The 14th Amendment of the U.S. Constitution gives a man a right to be tried by his peer group. A peer is a person from a similar economic, social, religious, geographical, environmental, historical and racial background. To do this the court will be forced to select a jury from the black community from which the black defendant came. We have been, and are being tried by all-white juries that have no understanding of the "average reasoning man" of the black community.

10. We want land, bread, housing, education, clothing, justice and peace. And as major political objective, a United Nations-supervised plebiscite to be held throughout the black colony in which only black colonial subjects will be allowed to participate, for the purpose of determining the will of black people as to their national destiny.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.

Some aspects of the BPP's 10 points should be examined.

Huey Newton's column in the Black Panther was entitled "In Defense of Self Defense" and appeared regularly until he began his prison sentence. Excerpts from his July 20, 1967, column demonstrate clearly where the many black leaders, who have labored within the system for many years to improve the status of the black community, stand in relation to the BPP. Newton began his July 20 column with these words:

Historically, the power structure has demanded that Black leaders cater to their desires and to the ends of the imperialistic racism of the oppressor. The power structure has endorsed those Black leaders who have reduced themselves to nothing more than apologizing parrots. They have divided the so-called leaders within the political arena. The oppressors sponsor radio programs, give space in their racist newspapers, and have shown them the luxury enjoyed only by the oppressor. The Black leaders serve the oppressor by purposely keeping the people submissive and passive—non-violent.

At another point he states:

The Black people realize brutality and force can only be inflicted if there is submission. The community has not responded in the past or in the present to the absurd and erroneous, deceitful tactics of so-called legitimate Black leaders. The community realizes that force and brutality can only be eliminated by counter force through self defense.

It is clear from the above that one objective of BPP leaders is to sow dissension in the black community. Those Negro leaders who have striven long before Newton arrived on the scene to improve, within the framework of our society, conditions of the black community are classified by Newton as "apologizing parrots." Newton and the BPP, having diagnosed the nature of the malady, prescribe with infallibility their subversive and violent remedies and the "we want freedom" of point one of the platform means the "freedom" of the black community to join their camp—or else.

A good example of BPP philosophy was illustrated in Rockford, Ill., as reported by the Rockford Register-Republic of June 8, 1970. The Panther defense captain Harold Bell stated that the Panthers make no distinction between white and black policemen:

We don't want any black police running around our community if we can't control them. If we can control them, we can relate to them, but we can't relate to these madmen running around murdering and killing.

Once again we see the one-way street of BPP thinking wherein the black community means in actuality the Panther-controlled black community.

Another serious effect of the BPP philosophy on Negro youth is the insidious attack on the principle of personal responsibility which is all but negated by BPP doctrine. Inspector Benjamin Lashkoff of the intelligence unit of the San Francisco Police Department emphasized this dangerous effect on black youth in his testimony before the McClellan subcommittee:

The Black Panther in San Francisco has been successful in recruiting young blacks—school dropout types—because it gave the young blacks a sense of direction and a sense of belonging. They made it appear through their propaganda to this type of youth that whatever crimes he or she may commit, he or she was doing so not because of their own weaknesses and desires but due to the oppression and poverty foisted upon them by the so-called white ruling, white establishment.

Further compounding the danger, as Inspector Lashkoff points out, is the possible moral motivation which black youths can attach to every violation of law:

This has given the black hoodlum a sense of righteousness when he steals a car, shoplifts, holds up a store or in any other way commits a crime against the establishment, for he believes that he is then committing the crime for the benefit of the black people in this country.

The theme is further emphasized in the widely distributed BPP propaganda film, "Off the Pig," a section of the commentary of which was quoted in an Evans-Novak column in the Washington Post of January 14, 1970:

The whole black nation has to be put together as a black army, and we gonna walk on this nation, we are gonna walk on this racist power structure, and we gonna say to the whole damned government, "Stick 'em up, —. This is a holdup." We come for what's ours.

THE BPP ELITE

The Black Panther Party was founded by Huey P. Newton and Bobby George Seale. According to press accounts, Newton and Seale first met in Oakland in 1961; subsequently Seale affiliated with the Revolutionary Action Movement—RAM—a violence oriented group which made the headlines several years ago when three of its members were convicted of conspiring to blow up the Statue of Liberty, with the Liberty Bell in Philadelphia, and the Washington Monument in the Nation's Capital later to be destroyed.

By the end of 1965, Seale had disassociated himself from RAM, and in 1966 he and Newton conceived the idea of establishing the Black Panther Party for Self-Defense. Eldridge Cleaver became the third member of the select trio when he joined the organization early in 1967.

Before reviewing the purpose for which the BPP was founded, a brief background on Seale, Newton, and Cleaver should be helpful in judging the true nature of the organization.

Huey P. Newton is presently serving a 2- to 15-year sentence in California for the murder of an Oakland police officer. Newton's record dates back to 1963, and he has been arrested 12 times on charges ranging from disturbing the peace to murder. In 1964, he received probation for stabbing another man. He was continued on probation when he pleaded guilty to assault and battery on a police officer, on March 17, 1966.

At the time of the alleged murder of Officer John Frey of the Oakland Police Department, Newton was on bail from a May 1967, charge of interfering with a Richmond, Calif., police officer who was attempting to arrest another Black Panther.

As the minister of defense of the BPP, Newton has made many public statements calling for violence and bloodshed. Here is one which appeared in the July 20, 1967, issue of the Black Panther, the BPP newspaper:

When the masses hear that gestapo policemen has been executed while sipping coffee at a counter, and the revolutionary executioners fled without being traced, the masses will see the validity of this type of approach to resistance.

Bobby George Seale, cofounder of the BPP, was given a 6-month sentence and a bad conduct discharge from the U.S. Air Force for drinking on duty and disrespect to a noncommissioned officer. On March 17, 1966, he received 1 year probation for battery on a police officer. In October 1966 he was given another year's probation for assault with a deadly weapon. On May 2, 1967, Seale took part in the siege of the State capitol. For this offense he was placed on 3 year's probation which was subsequently revoked and he was sentenced to 5 months in the county jail.

As chairman of the BPP, Seale has urged Negroes to place shotguns and 357 magnums in their homes to use against the pig cops.

Bobby Seale, it will be remembered, was one of the eight defendants in the Chicago Eight trial stemming from the 1968 Democratic National Convention. After repeated obscene and contemptuous outburst in the courtroom, he was shackled and his trial finally postponed. Seale is currently accused of complicity in the trial of Alex Rackley, a Black Panther suspected of being an informer and who was brutally tortured and shot to death. Several days ago a 90-minute tape which recorded the actual torture session was played in the New Haven courtroom, graphically portraying the brutality of which some Panthers are capable.

The third member of the Panther hierarchy to attain notoriety is Leroy Eldridge Cleaver who is presently a fugitive from justice on a Federal warrant for unlawful flight to avoid confinement for attempted murder of a police officer in Oakland, Calif., on April 6, 1968.

Cleaver's criminal record dates back to 1950 when he was 15 years old. At that time he was convicted of burglary and petty larceny. Since that time he has spent most of his life in prison, after convictions for narcotic violations, concealed weapons, and several charges of attempted murder and rape. After his release from prison, Cleaver went to work for the leftist radical magazine Ramparts, and in that magazine, following the death of Martin Luther King, wrote:

Now there is the gun and the bomb, dynamite and the knife, and they will be used liberally in America. America will bleed.

In addition to Newton, Seale, and Cleaver, other kingpins in the BPP are David Hilliard, chief of staff, Emory Douglas, Jr., minister of culture and revolutionary artist and Donald Lee Cox, chief of the underground field marshals of the BPP.

Hilliard's arrest record dates from 1962 and includes charges ranging from traffic violations to assault with intent to commit murder. On February 25, 1968, Hilliard was charged in Berkeley, Calif., with conspiracy and carrying a loaded gun. On April 6, 1968, he was charged along with Cleaver and other members of the BPP with ambushing and attempting to murder two members of the Oakland Police Department, which charge was later dropped.

Douglas' arrest record dates from 1960 with several arrests for civil disobedience. He was arrested May 2, 1967, along with Cleaver, Hilliard, Seale, and other members of the BPP when they staged a siege on the State capitol in Sacramento. Further comment will be made about Douglas in relation to his role as revolutionary artist.

Donald Lee Cox as chief of the underground field marshals is a key organizer of the party and is personally responsible for buying many weapons for use by party members. In part 19 of the McClellan subcommittee hearings, Capt. John E. Drass of the Metropolitan Police Department of Washington, D.C., testified as to Cox's role in the BPP. Captain Drass, since January 1968 had been on loan from the Metropolitan Police Department to the McClellan subcommittee to investigate and research the organization structure, operations, and membership of the Black Panther Party. He stated that between October 21, 1967, and April 3, 1968, Cox and six other members bought 75 automatic handguns from Shim's army store in Reno, Nev. Cox, according to Captain Drass, also bought high-powered rifles in Los Angeles. Thirteen of the handguns Cox bought have been recovered on other members of the BPP involved in confrontations and shoot-outs with the police.

In the course of his investigation with the McClellan subcommittee, Captain Drass, while in Mobile, Ala., interviewed an adult and a child who personally stated that on July 26, 1968, Donald Lee Cox, together with Stokely Carmichael and a third subject by the name of William Hall, traveled to that city and while there Cox conducted a school for young Negroes to teach them to make fire bombs. The child who was interviewed had personally attended the classes. Captain Drass testified that after the classes fire bombings increased and had become more sophisticated. At the time of his testimony, Captain Drass stated that 126 fire bombings had taken place at that time, amounting in millions of dollars of damage.

The January 10, 1970, issue of the Black Panther carries an article by Cox which illustrates the dedication to anarchy which impels BPP leaders. One excerpt from the article reads:

Our Chief of Staff (Hilliard) was perfectly right in saying, we will kill anyone who stands in the way of our liberation and that goes for Richard Nixon and his mama.

The hierarchy of the BPP at the present time consists of:

Huey Newton, minister of defense.

Bobby Seale, chairman.

Eldridge Cleaver, minister of information.

David Hilliard, chief of staff.

Don Cox ("DC"), field marshall.

Raymond "Masai" Hewitt, minister of education.

Emory Douglas, minister of culture.

Kathleen Cleaver, communications secretary.

Judi Douglas, deputy communications secretary.

ORGANIZATION

A Black Panther document in the possession of the Senate Permanent Investigations Subcommittee outlines and identifies the BPP's national organizational structure, dividing the BPP into a three-level structure. The first level is the national central committee, the second is the central staff of any State chapter, and the third is the central staff of any local city branch or chapter. The State structure at the second level is very similar to that of the national offices. The highest office at the State level in most cases is the deputy to the minister of defense. In a local city branch of the Black Panthers, the highest ranking officer is the defense captain, followed by field lieutenants and secretary to the central staff. Local chapters seldom follow this structural system, however. Titles and offices in some areas are different from others and there have been substantial changes in personnel. Local leadership changes constantly.

A Panther recruit must undergo a training period of 6 weeks before actually becoming a member. During this time he is required to acquire a gun and a beret. He must learn to be proficient in field stripping of weapons and must participate in firing practice. During this training period he must attend political education classes and carry out assignments in political propaganda.

Until May 1968, the BPP was confined to the San Francisco Bay area. Since then it has branched out and formed chapters in Los Angeles, Sacramento, and San Diego, Calif.; Seattle, Wash.; Denver, Colo.; Houston, Tex.; Des Moines, Iowa; Omaha, Neb.; Detroit, Mich.; Indianapolis, Ind.; Chicago, Ill.; Minneapolis, Minn.; New York City; Boston, Mass.; Jersey City, Newark, and Lakewood, N.J.; Baltimore, Md.; Philadelphia and Pittsburgh, Pa.; and other locations. Attempts are being made to organize chapters in numerous other locations throughout the United States including but not limited to Alabama, Mississippi, and North Carolina.

The above listing is subject to change. For instance, during recent hearings of the House Internal Security Committee on the BPP, ex-Panther Donald Berry testified that the Detroit chapter of the BPP was closed after a Panther was killed during a meeting of 14 Panthers at BPP headquarters. However, BPP influence is still exercised through the local office of the NCCF.

The Kansas City Star of May 4, 1970, reported that the Black Panther Party was disbanded in Kansas City and a new organization, Sons of Malcolm, which supports "the struggles of the Black Panther Party" has been organized.

As to the size of BPP membership, it is difficult to ascertain for the BPP never publicizes the number in its ranks. Captain Drass, previously mentioned, stated in June 1969, in his testimony before the McClellan subcommittee:

> The exact numerical membership of the BPP is not known. It is estimated that the number does not exceed 4,000. The subcommittee has the names of about 2,000 identified members and has obtained the arrest records of approximately 350 officers and members of the BPP. Of this number, about 90 percent have been convicted of crimes of violence.

On March 5 of this year, Director Hoover stated:

> Originating in 1966 in Oakland, Calif., it expanded its activities all across the country forming over 40 chapters. Following a purge of its members, it deliberately reduced its chapters to approximately 30 but now once again it is steadily growing. Its estimated membership consists of 800 to 900 hard-core guerrilla-type members with many thousands of supporters in the major urban areas of the Nation.

PANTHER PROJECTS

The BPP program includes various projects designed to reach the black community and win converts to their cause. Perhaps the most famous is the "free breakfast for children" program where the "Black Panther coloring book" first appeared. Other projects provide medical assistance and free clothing, and attempts to combat the use of drugs in the community have been made at various BPP chapters. Education classes are conducted for the study of Franz Fanon's book, "The Wretched of the Earth" and Mao Tse-tung's "Quotations From Chairman Mao Tse-tung" which the BPP claims explain the use and meaning of violence in a political context. The party proclaims that it is the duty of the black intellectuals to read and absorb "Che Guevara, Regis Debray, and other revolutionary fighters and writers to learn the military means successfully employed by minority populations to win their freedom."

In addition, the BPP in July 1969, announced that its free breakfast program would be replaced during the summer months by liberation schools. The July 5, 1969, issue of the Panther paper, in an article entitled "Liberation Means Freedom," explained that the liberation school is the "second of many socialistic and educational programs that will be implemented by the Black Panther Party to meet the needs of the people." At the same time, the BPP announced that it would be starting community political education classes in the evening for adults.

The BPP breakfast program was initiated in January 1969, in the San Francisco Bay and Oakland areas and since that time has spread to chapters in other cities. As ex-Panther Donald Berry of Detroit testified before HISC, this device is a means of reaching and indoctrinating children, turning them against the local police and preparing them for future membership in the BPP. In the case of Detroit there were at one time three centers, two churches and a recreation center, which provided facilities for the BPP breakfasts. The program was reduced to one location due to Panthers failing to clean up after the breakfasts, failing to keep their assignments to make the breakfasts, and using the food for the personal use of Panthers instead of for the children. Another former Panther, Barron Howard, who also testified before HISC, stated that the breakfast program in Indianapolis lasted but three weeks due to misappropriation of donations by Panthers for their personal use.

PANTHER RHETORIC

Last Sunday's issue of the New York Times reported that New Haven police had arrested seven men at the Black Panthers' headquarters, charging that much of the sniper fire in the city recently had been traced to members of the BPP. One of those arrested, Robert Hudson, 23 years old, was said by the police to have fired a .22-caliber rifle at a policeman from the ledge of the Black Panther headquarters at 135 Barbour Street. Hudson was charged with conspiracy to commit murder, while the other men were charged with possession of marihuana and violation of the narcotics laws.

This is but the latest episode in the violence-oriented activities of the BPP. The newspapers have carried daily accounts of two trials currently underway in New Haven, Conn., and New York City concerning BPP operations. In New Haven, on July 23, "a spellbound jury listened for 90 minutes today to the gasping, whimpering voice of slain Black Panther Alex Rackley, 24," according to correspondent Sam Roberts of the New York Daily News. Charged in the killing is Lonnie McLucas of the BPP, with Bobby Seale, BPP national chairman, and seven other Panthers charged with complicity in the murder. It is indeed unfortunate that those BPP supporters who explain away BPP extremist beliefs and activities with a convenient reference to the word "rhetoric" were not present in the New Haven courtroom to hear the Rackley tape. After being tortured, Rackley was shot to death in a swamp about 20 miles from New Haven.

In the New York case 13 Panthers are accused of conspiring to bomb department stores, police stations, the New York Botanical Gardens in the Bronx, subway switching stations, and a Queens district school office. A graphic example of the BPP vendetta against law enforcement officers was brought to light when Joan Bird, one of the 13, was reported by a police detective witness to have told him that she had been part of a plan to kill police in January 1969, "to prove herself."

Another case involving the BPP and possibly similar to the brutal torture and death of Alex Rackley concerns a 20-year-old Negro, Eugene Anderson, whose skeleton was found in a Baltimore, Md., park last October. On May 1 of this year 11 men and a woman were indicted by a Baltimore grand jury on charges ranging from murder to mayhem in connection with Anderson's death. According to press accounts, officials claimed that he was kidnaped and kept captive in a house the 2 days of July 10 and 11, 1969. They said he was tortured and maimed with a hot-heated knife then carried to the park where he was shot several times. The killing was linked to the Black Panthers by an FBI tip last November, the police stated. The prosecution urged that bail not be granted to any of the 12 defendants, six of whom were then still at large.

On April 23, 1970, an organizer of the

New York branch of the Black Panther Party was convicted of having shot to death a stranger on an East Bronx Street last year in a case of mistaken identity. The convicted man was Edwin Ellis, a 28-year-old public relations coordinator for the Black Panthers in New York and the editor of the Liberator, a black militant magazine.

The Anaheim, Calif., Bulletin reported on June 19, 1970, that Arthur DeWitte League had been sentenced to 5 years to life for the second degree murder a year ago of police officer Nelson Sasscer. Officer Sasscer, 24, had stopped League and a companion for a routine pedestrian check: when League, a Black Panther Party member, shot him in the stomach with a .38 revolver. According to the police, both men involved in the shooting were top Panther leaders of the Santa Ana chapter. Officer Sasscer, a policeman for only 13 months, had been the department's rookie of the year in 1968. He was the fireman of the year in Baltimore in 1967, and had won several decorations in Vietnam.

STILL MORE RHETORIC

A Chicago Tribune survey in December 1969, disclosed that during the last 6 months of that year members of the Black Panther Party had been implicated in the killing of three policemen—this included Officer Sasscer mentioned above—the permanent paralyzing of another, and the wounding of 24 others.

On July 31, five policemen were wounded in Chicago in a gun battle near Panther headquarters at 2350 Madison. The battle began after two policemen had stopped to question a youth standing in front of the building and holding a shotgun.

On the night of September 7, Patrolman Leslie Edward Clapp of the South Los Angeles County Highway Department and his partner, William Sisson, were cruising in an unincorporated area near Gardena, Calif., when they stopped a car with a burned-out taillight. One of the three occupants fired a shot from a revolver, and the three occupants got out, continuing to fire at Clapp who had been hit, wounding him again in the knee and abdomen. The suspects fled into a nearby home and attempted to use a woman and her small son as hostages to escape police. Although the woman was shot once in the shoulder by the fugitives, police captured them by shooting out the tires on their getaway car. The three, all charged with attempted murder, were members of the Los Angeles chapter of the Panthers. Officer Clapp has been permanently paralyzed from the waist down since the incident.

A gunfight on Chicago's South Side between police and Panthers on November 13, 1969, resulted in the deaths of two policemen. Policeman John Gilhooly, 21, of the Wabash district died from gunshot wounds in the face and neck. Grand Crossing Policeman Francis G. Rappaport, 32, the father of three, was killed by shotgun blasts in the gun battle in and around a vacant building at 5801 Calumet Avenue. During the battle, one Panther was killed and seven other policemen wounded.

Several days ago the Senate Permanent Subcommittee on Investigations issued a staff study of terroristic attacks against law enforcement facilities and officials in the United States. Following is a listing of the various incidents which involved the Panthers and the police which the study cautions should not be construed as a complete listing of such acts during the period of its review from 1968 to July of 1970. Nor has any attempt been made in the study to fully identify the assailants. Thus, the shooting of Officer Sasscer, mentioned above, is not linked to the BPP in the staff study, and how many of the 226 injuries and 23 deaths of police officers listed in the study can be traced to BPP members has not been ascertained at this time. Here is a sampling of attacks against police involving BPP members as it appeared in the subcommittee's review.

On August 5, 1968, in Los Angeles, policeman stopped a car for wanted check; four Negro male Black Panther Party members opened fire, wounding the policeman; policeman returned fire and killed three BPP members.

On August 8, 1968, in Los Angeles, the police traded shots with Black Panther Party members; no injuries.

On November 13, 1968, in Berkeley, Calif., a policeman was wounded by shots fired by a Black Panther Party member.

On November 19, 1968, in San Francisco, three policemen were wounded, two critically, in noon shootout with Black Panther Party members identified as fleeing from an $80 gas station robbery.

On April 28, 1969, in San Francisco, police were assaulted when they entered Black Panther Party headquarters in the Fillmore District.

On June 15, 1969, in Sacramento, police received sniper fire following dispersal of Black Panther Party group; seven police slightly wounded by shotgun pellets.

On July 25, 1969, in Los Angeles, three police officers were questioning two persons when a fourth policeman saw two persons preparing to fire on policemen. Eight admitted Black Panther Party members were arrested for conspiracy to murder four Los Angeles police officers.

On December 8, 1969, in Los Angeles, police raid Black Panther Party headquarters; 4½-hour gun battle erupts with three policemen injured, one critically. Three BPP members received minor injuries.

On April 17, 1970, in Oakland, an Oakland police van carrying two officers and four prisoners was ambushed by a group of men armed with fully automatic weapons. Both officers were wounded severely. A chase ensued between police and assailants. The assailants threw fragmentation grenades at the persuing police cars heavily damaging them. Two of the assailants were captured. One of them was a captain in the Black Panther Party. His fully automatic weapon used in the ambush was traced; it had been stolen from a bunker at a military reservation.

On December 7, 1968, in Denver, Colo., a Negro male was arrested at BPP headquarters for assault on police officer and pointing a rifle at a passing police cruiser.

On Sept. 24, 1968, in Jersey City, N.J., three policemen were injured by members of the Black Panther Party after they had stopped the police car.

On September 20, 1968, in Seattle, Wash., a police detective was physically assaulted by 12 Black Panther Party members.

WEAPONS AND THE BPP

The July 3, 1967, issue of the Black Panther carried an article by Huey Newton which recommended and commented on suitable weapons for the BPP:

Army .45—Army .45 will stop all jive.
Carbine—Carbine will stop a war machine.
12-gauge Magnum shotgun with 18-inch barrel—Buckshots will down the cops.
P–38—P–38 will open prison gates.
357 Magnum pistols—357 will win us our heaven, and if you don't believe in lead, you are already dead.

Captain John Drass of the Washington, D.C., Police Department, in his appearance before the McClellan subcommittee offered as evidence a BPP document on armament information with instructions that—

Every Black Panther Party Member *must* have a functional piece and at least one thousand rounds of ammo. Every Panther in training must acquire a piece within their six week training period. All Party members who do not have a piece are on one months suspension and they must acquire a piece or they will be *expelled* from the party.

Director Hoover in his March 5, 1970, testimony, referred to an article from the Black Panther, which cautions Panthers against the use of small-caliber weapons and recommends instead a high-powered rifle with "enough killing force to knock the pig out of his shoes at a distance of three or more blocks." The article concludes with the statement, "The only good pig is a dead pig."

That the above emphasis on weapons is not another example of BPP rhetoric was proved by Mr. Hoover in the abovementioned statement:

In conjunction with arrests made at Panther offices over the past 2 years, authorities uncovered 125 machineguns, sawed-off shotguns, rifles, and hand grenades, together with thousands of rounds of ammunition. They also found 47 Molotov cocktails plus homemade bombs, gunpowder, and an accumulation of bayonets, swords, and machetes.

Reporter Ronald Koziol wrote in the Chicago Tribune of December 23, 1969:

Federal and local police have traced 375 guns purchased by members of the Black Panther party in Reno, Nev., and Milwaukee in the last two years.

In his testimony before the McClellan subcommittee, former Panther Larry Clayton Powell testified that larger arsenals were kept in homes of Panthers and a small arsenal was located in the national headquarters in Berkeley, Calif. He further stated:

An arsenal might consist of a couple of cases of rifles, a few grenades, handguns, and ammunition. Some of the weapons in the arsenals are M–16's, a government piece. Others are AR–15's, a model of the M–16, that can be bought across the counter and turned into a fully-automatic weapon.

Powell also commented on the distribution of the weapons:

The guns in the arsenal would at times be distributed to members who could not

afford one but who wanted to be armed. When a gun is distributed to a member, it is still the property of the party. When weapons are distributed they are quickly replaced. Most of the weapons in the arsenal are purchased, but many are stolen.

FINANCES

The BPP has many and varied sources of contributions and other means for acquiring funds. Each chapter is required to sell a certain number of the BPP newspaper with part of the proceeds going to the national headquarters at Oakland and the remainder being retained by the chapter and the seller. Honorariums for speeches given at high schools, colleges, and universities has proved to be a lucrative source of funds, with some honorariums reaching as high as $1,900 with transportation costs also paid by the sponsoring organization. In calendar year 1969, 189 appearances were made by BPP members at educational institutions in contrast to 1967 when only 11 appearances were made by BPP speakers.

Another source, according to Mr. Hoover in his FBI appropriations testimony of March of this year is the charity of well-heeled individuals sympathetic to the BPP cause. A leading movie actor has contributed at least $1,000 and a well-known movie actress has reportedly given as much as $8,000 to the BPP. Negro entertainer Dick Gregory stated publicly that he sent $1,500 to the Panthers. In addition to outright donations, a gimmick which brings in additional bucks is the legal defense fund benefit. According to the New York Times and the New York Post, the wife of composer-director Leonard Bernstein gave a cocktail party for the BPP in her home. In excess of $10,000 was collected in cash and pledges at the function which was attended by the Bernsteins, Otto Preminger, the film director, Mrs. Peter Duchin, wife of the orchestra leader, and Mrs. Sidney Lumet, wife of the film director. Bernstein himself promised to donate the proceeds of his next concert, a sum he indicated would be in four figures.

Others who were invited to the Bernstein affair included Mrs. August Heckscher, wife of New York City's administrator of parks, recreation, and cultural affairs; Mrs. W. Vincent Astor; Mr. and Mrs. Harry Belafonte; Sheldon Harnick, the lyricist; Richard L. Feigen, the art dealer; Roger Wilkins, nephew of Roy Wilkins, executive director of the NAACP; Dr. Harold Taylor, former president of Sarah Lawrence College; Burton Lane, the composer; the Reverend Robert L. Pierson, the Episcopal minister who has been active in the civil rights movement; and Mrs. Arthur B. Krim, whose husband is the film executive and Democratic fund raiser. The above listing of personalities, as reported by the New York Times of January 15, 1970, also included Mrs. Moss Hart—Kitty Carlisle—City Councilman Carter Burden, Jr., and Ossie Davis, all of whom were not present due to conflicting engagements.

A $15,000 donation to the BPP was made in December 1969 by a member of the Committee of Returned Volunteers—CRV—a protest group consisting mainly of former Peace Corps members.

In addition to the above, Mr. Hoover stated in his testimony that the Union Theological Seminary of New York City—as of March 5, 1970—was considering plans to pledge seminary stocks and bonds in the amount of $400,000 to be used as bail bond for three of the "Panther 21." The "Panther 21" refers to the 21 members of the Black Panther Party who were indicted on April 21, 1969, in New York City for conspiring to commit murder and arson.

A former member of the BPP in Los Angeles and Oakland, Calif., Larry Powell, commented on the source of BPP in his testimony before Senator McCLELLAN's Senate Permanent Investigations Subcommittee:

The party gets its money from the defense funds; propaganda, such as posters, newspapers, et cetera; speaking engagements, armed robberies, and donations. We were also supported by the Peace and Freedom Party, who we had a coalition with, SNCC, who we had a merger with, the Black Students Union, Young Socialist Alliance, and ODAC. Also, they were receiving large donations from members of the advisory committee, a part of the Black Panther Party. The committee consists of many people who are in positions where they are well known either locally or nationally, or internationally; and they become members because they are sympathetic to the cause. Some well known figures are actors and actresses, doctors, and political figures.

In April of this year, the New York Times reported that a Harvard microbiologist who won the 1970 Eli Lilly award for being the first to isolate a pure gene said tonight that he was turning the $1,000 honorarium over to the Black Panther Party. He said he was giving the money to the Panthers to help "an organization which I believe is making some important contributions to changing society so that it serves the people."

Another source of assistance who apparently has more information on the merits of the Black Panthers than the rest of us have been able to acquire are Dr. and Mrs. Fern Wood Mitchell who, according to the Washington Post of June 18, 1970, held "the first known white-sponsored benefit cocktail party in Washington for the Black Panther Defense Fund." Said Dr. Mitchell: "They're the only—blacks who are doing something."

Radical leftist groups also kick into the BPP kitty. A main source of funds for the BPP in Los Angeles, Calif., is the Los Angeles Friends of the Panthers, which is a group composed of white individuals including Donald Freed, a leader of the new left, and Shirley Sutherland, a Canadian and the daughter of the leader of a minority political party in Canada.

OTHER FORMS OF ASSISTANCE

Other sources, in their own ways, have rendered assistance, other than monetary, to the cause of the BPP. On her recent visit to the United States Bernadette Devlin, the Irish crusader or insurrectionist—whichever one prefers—was given the key to the city of New York by fun city's erstwhile Mayor John Lindsay. Bernadette provided additional fuel for those who have labeled her as left-wing by turning the key to the city over to the Black Panthers.

New York's Democratic Coalition asked that some of the indictments against various Panthers be quashed.

Last December a commission was set up by Roy Wilkins of the NAACP and former Supreme Court Justice Arthur J. Goldberg to make a national study of the clashes between the police and the Black Panthers. The commission's budget called for an outlay of $150,000 which would be realized, it was hoped, with substantial help from the Ford Foundation. When the Ford Foundation declined to help, the NAACP in April of this year, kicked in $50,000 to save the commission. Ramsey Clark was named head of the panel's steering committee.

As was to be expected, the American Civil Liberties Union—ACLU—jumped into the fray and prepared for the commission a study of illegal police harassment and denial of BPP constitutional rights although the study found that no Federal conspiracy against the BPP was involved.

One cannot fault the above organizations and individuals for seeking to have uniform standards of justice applied to all citizens, including members of the BPP. But to ignore the violation by BPP members of the civil rights of other citizens certainly is open to question. For instance, the ACLU, in preparing the above-mentioned report, surveyed nine metropolitan areas and received reports from 18 ACLU affiliates. One might have a higher regard for the ACLU if it had used its machinery to also establish to what extent the civil rights of merchants had been violated by the threats and repression of Black Panthers in their shakedowns of business establishments. How much money had been extracted from businessmen or how much food had been "contributed" under threats of reprisal.

ACLU also contributed to the BPP cause another example of its questionable legal expertise when David Hilliard, BPP chief of state, was arrested for threatening the life of President Nixon at an antiwar rally last November 15 at San Francisco's Golden Gate Park. Hilliard was reported to have said publicly that "We will kill Mr. Nixon."

To Hilliard's defense came Paul Halvonik, an ACLU attorney, who opposed the Federal indictment on the grounds that the Nixon threat was rhetorical. Halvonik was reported by the press to have said that "the U.S. Supreme Court has held that political hyperbole, even when the talk is about the President's life, is protected by the first amendment."

At least one well-known educator came to the defense of the BPP and impugned the U.S. judicial system when Yale University president Kingman Brewster stated that he was "skeptical of the ability of black revolutionaries to achieve a fair trial anywhere in the United States." State Superior Court Judge Herbert S. MacDonald answered Brewster by charging that the president of Yale and the demonstrators in New Haven created the very atmosphere which they then claimed prevented a fair trial for the Black Panther defendants in the Alex Rackley case.

BPP REVOLUTIONARY ART

Toward the middle of April 1969, the San Francisco police came into possession of the now famous children's Black Panther coloring book. Distributed to children attending the BPP breakfasts in three different locations in San Francisco, the coloring book depicted law enforcement officers as pigs and showed both children and adults shooting police. Captions on the cartoons were as extreme as the actual pictures: "The only good pig is a dead pig," "Off the pig beautiful black men!", "Power comes through the barrel of a gun."

The use of art by the BPP was explained by Emory Douglas, Jr., the minister of culture and revolutionary artists of the BPP in the May 18, 1968, issue of the Black Panther:

> We the Black Panther artists, draw deadly pictures of the enemy, pictures that show him dead or at this death door—his bridges are blown up in our pictures—his institutions destroyed—and in the end he is lifeless—"

After pointing out that the Panthers at the present time do not have the same technical equipment—tanks, automatic weapons, or semiautomatic weapons, and so forth—as the U.S. imperialists, and in order to create an atmosphere for the vast majority of black people, who, will feel they have the right to destroy the enemy, Douglas, whose cartoons are signed "Emory," states:

> So, here is where we began to create our revolutionary art—we draw pictures of our brothers with stoner guns with one bullet going through forty pigs taking out their intestines along the way—another brother comes along, rips off their technical equipment; brothers in tanks guarding the black house and the black community—also launching rockets on U.S. military bases—Minister of Justice H. Rap Brown burning America down; he knows she plans to never come around; Prime Minister of Colonized Afro-America Stokely Carmichael with handgrenade in hand pointed at the Statue of Liberty; preaching we must have undying love for our people; LeRoi Jones asking, "Who will survive in America?" "Black people will survive in America"—taking what they want—Minister of Defense Huey P. Newton defending the black community—two pigs down two less to go.

Until she was replaced in March 1969, Joan Lewis, under the pen name of Matilaba assisted Douglas in the revolutionary art department. She was replaced by Mark Teemer whose name appears on the cartoons appearing in the Black Panther coloring book.

Finally, if one still is doubtful about the extreme nature of BPP art, this directive of Emory Douglas from the above-mentioned article of May 18, 1968, should be remembered:

> We must draw . . . pictures that show black people kicking down prison gates—sniping bombers, shooting down helicopters, police, mayors, governors, senators, assemblymen, congressmen, firemen, newsmen, businessmen, Americans—.
>
> We shall conquer without a doubt.

CONCLUSION

No amount of liberal rhetoric can gloss over the true nature of the Black Panthers. They are a violent, desperate group which represents a threat to all Americans, black and white. No white organization which advocates terror can be tolerated by decent Americans. No black organization which advocates terror can be tolerated by decent Americans. That the Panthers should be received so gratuitously by the American left must cast doubt on their mental processes or their standards. Surely, the majority of good, honest black Americans do not sympathize with the Panthers. To their credit, they reject the racist appeal of the organization which claims to speak for them. Law-abiding black Americans and law-abiding white Americans are as one on this issue.

To look behind the rhetoric and examine the reality is the urgent need of every American interested in law and order, social justice and progress. A better understanding of the Panthers can help in this regard and I hope that these remarks accomplish that goal.

TRIBUTE TO MRS. THEODOSIA SEARCY LOWREY ON HER 101ST BIRTHDAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. MANN) is recognized for 10 minutes.

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

Mr. MANN. Mr. Speaker, I rise today to pay tribute to a remarkable citizen of the city of Greenville, S.C. I refer to Mrs. Theodosia Searcy Lowrey, who, on Monday, will celebrate her 101st birthday.

She is a lady who has contributed much to the field of education in this country and to the enhancement of the joy of living of all those people whose lives she has touched.

She is a native of Arkansas who has spent many years in Mississippi, where she was the wife of a man who served as president of four Mississippi colleges.

She came to South Carolina several decades ago, where she has been an asset to our State. She has been living with her daughter, Miss Sara Lowrey, who is a noted lecturer, author, professor, and former head of the Speech Department of Furman University.

Mrs. Theodosia Lowrey has done research in recent years for her daughter's work, and continues to stay active in the League of Women Voters and the American Association of University Women.

As Members know, Mr. Speaker, South Carolina is celebrating its tricentennial this year. Emphasis on the first 100 years was placed in the Charleston area, for the second 100 years in the Columbia area; and for the third 100 years in the industrial Piedmont, of which Greenville is the hub.

Several weeks ago we dedicated in Greenville an expo park as a part of that celebration, and Mrs. Lowrey cut the tricentennial cake. At that time Governor McNair presented her with a plaque and cited her for her contributions during the last 100 years.

We are fortunate to have Mrs. Lowrey as a resident of Greenville in my district. She has voted in every election since women have had the privilege of voting. She has voted Democratic in every election. She voted for me 2 years ago.

I suspect, though, that if she lived in Alabama she might have cast a Republican vote, because sitting in this audience today is her grandson, a Congressman from Alabama, Mr. JOHN BUCHANAN, Jr. She tells me that in spite of his party he thinks rather clearly most of the time.

Mr. BUCHANAN. Mr. Speaker, will the distinguished gentleman yield?

Mr. MANN. I yield to the gentleman from Alabama.

Mr. BUCHANAN. I want to thank my colleague for his very gracious eulogy of a person who to me has been for all the years of my life a truly great lady and one who has been a blessing to society and a joy to her family, starting now into her second century. She is a person of great wit and wisdom. Her sole deficiency is the fact that according to my mother, whose mother she is, had grandmother had her way I would be the only Republican in the Congress.

I thank the gentleman for his very gracious tribute and must say, relationship to the contrary notwithstanding, I share his high view of this great and gracious lady and thank him for saying so on the floor of the House.

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

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

Mr. SCHERLE. I, too, would like to offer at this time my heartiest best wishes to Mrs. Lowrey, an outstanding citizen of Greenville. Since she is going to celebrate her 101st birthday, as a birthday present to the Republican Party perhaps she will vote straight Republican this year.

Mr. MANN. Since I have no opposition I cannot be counted upon to politic her too hard, but I hope she stays in line.

THE 1970 CAPTIVE NATIONS WEEK AND A SPECIAL HOUSE COMMITTEE ON THE CAPTIVE NATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, another successful Captive Nations Week observance has been conducted and completed both nationally and internationally. Despite the euphoric and dangerous effects of Moscow-sponsored "peaceful coexistence" and a misguided "detente" psychology, citizen groups in all sections of our country rallied to emphasize again the stark reality of the captive nations and their basic strategic importance in the world conflict between Soviet Russian imperio-colonialism and the forces of freedom and democracy. In Asia and elsewhere, the annual observance was impressively staged.

In his appeal to our Members for the long-awaited implementation of the Captive Nations Week Resolution, Dr. Lev E. Dobriansky, of Georgetown University, and also chairman of the National Captive Nations Committee, stressed the urgent need for the creation of a Special House Committee on the Captive Nations. One of the essential reasons given for such a committee is "the appalling ignorance on the part of a sizable portion of our youth regarding 1

billion souls in totalitarian captivity." In addition to serving other paramount objectives, the work of a special committee would contribute heavily in offsetting and counteracting both the ignorance and misleading propaganda handicapping some of our youth today.

To cite a few examples of the activities engaged in during the week's observance, I commend the following to the attention of our Members: First, Proclamations by Gov. Raymond P. Shafer of Pennsylvania, Gov. Preston Smith of Texas, and Gov. Deane C. Davis of Vermont; second, a penetrating article titled "Annual Captive Nations Week Spotlights Soviet Union's Tyranny and Hyprocrisy," which was written by Fr. Denis Dirscheri, S.J., and appeared in the July 16, 1970, issue of the Washington Catholic Standard; third, a theme-setting press release by the National Captive Nations Committee on "The 27 Captive Nations Also Honor America" and a telegram from Dr. Phan Huy Quat, chairman of the Vietnamese chapter of the World Anti-Communist League in Saigon; fourth, the program of the Philadelphia Captive Nations Committee, including a pamphlet "Why—Captive Nations Week?" resolutions, and addresses by the Honorable Perrin C. Hamilton and Dr. Austin J. App; and fifth, a news release on the New York City observance and several press items and an editorial in Svoboda, the Ukrainian Weekly section of July 11:

PROCLAMATION

CAPTIVE NATIONS WEEK—JULY 12–19, 1970

By a joint Resolution approved July 17, 1959, the Congress has authorized and requested the President of the United States of America to issue a proclamation designating the third week in July as Captive Nations Week and to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world.

The President of the United States of America has by such proclamation invited the people of the United States to observe this week with appropriate ceremonies and activities.

The citizens of the Commonwealth of Pennsylvania are fully aware of and grieve the plight of those made captive under the heavy yoke of Communism.

It is our purpose to demonstrate to the peoples of the captive nations the support of the people of the Commonwealth of Pennsylvania for their just aspirations for freedom and national independence.

It is deemed appropriate to call for a public observance of this occasion so that our knowledge and sympathies may be declared.

Therefore, I, Raymond P. Shafer, Governor of the Commonwealth of Pennsylvania, do hereby proclaim the week of July 13–19, 1970, as Captive Nations Week in Pennsylvania.

Given under my hand and the Great Seal of the State, at the City of Harrisburg, this first day of July, in the year of our Lord one thousand nine hundred and seventy, and of the Commonwealth the one hundred and ninety-fourth.

By the Governor:

RAYMOND P. SHAFER,
Governor.

JOSEPH J. KELLEY, Jr.,
Secretary of the Commonwealth.

OFFICIAL MEMORANDUM

(By Preston Smith, Governor of Texas)

AUSTIN, TEXAS.

In its thrust toward world domination, communist imperialism has deprived many millions of people of Central and Eastern Europe, Asia and even the Western Hemisphere of human rights and fundamental freedoms. Silenced, but unconquered, these people will never cease to struggle for their inalienable right to a free life.

The national security and well-being of the citizens of the United States is dependent on the continued desire for liberty and justice on the part of the people of these captive nations.

By action of Congress, the third week of July has been designated as Captive Nations Week. It is fitting that we observe this period in tribute to the fight for freedom and in recognition of the natural interdependency of the people and nations of the world.

Therefore, I, as Governor of Texas, do hereby designate the week of July 12–18, 1970, as Captive Nations Week in Texas.

In official recognition whereof, I hereby affix my signature this 30th day of June, 1970.

PRESTON SMITH,
Governor of Texas.

A PROCLAMATION

STATE OF VERMONT,
Executive Department.

Whereas, the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czecho-Slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Servia, Slovenia, Tibet, Cossackia, Turdestan, North Vietnam, Cuba and others; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week of July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with the support for the just aspirations of captive peoples for freedom and independence,

Now therefore, I, Deane C. Davis, Governor of the State of Vermont, do hereby proclaim the week commencing July 12, 1970 as Captive Nations Week in Vermont.

Given under my hand and the Great Seal of the State of Vermont this 10th day of July, 1970.

By the Governor:

DEANE C. DAVIS,
Governor.

FREDERICK W. REED,
Secretary of Civil and Military Affairs.

ANNUAL CAPTIVE NATIONS WEEK SPOTLIGHTS SOVIET UNION'S TYRANNY AND HYPOCRISY

(NOTE.—This is Captive Nations Week. As part of its observance, the following article was written by Father Dirscherl, who is a doctoral candidate in Russian studies at Georgetown University. He has spent three summers at the Institute of Contemporary Russian Studies, Fordham, N.Y., and four summers at the Russian School, Middlebury College, Middlebury, Vt.)

(By Fr. Denis Dirscherl, S.J.)

The Soviet Union, like the United States, is currently taking a census of its citizens. And if all predictions are on target, results will show that Russians make up less than half of the actual population. This fact has important implications for the nationality problem, a touchy situation at best.

The Soviet Union, unlike the United States, is divided into 15 republics, in large measure, along national and ethnic lines. For instance these include the Armenian, Georgian, Latvian, Lithuanian, and Ukrainian republics.

FEDERALISM

To be sure, the actual redivision of that vast land once called Russia into a sort of "federalism" by the early Bolsheviks was motivated, above all, by interests of winning over the various ethnic groups to the revolutionary cause. A new age was supposedly symbolized by a new title for the land—Union of Soviet Socialist Republics, or the Soviet Union for short.

"Self-determination" was and is still proclaimed today for all the various republics and nationality groups within the Soviet Union. Indeed, each republic has its own constitution and state apparatus, and accordingly has the right to secede from the union if it wishes. But after over 50 years the 15 major groups have little of the freedom or sovereignty promised them by Lenin and each succeeding regime. When all the propaganda is pushed aside, the title "Soviet Union" remains a misnomer, a cover for the same old Russian Empire in a new form.

U.S. EMPHASIS

Realizing the vulnerability of the Soviet Union to the nationality issue, a group of Americans decided a little over a decade ago to focus attention on this crucial problem. Gradually centers throughout the United States and abroad increased in size and devoted themselves to emphasizing the fact of "captive nations" within the Iron Curtain. One of the major rallying factors behind this movement was the sensitive nature of this problem to the Soviet oligarchy.

One of the spearheads behind the Captive Nations notion is Prof. Lev Dobriansky of Georgetown University. He helped originate the idea of a yearly observance in the late fifties. The idea was so persuasive that President Eisenhower signed a special resolution for Captive Nations Week into public law.

OPEN SENSITIVITIES

The central thrust of the Captive Nations concept is the critical need of every free nation to keep the injustices and oppressed conditions of people everywhere before their eyes. It urges every free person not to become immunized by the routine or monotony of everyday life, to open our sensitivities to all people without the free exercise of authentic self-determination.

This notion is doubly difficult to appreciate because we live in an era of acute self-introspection here in the United States. But in spite of our current propensity to too much "mea-culpism" the Captive Nations notion warrants some special consideration.

The Czech and Hungarian pleas to the outside world of 1956 and 1968 still ring in the ears of those living outside the Russian yoke, but to little avail. Russian troops and indiscriminate use of their heavy armor easily routed the forces of freedom. Here it is paradoxical to note that though the Soviets base their world outlook on Marx's philosophy, Marx himself held Russia in low esteem, chiefly in military and diplomatic matters.

Writing for the New York Tribune, April 19, 1853, Marx says: "What had to happen?

The ignorance, the laziness, the pusilanimity, the perpetual fickleness and the credulousness of Western governments enabled Russia to achieve successively every one of her aims."

According to Marx, Russia's covetous power-policies have a long tradition. "In the first place the policy of Russia is changeless, according to the admission of its official historian, the Muscovite Karamzin. Its methods, its tactics, its maneuvers may change, but the polar star of its policy—world domination—is a fixed star."

Marx called Russia "decidedly a conquering nation." Marx summarized Russia's spirit of aggrandizement under the categories of Imperialism, Pan-Slavism, and Oriental Despotism. Of course this part of the Marxian corpus is not available to the public in the Soviet Union.

The reaction to these oppressive conditions in the Soviet Empire has been prepared through centuries of apathy under the Czars. Recourse to law, moreover, has little place in the Soviet Union in the crucial areas. Dissent or disagreement have ways of being turned against the individuals who espouse them.

The Soviet response to Yuli Daniel and Andrei Sinyavsky, who were sentenced in 1966 to labor camps for "slandering" the state, is still fresh. There is the case also of former Major General Peter Grigorenko who was packed off to an insane asylum for his civil rights activities.

One of the most daring of the attacks on Russification is Ivan Dzyuba's "Internationalism or Russification." In his book Dzyuba suggests that the people of the Soviet Union have already had their minds dulled to the state's injustices, to the mass resettlements, the dispersement of the population and economic inequities. The Ukraine has always been one of the testing grounds for the NKVD because of the Ukrainians' love for independence and resistance to arbitrary rule of the Soviets.

There also is the case of Vyacheslav Chornovil, who in the fall of 1965 was assigned to cover trials of some Ukrainian intellectuals. In the process he saw the travesty of law by the courts, and for making his views known, he was sentenced to a forced labor camp. His letters were smuggled out along with letters, petitions, and diaries of the many victims in labor camps.

"FULL OF LIES"

Other Soviet citizens have spoken out against the "system" at their own personal peril. Nuclear physicist Andrei D. Sakharov, the author of "Progress, Coexistence and Intellectual Freedom," has called for greater collaboration between the United States and Soviet Union. Andrei Amalrik, author of "Will the Soviet Union Survive until 1984?" and recently spirited off to prison, has emphatically declared: "I am against the system from organic revulsion. I cannot listen to the Soviet radio. I cannot read Pravada. It is crude, stupid and full of lies."

Only recently a wave of protest highlighted the Soviet practice of taking political prisoners to mental hospitals to discredit the personalities involved. Alexander Solzhenitsyn assailed this practice, as "a variant of the gas chamber, and even more cruel." Another critic revealed his own despair: "I hate my own people. They are like cattle. They always have been. They always will be."

Captive Nations Week is a fitting time to recall and realize that the Soviet empire is grossly insecure and suffers pangs of inferiority, hiding as it does behind the facade of concrete walls, empty wastes and no man's lands. Such oppression is surely destined to be short lived. The human spirit will not long tolerate it, as such observances at Captive Nations Week remind the Russians of this shattering truth.

THE 27 CAPTIVE NATIONS ALSO HONOR AMERICA

In a statement on the 12th Captive Nations Week Observance, the chairman of the National Captive Nations Committee, Dr. Lev E. Dobriansky of Georgetown University, declared today, "Though many Americans are unaware of it, the 27 captive nations in Central Europe, the USSR, Asia and Cuba also honor America. Deprived of freedom and themselves voiceless, they honor America's freedom role in history with more ardent fervor and hope in their hearts than can be found in numerous segments of our own populace."

The Captive Nations Week observance is based on the 1959 Congressional resolution signed into Public Law 86-90. It was this resolution that, according to the then Vice President Nixon, proved to be a major irritant and a source of fear to Khrushchev and the Kremlin. Because of its anti-empire and pro-national freedom contents, the resolution has been vehemently attacked by Moscow and its satraps ever since. President Nixon's Proclamation of the Week, July 12-18, emphasizes the principles of independence and freedom for all the captive nations. Seventeen other Free World nations observe the Week, including the Republic of South Vietnam.

Advocating a policy of Asianization, rather than Vietnamization, of the war in Vietnam and Southeast Asia, Dr. Dobriansky, who authored the Captive Nations Week resolution, reiterated a point made in his appeal to Congress last week, "One of the most alarming aspects regarding the war in Southeast Asia, where all the familiar Red techniques had been successfully tested decades ago in Eastern Europe, has been the incapacity of many to perceive this Red aggression in terms of the *domino fact* of cumulating captive nations." He added, "The basic and determining issue in Southeast Asia is whether the U.S., as the Free World leader, displays politico-moral responsibility and has the fortitude to prevent the addition of more nations to the long list of captive nations under Red domination or, as twice in this century, it falters in the use of its power and will be forced to pay a heavy price later. After both World Wars deficiencies in U.S. foreign policy contributed to the emergence and aggregation of captive nations."

A Congressional Record pamphlet reprint on *Captive Nations In The 70's*, circulated by NCNC, the Ukrainian Congress Committee of America and other groups, lists the captive nations and asks "Who's next? South Vietnam? Laos? Cambodia? Israel?" The professor pointed out, "Captive Nations Week is an appropriate time to engage in some hard thinking. If there were no captive nations in what is called the USSR—such as Ukraine, Georgia, Armenia, Azerbaijan, Cossackia and North Caucasia—there couldn't possibly be an imperialist Russian penetration into the Middle East." "The errors of the past are catching up with us now," he said, "and yet, strangely enough, how few really appreciate the fundamental fact that the exploited captive nations have served as springboards for further Russian and Red Chinese expansionism and aggressions."

In NCNC's appeal to Congress, Members were urged to create "a Special House Committee on the Captive Nations, which would unquestionably offset the appalling ignorance of our youth and others regarding the captive nations." They were also urged to move for reconsideration of the Freedom Academy bill in view of the intensification of Red political warfare on our own terrain.

LEV E. DOBRIANSKY,
Chairman.

SAIGON,
July 18, 1970.

DR. LEV DOBRIANSKY: Warmest greetings to NCNC on Captive Nations Week. We support your heroic struggle and sincerely pray for enslaved peoples liberation from Communist tyranny.

DR. PHAN HUY QUAT.

CAPTIVE NATIONS WEEK OBSERVANCE, 12TH ANNIVERSARY HELD BY PHILADELPHIA CAPTIVE NATIONS COMMITTEE

PROGRAM

4:00 P.M.—Motorcade—Led by Dr. Ivan Skalchuk, Ukrainian Congress Committee of America, Philadelphia Chapter.

6:00 P.M.—

1. National Anthem.
2. Invocation—Rev. Kajatonas Sakalauskas, Representing His Eminence John Cardinal Krol.
3. Opening Remarks—Austin J. App, Ph.D., Chairman, Philadelphia Captive Nations Committee.
4. Reading of President Richard Nixon's Proclamation—Mr. Juocas Janulaitis, Lithuanian American Community of U.S.A.
5. Reading of Governor Raymond P. Shafer's Proclamation—Mr. Charles Gazdzik, Polish American Congress of Eastern Pennsylvania.
6. Reading of Mayor James H. J. Tate's Proclamation.
7. Address—Hon. Perrin C. Hamilton, Member of Governor Shafer's Cabinet.
8. Introduction of Guests of Honor and Representatives of Nationalities—Mrs. Margit Rohtla, Secretary, Philadelphia Captive Nations Committee.
9. Reading of Resolutions—Miss Gundega Jurgans, The Council of Latvian Churches and Organizations in Philadelphia.
10. Benediction—Rev. Juhan Suurkivi, Pastor of Estonian Community of Philadelphia.

Ceremony of placing Captive Nations Wreath at the Liberty Bell in Independence Hall.

Master of Ceremonies—Mr. Ignatius Billinsky, Executive Vice Chairman, Philadelphia Captive Nations Committee.

CAPTIVE NATIONS WEEK—JULY 12-18, 1970

"I, Richard M. Nixon: President of the United States of America, invite the people of the United States of America to observe the Captive Nations Week with appropriate ceremonies and activities and I urge them to give renewed devotion to the just aspirations of all people for national independence and human liberty . . ."—President RICHARD M. NIXON.

WHY CAPTIVE NATIONS WEEK?

To preserve freedom in the U.S.A.

To promote freedom in the enslaved World.

To make all aware of those who lack freedom.

To give hope to those who aspire to freedom.

THESE ARE THE CAPTIVE NATIONS

Albania, Armenia, Azerbaijan, Byelorussia Bulgaria, Mainland China, Cossakia, Croatia, Cuba, Czechia, East Germany, and Estonia.

Georgia, Hungary, Idel-Ural, Latvia, Lithuania, North Caucaria, North Korea, North Vietnam, Outer Mongolia, Poland, Roumania, Serbia, Slovakia, Slovenia, Tibet, Turkestan, and Ukraine.

To believe that we may preserve our freedom while these nations remain enslaved is foolish and suicidal indeed. Each and every American must understand and take part in the battle to keep man a free and independent being under God. The battle is here and overseas; within our boundaries in education and material assistance; overseas in the giving of hope and eventual aid. For now, every crack in the Iron Curtain must become an echo chamber for freedom's voice.

The Soviet Union presents on the outside a formidable and cohesive front. However, all is not well! All persecutions, deportations, breaking up and rotation of families, brain-

washing and strict censorship has been incapable of stilling the ever present, innate desire for freedom and independence. The curtain opens now and then and the truth flashes through.

Entire nations are enslaved and suffering under the heavy yoke of Russian Communism. Since 1917 this control for the minds and bodies of men has been waged by the Reds. Unbelievable slaughters in Hungary, Ukraine, Poland, China, Vietnam and elsewhere have been the rule, not the exception. Their sufferings are beyond comprehension. Common sense justice demands that we preface any request for "peaceful coexistence" with consideration of the plight of these Captive Nations.

The main hope for freedom and independence for these nations rests with us.

We must support the efforts of U.S. government to make South Vietnam and Cambodia secure in freedom.

We must never forget what is happening and never cease efforts to work towards its eventual end.

When we turn our backs on the Captive Nations, we decide to allow the suffering of victims today and of yet unborn millions tomorrow.

It is for this reason we celebrate Captive Nations Week. We must remind ourselves constantly that our freedom is insecure while others are enslaved. We, individually and through our representatives, must do everything possible in the cause of freedom. To fail in this duty, we will not only condemn these people to their fate, but we will condemn ourselves to a final surrender of our freedom by default.

GREATER PHILADELPHIA CAPTIVE NATIONS WEEK RESOLUTIONS APPROVED BY ACCLAMATION AT THE MASS RALLY AT THE INDEPENDENCE MALL, PHILADELPHIA, JULY 12, 1970

Whereas, the U.S. Congress on July 17, 1959 requested the President annually to proclaim the third week of July Captive Nations Week "until such time as freedom and independence shall have been achieved for all the captive nations of the world"; and

Whereas, President Richard Nixon proclaimed July 12–18 "Captive Nations Week," and Governor Raymond P. Shafer did so for Pennsylvania, and Mayor James H. J. Tate did so for Philadelphia; and

Whereas, the twenty-two nations enumerated by Congress as "captive in 1959—Poland, Hungary, Lithuania, Ukraine, Czecho-Slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria. Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia. Turkestan, North Vietnam"—are if anything more communistically enslaved than ever, including now Cuba off our shores, with South Vietnam and Cambodia imminently threatened; and

Whereas, 1970 marks the thirtieth tragic anniversary of unprovoked Soviet Russia's military occupation and subsequent annexation and incorporation of Estonia, Latvia and Lithuania into the Soviet Union; and

Whereas, 1970 marks the thirtieth tragic anniversary of Soviet Russia's massacre of 15,000 Polish officers and leaders at Katyn and the twenty-fifth of its cutting Europe in half with a barbed wire "Iron Curtain" through the heart of it; and

Whereas, Soviet Russia and Red China have agitated for the independence, not only by peaceful but also by violent means of the African and Asian peoples, and nearly all of them have been granted their independence; and

Whereas, the nations mentioned above—subject to the Sino-Russian colonialism, have historically proven their capacity for self-government;

Now therefore be it resolved by the Captive Nations Committee of Greater Philadelphia and this assemblage gathered at historic Independence Mall this July 12, 1970,

That the U.S. government officially and publically urge Soviet Russia to grant at long last to its own captive nations the same independence it has demanded for Western colonial territories; and

That all U.S. negotiations and treaties with Communist bloc governments should meet the test of advancing, rather than impeding the liberation of the captive nations and should never in effect make America a partner of the oppressive puppet regimes; and

That the U.S. should as much as possible direct its own and the Free World's cultural and economic bridges with the Communist bloc directly to the captive populations and minimize those with the puppet governments; and

That the U.S., while renouncing its own use of force to liberate the captive nations, recognizes the inalienable right of enslaved peoples as a last resort to have recourse to force to liberate themselves and will regard realistically conducted freedom movements within the captive nations benevolently and provide whatever moral and even economic support be feasible; and

That, while the U.S. renounces military force to liberate the captive nations, it will resolutely employ it to prevent any other free nations being taken over by Sino-Russian communism; and

That President Nixon's action to save Cambodia and his determination through negotiation or Vietnamization, or military force to make South Vietnam secure in freedom be warmly endorsed, and that all necessary steps will be taken by the U.S. government to stop Russian penetration of the Middle East; and

That the House of Representatives should establish a Special Committee on the Captive Nations and initiate a Congressional Review of U.S. policy towards the U.S.S.R.; and

That a Captive Nations Freedom Stamp Series should be inaugurated and a Freedom Academy founded; and finally

That copies of these resolutions be transmitted to the President of the United States, the Secretary of State, both senators from Pennsylvania, all representatives of the Greater Philadelphia area, and to the newspapers, radio and television stations of the area.

Presented by the Captive Nations Committee of Greater Philadelphia

AUSTIN J. APP, Ph.D.,
Chairman.
MARGIT ROHTLA,
Executive Secretary.
IGNATIUS M. BILLINSKY,
Executive Vice Chairman.
ALBERT BAGIAN,
Treasurer.

THE PROPER ROLE OF AMERICA

(Remarks of Hon. Perrin C. Hamilton, Pennsylvania Secretary of Property and Supplies)

How appropriate for us to recognize the captive nations of totalitarian Communism here at Philadelphia's Independence Hall—the birthplace of freedom for the New World and the purpose of our gathering here today is to honor those brave patriots in the countries known as the captive nations. We applaud those who were successful in freeing themselves from the oppressive tyranny of alien forces; but we must also pay homage to those not so fortunate who today live under systems not of their own choosing.

Those who remain in the territorial boundaries of those countries we call the captive nations—who for reasons of fate, finance or fortune are not free to seek the fulfillment of their ideals or dreams in a democratic way.

It is not enough to acknowledge this problem and to pray for its adequate solution. Rather, we, as a humane society, must alert ourselves to continually protecting areas of national enslavement. Thus, it is my purpose today to set before you another troublesome and potent geographic area of concern.

The United States foreign policy is dedicated to international containment of dictatorial communism. It is because of this very philosophy that President Kennedy committed American troops to South Vietnam. For the same reason, President Nixon believes that American disengagement in that area of tremendous world tension is possible only by a program of successful vietnamization now. We have seen much disagreement with the moral commitment to that posture. It seems very clear to me that America as the leading world power is obligated to protect in other portions of the world, any attempt to attain self-determination. Our ultimate goal in South Vietnam is not a military or a political victory. But rather the creation of a climate in which the will of those people is expressed in a free and open election.

How ironic it is that those same critics of our Far East policy are the primary instigators of our political and military involvement in the ever increasingly tense conflict in the Middle East. No amount of chicanery or clouding of the issues can be tolerated. War is never popular or desirable. But the issues are clearly drawn. We cannot fear confrontation with the Communist bloc in the Far East and tolerate it in the Middle East. America must be dedicated to protecting the rights of free people the world over—not just when the cause is popular.

We are now seeing an intensification of hostilities in the Middle East which should raise the same philosophical questions about our involvement there as have been raised about our Asian policy. If we believe in the fundamental principle of containing totalitarianism, we cannot selectively oppose one conflict while supporting another. We must be prepared to accept our responsibility as the leading world power by assuming our proper role.

In order to assure that armed conflict between the super powers (the United States and Russia) does not occur in the Middle East, we must dedicate ourselves to maintaining the balance of power.

If the Communists continue to help build up the war machinery for the Arab nations, it shall become our responsibility to increase our support of the free democratic state of Israel. After all, our support of the South Vietnamese is to guarantee the right of self-determination against totalitarianism; we could be expected to do no less for our other world allies.

As you can see, freedom is in such rare quantity in the world that it is so highly desired. We are obligated, then, not only to jealously defend our own brand of democratic principle, but we must keep our bargain in helping others who are attracted to our way of life by giving them a chance. I am not taking a position in the Middle East struggle, but rather prefer to point out that unless we harden our opposition to the spreading disease of godless and devastatingly monstrous oppressiveness, we are in danger of allowing societies to be plucked and placed in that ominous basket known as captive nations. It is of very little difference to me whether the country in question be South Vietnam, Israel, or the Arab nations; our concern must be less genuine in each of these troublesome areas.

Thus it is our moral obligation not only to recognize and praise the heroic freedom fighters in Middle and Eastern Europe, nor to offer moral sanctuary to those fortunate enough to have escaped such tyranny, nor to offer our most genuine prayers to those confined by territorial borders; but to be a nation strong enough to provide the hopes of the still uncommitted and uncaptured that we have vested interest in their security and self-determination. Let me make it crystal clear that I am not talking about political or territorial gain for the United States: I am speaking about the expansion of our American dream to other continents for their own gain. Let there be no country added to

the already too long list of captive nations. Let us continue the American ideal—to fight the difficult fight—to dream the impossible dream—to continue the struggle against enslavement of free people—whoever and wherever they may be!

THE COLONIALISM OF THE IRON CURTAIN MUST GO TOO

(By Austin J. App, Ph.D., Chairman, Captive Nations Committee of Greater Philadelphia)

As chairman of the Greater Philadelphia Captive Nations Committee, I warmly welcome all of you to our twelfth Captive Nations Observance. Congress, as you know, on July 17, 1959, asked the President to proclaim such an observance every third week in July "until such time as freedom and independence shall have been achieved for all the captive nations of the world."

The Christian colonial powers west of the Iron Curtain have virtually freed all their former colonies. Rhodesia, in Africa, is the latest to have declared its independence. No British tanks rolled in to mow down the patriots for freedom.

But behind the Iron Curtain not one of the twenty-two nations enumerated as enslaved in the Congressional Resolution has been liberated in the Union of Soviet Socialist Republics. But when in 1968, one of them, Czecho-Slovakia tried to exercise a small measure of independence, Soviet-Russian tanks rolled in in August and Soviet Battalions keep their guns trained to force the Czechs and Slovaks to remain Red colonies "voluntarily". In 1956, the same was done when the Hungarians wanted to be free; in 1953, when the people of East Berlin heroically aspired to freedom.

Our Observance today in simple terms calls on free men everywhere to demand of Soviet Russia and Red China that they free their captive peoples behind the Iron Curtain exactly the way the Western Nations have freed their colonies in Africa and Asia.

THE OFFICIAL PROCLAMATIONS ARE APPRECIATED

It is of the greatest importance for us of the Committee and for all the friends of the Captive Nations that President Richard Nixon implemented the Congressional Resolution of 1959 by proclaiming the third week of July Captive Nations Week. We of Pennsylvania and Greater Philadelphia are especially grateful that on July first Governor Raymond P. Shafer issued a proclamation and on July 7 Mayor James H. J. Tate did so.

The annual Captive Nations Observance and the Presidential and other proclamations constitute a valuable commitment on the part of America to the ideal of liberation for the Captive Nations. They are our public testimony that America means to get realized the principle of self-determination for which our Government sent us to fight in two world wars. They are candles of hope in the tragic post-Yalta era of the Berlin Wall and the Iron Curtain, hope that America the self-proclaimed crusader for life, liberty and the pursuit of happiness has not forgotten the Captive people nor will unprotestingly let Soviet Russia enslave them.

EVERY WEEK SHOULD FOSTER THE IDEAL OF LIBERATION

But praiseworthy as the governmental proclamations for Captive Nations Week Observance are, our statesmen and our communications media and all of us individually should keep the flame of liberation for the Captive Nations burning every week of the year. Partly due to communistic propaganda, the nations west of the Iron Curtain have long freed their colonies. It is more than late for the western governments to tell Soviet Russia in reverberating tones, before the world court of opinion that we expect them to liberate their colonial people, too, and now!

The West must never stop reminding Moscow that it is more than thirty years ago since Stalin shamefully ravished and subjected the Baltic nations, and killed the flower of Polish intelligence, 15,000 of them at Katyn, more than forty years since he starved to death four million Ukrainians in order to subject Ukraine to colonialism, twenty-five years since he perjured the Atlantic Charter and enslaved Hungary, Rumania, Bulgaria, Czecho-Slovakia, and half of Germany. The bosses of the Kremlin must be told day in and day out that Stalin is dead—but that instead of liberating the nations he subjected to slavery, they constructed the Berlin Wall. They must be told that the Wall of Shame is the first time in history rulers put up a wall and barbed wire entanglements, not to keep enemies out, but to keep their own people in, which reduces these Captive Nations to huge concentration camps!

In the tone which Vice President Agnew uses so effectively against subversives and rioters at home, our statesmen must keep telling the rulers of Soviet Russia that the Captive Nations in the USSR and behind the Iron Curtain must be given their self-determination. They must remind the Red tyrants that until they liberate their occupied countries they are hypocrites and liars if in the UN or elsewhere they denounce the West for racism or colonialism.

WE MUST SHAME THE REDS WITH THEIR OWN PROPAGANDA

We of the Captive Nations Committee do not ask more than that our government turn Soviet Russian propaganda about liberation pointedly against them themselves. We only ask our government to accuse them honestly where they accuse the West dishonestly.

When for example in September 1969 President Nixon appealed "for the help of the U.N. members—including Russia" in negotiating a peace in Vietnam, how did Soviet Russia respond? With an insulting "Nyet." Within twenty-four hours Soviet Foreign Minister Andrei Gromyko not only said Russia would not help but called America's help to South Vietnam unjust and aggressive. Worse than that, he boasted that Moscow was proudly increasing its aid to North Vietnam to "liberate" the South Vietnamese from America! He called on the U.N. to demand the withdrawal of all troops from occupied territory and the "discontinuation of all measures to suppress liberation movements" (See U.S. News, Sept. 29, 1969).

But did our statesmen immediately turn around and demand that Soviet Russia makes a start by pulling its troops out of occupied Czecho-Slovakia and Hungary, and East Berlin, and the other nineteen countries named in the Congressional Resolution of 1959. They did not. They spent their energies lamely defending our part in protecting South Vietnam.

And this insulting language to the United States occurred only a year after the Soviet Russian tanks had bloodily invaded Czecho-Slovakia and USSR troops were quartered upon this tragic country World War I was to have made free.

Could our statesmen not have said, if Soviet Russia sends material allegedly to promote liberation in countries that do not want it, then America will be ready to send aid to peoples who have proven that they want liberation—like the East Berliners, the Hungarians, the Czecho-Slovakians, the Poles and the Ukrainians?

But we would be content if our government and those of the other Free countries, and our news media, would merely at long last speak up and demand liberation for the Captive Nations from Soviet Russia. Liberation can be achieved either by fighting or by talking. So far the free world has not really tried talking. Richard Nixon once said: "We will never write off the millions of people enslaved behind the Iron Curtain. Their freedom shall always be our objective." If it is our objective, and we do not want a third world war to achieve it, then we must encourage the captive nations to agitate for their freedom, and we must keep pressing upon Soviet Russia its duty to free them, not once a year, but all year around. Even the tyrants of the Kremlin cannot forever resist concerted world opinion, when it is right, and when it is insistent.

OBSERVANCES OF CAPTIVE NATIONS WEEK IN NEW YORK CITY

(News release of Ukrainian Congress Committee of America, Inc.)

NEW YORK, N.Y.—Captive Nations Week, initiated in 1959 on the basis of a Joint Resolution of the U.S. Congress (Public Law 86–90), will be observed this year between July 12 and 18. A series of programs and manifestations throughout the country will be held under the auspices of the National Captive Nations Committee (NCNC), under the chairmanship of Prof. Lev E. Dobriansky of Georgetown University, Washington, D.C.

Congressmen Daniel J. Flood (D., Pa.) and Edward J. Derwinski (R., Ill.), members of the NCNC, issued a special letter on June 26, 1970 calling on the American press to publicize the event "so that your constituents may be afforded the opportunity of advancing for world freedom the natural alliance between ourselves and the one billion captives under totalitarian Red rule."

President Richard M. Nixon, Governor Nelson A. Rockefeller and Mayor John V. Lindsay will issue special proclamations of Captive Nations Week, calling for nationwide support of this important event.

CAPTIVE NATIONS WEEK IN NEW YORK CITY

In New York City a series of events is being planned by a Coordinating Captive Nations Committee under the chairmanship of the Hon. Matthew J. Troy, Sr., chairman of the N.Y. Chapter of the NCNC, in cooperation with the American Friends of the Anti-Bolshevik Bloc of Nations (AF-ABN), Americans to Free the Captive Nations, and the Conference of Americans of Central and Eastern European Descent (CACEED).

The following observances will be held:

Thursday, July 9, 1970, at 11:00 A.M. at City Hall (Blue Room): Presentation of Captive Nations Week Resolution by Mayor John V. Lindsay to representatives of the captive nations organizations;

Saturday, July 11, 1970 at 10:30: Special Services at Temple Emanu-El;

Sunday, July 12, 1970, at 10:00 A.M.: At St. Patrick's Cathedral—Solemn Mass presided over by His Eminence Terence Cardinal Cooke. The celebrant will be the Most Rev. Joseph M. Schmondiuk, Bishop of the Ukrainian Catholic Diocese of Stamford. A special sermon will be delivered by Rev. Raymond J. de Jaegher. The Mass will be accompanied by the St. John the Baptist Ukrainian Catholic Choir of Newark, N.J., under the direction of Prof. M. Dobosh.

At 1:00 A.M. there will be Special Services at the Cathedral of St. John the Divine, where a sermon will be delivered by Canon Edward West.

Sunday, July 12, 1970, at 11:30 A.M. a Protest March on Fifth Avenue to 72nd Street, and at 12:00 o'clock a Captive Nations Week Program at the Bandshell in Central Park under the chairmanship of Michael Piznak, New York attorney;

Sunday, July 19, 1970, at 1:00 P.M.: Assembly at the Statue of Liberty, and at 1:30 P.M. a Captive Nations Week Manifestation with a program, including addresses by representatives of various groups, dedicated to the freedom and independence of all the captive nations.

Both programs, at the Central Park Bandshell and at the Statue of Liberty, are being coordinated by Dr. Roman Huhlewych, chair-

man of the United Committee of Ukrainian Organizations of Greater New York, a branch of the Ukrainian Congress Committee of America.

Captive Nations Week To Be Observed Across the Nation

WASHINGTON, D.C.—Thousands of Americans across the nation, including traditionally large contingents of Ukrainians and members of other nationality groups, will take part in various programs and events staged in conjunction with the Captive Nations Week beginning Sunday, July 12.

Rallies, parades, motorcades and other forms of public demonstrations will be held in the course of the week observed in line with Public Law 86–90, adopted by U.S. Congress in 1959. The law calls for a Presidential proclamation of the Week which has become a traditional vehicle for manifesting continued concern with the plight of millions of captives held under Communist domination.

Joining the President will be State Governors and City Mayors who are expected to issue similar documents designating the third week in July as the Captive Nations Week. The U.S. Congress sets aside one day for public observances and statements on this occasion.

Acting as the coordinating body for the nation-wide observances is the National Captive Nations Week Committee which is headed by Prof. Lev E. Dobriansky. It has its headquarters in Washington, D.C.

Congressmen Asked To Take Part in CN Week

WASHINGTON, D.C.—In a letter addressed to House and Senate members, Dr. Lev E. Dobriansky, chairman of the National Captive Nations Committee and President of the Ukrainian Congress Committee of America, announced that on the basis of Public Law 86–90 (The Captive Nations Week Resolution), the twelfth annual observance of the Captive Nations Week will be held throughout the country and in 17 other free nations during July 12–19.

HOUSE OBSERVANCE

Under a special House order, Congressman Daniel J. Flood has arranged for the observance in the House on Wednesday, July 15.

"The purpose of the observances is to demonstrate to a questioning world our firm adherence to the principle of national self-determination as perpetuated by our unique Revolution," explained Dr. Dobriansky.

In calling out for Congressional support, he continued "we urge you to speak out on this occasion in behalf of the natural alliance for world freedom that exists between ourselves and the over two dozen captive nations under totalitarian Red rule."

"Both the House Document on the Tenth Anniversary of the Captive Nations Week Resolution, 1959–1969 and the reprint "Captive Nations in the 70's," which you have received, stress the strategy of our enemies to have us, with Pavlovian effect, give up on this one-third of humanity as we, in the deceptive atmosphere of "peaceful coexistence" and with increasing imbalance, implode more and more deeply into our internal problems, even to the point of some callously acceding to the addition of more peoples to the long list of captive nations. One of the most alarming aspects regarding the war in Southeast Asia, where familiar Red techniques had been successfully tested decades ago in Eastern Europe, has been the incapacity of many to perceive this Red aggression in terms of the domino fact of cumulating captive nations. They may still come to this realization in the Middle East.

"Ironically enough, as all reports at this stage show, the captive nations in Eastern governments of the free world to undertake measures in the United Nations to insure that the "Declaration on the Right of Peoples and Nations to Self-Determination," adopted in 1952, the "Declaration on Granting of Independence to Colonial Countries," adopted by the U.N. on October 14, 1960, and the Universal Declaration of Human Rights, adopted on December 10, 1948, are applied to all the captive nations as enumerated in the U.S. Captive Nations Week Resolution of July 17, 1959.

Finally, we appeal to the American people to take an active part in the Captive Nations Week observances of July 12–18, 1970 and to manifest their unstinting support and sympathy for the just aspirations of all the captive nations of Europe and Asia, to express their full understanding and to pledge them moral support in their unequal struggle for freedom and national statehood.

Liturgy, Parade, Rally Slated for CN Week in New York

NEW YORK, N.Y.—New York's 12th Annual Captive Nation Week observances will be initiated here Sunday, July 12, at 10:00 a.m. with a Divine Liturgy of the Ukrainian Catholic Rite at St. Patrick's Cathedral celebrated by the Most Rev. Joseph M. Schmondiuk, Ukrainian Bishop of Stamford and presided over by Archbishop Terence Cardinal Cook.

The Liturgy will be preceded by an assembly of all participants at 9:00 a.m. in front of the Plaza Hotel on 5th Avenue and 59th Street from where all groups will proceed in a parade formation to the Cathedral.

During the Liturgy at St. Patrick's the responses will be sung by the well known choir of St. John the Baptist Ukrainian Catholic Church in Newark, N.J., under the direction of Michael Dobosh.

The Rev. Raymond J. De Jaeger, who once was held captive in Red China, will deliver the sermon.

Following the Mass at the Cathedral a rally will be held at Central Park's Bandshell on 72nd Street at 11:45 a.m.

The program will include addresses by the Hon. Matthew J. Troy, chairman of the Captive Nations Week Committee of New York, Dr. Ivan Docheff, chairman of the American Friends of the Anti-Bolshevik Bloc of Nations, and Mr. Mario Aguilera, chairman of American Friends of Captive Nations, as well as guest speakers.

However, the greater part of the rally will be given over to the attractive folklore entertainment. The performance will be provided by the Ukrainian dancers from Astoria, L.I., under the direction of Mrs. Elaine Oprysko, the Byelorussian Chorus "Kalina" conducted by Mr. Javery Bonsovets, and by a Rumanian dance group.

The week-long observances of Captive Nations Week in New York will be concluded the following Sunday, July 19, at 1:00 p.m. with a rally at the Statue of Liberty.

According to the committee, all Americans are invited to lend their support to this year's observances which have been enacted into law by the 86th Congress of the United States as Public Law 86–90, and in this manner bolster the plight of the subjugated peoples of the world.

Chicago Plans Parade, Rally To Mark CN Week

CHICAGO, Ill.—Like Ukrainians in other cities throughout America and the free world, the Ukrainian community of Chicago is planning a large turnout for the local observances and celebrations of the upcoming Captive Nations Week, July 12 through 18, it was announced here last week.

Working in cooperation with the National Committee, the Chicago Captive Nations Committee is sponsoring a rally and a parade for Sunday, July 18.

The parade is to march up Chicago's famous State Street with many dignitaries and city officials, including Mayor Richard Daley, organizations of the 22 national groups making up the Captive Nations Committee and a contingent of Vietnam war veterans slated to participate.

Chicago Ukrainians, who have been active in the annual observances since 1959, will once again come out in full strength this year with their veterans groups, youth organizations, and church and civic clubs marching in the pre-rally parade with their colorful Ukrainian costumes and floats.

Following the parade, the activities will move to Chicago's Conrad Hilton Hotel, where the rally will be addressed by Gen. Mark Clark and by U.S. Senator Ralph T. Smith.

To Hear Legislators

WASHINGTON, D.C.—Two prominent members of the U.S. Congress are scheduled to speak in the lecture program of Georgetown University's American Foreign Policy Forum.

Congressman Edward Derwinski (Illinois) will address the Forum on the subject of "Captive Nations" on July 14 and Senator Peter H. Dominick (Colorado) will speak on "Defending the Free World in the 70's" on July 15.

The Forum is sponsored by the Georgetown University Summer School and by the Institute on Comparative Political and Economic Systems.

Dr. Lev Dobriansky, professor of economics at Georgetown and president of the Ukrainian Congress Committee of America, is director of the Institute.

The Plight of Captives

For the twenlfth consecutive year now, many Americans regardless of their ethnic origin, religious or political convictions join in what is lawfully designated in this land as the Captive Nations Week.

The observance, held in every major city of America and now extended to seventeen other countries of the free world, has become a rallying point for all who cherish freedom and defend fundamental human rights—a concern that they voice in behalf of the silenced millions held captive by the Red totalitarian regimes.

Twelve years seems like a long time and it may appear as if the Captive Nations movement on this side of the Iron Curtain has done little to alleviate the plight of the peoples yearning for freedom. Not so.

There are growing numbers of people who are becoming aware of the menace that is communism—its Russian or Chinese brand notwithstanding—and what its designs are on the rest of humanity. It is precisely the accentuation of the captive peoples' struggle and aspirations that prevents the list of communism's victims from growing despite the fact that some of the West's leaders fail to comprehend the necessity of drawing the line on Red expansionism.

Equally important is the movement's repeated reminder that Moscow's wishes to the contrary the non-Russian nations of the USSR must not be relegated to the status of permanent slavery nor must the infamous Berlin wall be recognized as a permanent line of demarcation that fences off the nations of Eastern Europe from the rest of the world.

This is the thrust of the Captive Nations Week message that if need be must be repeated for the next twelve years until the walls of the Red prison begin to crumble. If anything, the message must be voiced louder and clearer that even those who do not wish to listen are compelled to heed it.

STUDY OF CRITICAL ENVIRONMENTAL PROBLEMS

(Mr. MILLER of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of California. Mr. Speaker, there has been much thoughtful commentary on the present state of decline of our environmental quality. There have also been—especially in recent months—a series of exclamatory statements about the seriousness of various environmental problems.

These latter statements have tended to reinforce a note of doomsday philosophy that is developing in this country today. Such forms of exaggeration do serve one purpose in catalyzing public attitudes toward pursuit of environmental quality.

However, many of us in this body are now realizing that the polemics of pollution have, perhaps, served their purpose.

For this reason, I would like to bring to the attention of my colleagues a summary of major findings and recommendations of a recent summer Study of Critical Environmental Problems—SCEP.

This monthlong summer study was organized by the Massachusetts Institute of Technology with the support of 11 Federal departments and agencies, and by four private foundations.

A group of over 70 distinguished scientists and professionals from many disciplines, representing the academic, government, and private sectors, participated in this study at Williams College in Williamstown, Mass., during the month of July.

The objective of the study was to assess the global climatic and ecological effects of pollutants in the atmosphere-land-ocean system. The study analyzed the present state of knowledge in this area and extensively explored procedures for understanding, monitoring, and abating these effects.

Mr. Speaker, one of the major recommendations of this study group—which has already appeared in the press—was to the effect that the SST program should be delayed until its probable effects on the world's atmosphere are determined.

This single recommendation has, perhaps, overshadowed the other important recommendations included in this report which relate to more broad-scale, and potentially more harmful, environmental effects.

I, therefore, encourage close scrutiny of the findings and conclusions of this especially important study effort:

SUMMARY OF MAJOR FINDINGS AND RECOMMENDATIONS

SCEP FOCUS ON GLOBAL PROBLEMS

In order to most effectively use the finite resources and time available for SCEP it was necessary to limit the scope and character of the problems which were chosen for intensive investigation. SCEP focused on environmental problems whose cumulative effects on ecological systems are so large and prevalent that they have world-wide significance. Thus the Study was primarily concerned with the indirect effects of pollution on man through changes in climate, ocean ecology, or in large terrestrial ecosystems.

In general, local and regional environmental problems, the first order effects of population growth, and the direct health effects of pollution on man were not considered by the Study. This choice does not imply that these latter problems areas are not of critical concern. Indeed, they are so important that many organizations are deeply concerned with studying and ameliorating those local and regional problems. However, no organization is charged with the responsibility for determining the status of the total global environment and alerting man to dangers which may result from his practices. SCEP attempted to perform this function.

The existence of a global problem does not necessarily imply the need for a global solution. The sources of pollution are activities of man which can often be effectively controlled or regulated where they occur. Most corrective action will probably ultimately have to be taken at the national, regional and local levels.

THE PROBLEMS STUDIED

The global environmental problems studied by SCEP were:

Climatic effects of increasing carbon dioxide content of the atmosphere.

Climatic effects of the particle load of the atmosphere.

Climatic effects of contamination of the troposphere and stratosphere by sub-sonic and super-sonic transport aircraft.

Ecological effects of DDT and other toxic persistent pesticides.

Ecological effects of mercury and other toxic heavy metals.

Ecological effects of petroleum oil in the oceans.

Ecological effects of nutrients in estuaries, lakes and rivers.

For these topics, the following general questions were addressed:

What can we now authoritatively say on the subject?

What are the gaps in knowledge which limit our confidence in the assessments we can now make?

What must be done to improve the data and our understanding of its significance so that better assessments may be made in the future?

What programs of focused research, monitoring, and/or action are needed?

What are the characteristics of the national and/or international action needed to implement the recommendations of the Study?

CARBON DIOXIDE IN THE ATMOSPHERE

Discussion of findings

All combusion of fossil fuels produces CO_2. It has been steadily increasing in the atmosphere at 0.2% per year. Half of the amount man puts into the atmosphere stays and produces this rise in concentration. The other half goes into the biosphere and the oceans, but we don't know the partition in uptake, as between these two reservoirs.

CO_2 from fossil fuels is a small part of the natural CO_2 which is constantly being exchanged between the atmosphere/oceans and the atmosphere/forests. We have very little knowledge of such amounts.

The projected 18% increase resulting from fossil fuel combustion to the year 2000 might increase the surface temperature of the earth .5°C; a doubling of the CO_2 might increase mean annual surface temperatures 2°C. Surface temperature changes of 2°C could lead to long-term warming of the planet. These estimates are based on a relatively primitive computer model with no consideration of important motoins in the atmosphere, and hence are very uncertain but they are the best we have.

If we had to stop producing CO_2, no coal, oil, or gas could be burned and all modern societies would come to a halt. The only possible alternative is nuclear energy, whose by-products may cause serious environmental effects. Also, we don't have electric motor vehicles to be propelled by electricity from nuclear energy.

SCEP believes that direct climate change in this century resulting from CO_2 is small but its long term potential consequences are so large that much more must be learned about future trends of climate change if society is to have time to adjust to changes which may be necessary.

Recommendations

1. Improvement of our estimates of future combustion of fossil fuels and the resulting emissions.

2. Study of changes in the mass of living matter and decaying products.

3. Continuous measurement and study of the carbon dioxide content of the atmosphere in a few areas remote from known sources—specifically four stations and some aircraft flights. We particularly recommend that the existing record at Mauna Loa Observatory be continued indefinitely.

4. Systematic study of the partition of carbon dioxide between the atmosphere and the oceans, and biomass.

5. Development of comprehensive global computer models which include atmospheric motions and ocean-atmosphere interaction to study:

Circulation, clouds, precipitation and temperature patterns for expected CO_2 levels.

Effects of stratospheric cooling.

FINE PARTICLES IN THE ATMOSPHERE

Discussion of findings

Fine particles change the heat balance of the earth because they both reflect and absorb radiation from the sun and the earth. Large amounts of such particles enter the troposphere (the zone up to 40,000 feet) from natural sources such as sea spray, wind blown dust, volcanoes and from the conversion of naturally occurring gases—SO_2, NOx and hydrocarbons—into particles.

Man puts large quantities of sulfates, nitrates and hydrocarbons into the atmosphere which become fine particles and include special species, such as urban smog.

Particle levels have been increasing as observed at stations in Europe, North America, and the North Atlantic, but not over the Central Pacific.

We do not know enough about the optical properties (reflection vs. absorption) of particles to know whether they produce warming or cooling of the earth surface.

Recommendations

1. Studies to determine optical properties of fine particles, their sources, transport, and amounts in both troposphere and stratosphere, and their effects on cloud reflectivity.

2. Extending and improving solar radiation measurements.

3. Study of feasibility of satellite measurements of particle concentration and distribution.

4. Monitoring from ground and aircraft—10 fixed long-term stations and 100 stations for short-lived particles.

5. Develop atmospheric computer models which include particles.

THERMAL POLLUTION

Although by the year 2000 we expect global thermal power output to be six times the present level, we do not expect it to affect create "heat islands" and as these grow larger, global climate. Over cities it does already they may have regional climatic effects and they should be studied.

ATMOSPHERIC OXYGEN—NON-PROBLEM

Atmospheric oxygen is practically constant. It varies neither over time (since 1910) nor regionally and is always very close to 20.946%. Calculations show that depletion of oxygen by burning all the recoverable fossil fuels in the world would reduce it only to 20.800%. It should probably be measured every ten years to make sure that it is remaining constant.

EFFECTS OF PRESENT JET AIRCRAFT

Observers all over the world have watched a jet contrail spread out to form a cirrus cloud. Observations at Denver and Salt Lake City show a systematic increase in such clouds since the advent of jets. Although they

seem to be only regional there is a possibility that they may have broader effects and should be studied.

SST'S IN THE STRATOSPHERE

Discussion of findings

The stratosphere where supersonic jet transports will fly at 65,000 feet is a very rarified region with little vertical mixing. Gases and particles produced by jet exhaust may remain for one to three years before disappearing.

Using FAA estimates of 500 SST's operating in 1985–90 mostly in the Northern Hemisphere, flying seven hours a day, at 65,000 feet, propelled by 1,700 engines like the GE–4 being developed for the Boeing 2707–300, we have estimated the steady state amounts of combustion products using GE calculation of the amounts of such products because no test measurements exist. We have compared such amounts on a steady state basis with the natural levels of water vapor, sulfates, nitrates, hydrocarbon and soot. All are believed to form fine particles. We have also compared these levels with the amounts of particles put into the atmosphere by the volcano eruption of Mt. Agung in Bali in 1963.

In our calculations we used jet fuel of 0.05% sulfur. We are told that a specification of 0.01% sulfur could be met in the future at higher cost.

We do not believe that CO_2 resulting from such operations is likely to affect the climate. We are genuinely concerned about the possibility of increased stratospheric cloudiness, and about the fine particles, even using the calculated amounts given us by GE.

Clouds are known to form in the winter polar stratosphere. Two factors will increase the future likelihood of greater cloudiness in the stratosphere due to moisture added by the SST. First is the increased stratospheric cooling due to the increasing CO_2 content of the atmosphere. Second is the closer approach to saturation indicated by the observed increase of stratospheric moisture.

The largest engine whose combustion products have been actually measured in static ground tests was the P&W JT9D used on the Boeing 747. Its fuel consumption rate is one third that of the GE–4. Combustion products from such tests of the JT9D, leading to particles, were much greater than the calculated values for the GE–4.

It is claimed that the particle formation is very small at 65,000 feet. Very, very little is known about reactions under such conditions. One guess is now as good as another.

Depending upon the actual particle formation, the effects of 500 SST's could range from a small, widespread continuous "Agung" effect to one as big as "Agung".

The temperature of the equatorial stratosphere (a belt around the globe) increased 6–7°C and remained at 2–3°C above its pre-Agung level for several years. No apparent temperature change was found in the lower troposphere.

Clearly such consequences are on a global scale even though the most pronounced effects would be felt where the highest density of traffic existed, i.e. the North Atlantic Ocean.

Conclusions

SCEP concludes with respect to contamination of the stratosphere by products of SST's that:

1. CO_2 creates no problem.

2. Global water vapor may increase 10%; increases in regions of dense traffic may go up 60%.

3. Particles from SO_2, hydrocarbons and soot may double pre-Agung global averages and peak at ten times those levels where there is dense traffic.

4. Effects on climate could be increased clouds from water vapor and increased temperatures in the stratosphere with possible increase in surface temperatures.

5. A feeling of genuine concern has emerged from the above set of conclusions. The projected SST's can have a clearly measurable effect in a large region of the world and quite possibly on a global scale. We must emphasize that we cannot be certain about the magnitude of the various consequences.

Recommendations

1. That uncertainties about SST contamination and its effects be resolved before large scale operation of SST's begins.

2. That the following program of action be commenced as soon as possible;

(a) Begin to monitor the lower stratosphere for water vapor and particles and develop means to measure SO_2, NO_x and hydrocarbons.

(b) Determine whether additional cloudiness will occur in the stratosphere and the effects of such changes.

(c) Obtain better estimates of emission of combustion products under simulate flight conditions and under real flight conditions at the earliest opportunity.

(d) Using data resulting from a, b, and c, estimate effects on weather and climate.

DDT AND RELATED PERSISTENT TOXIC PESTICIDES

The ecological effects which have been identified with DDT are both general and specific. In general, the use of pesticides on crops generally requires continued and increased use of different and stronger pesticides. This is the result of a complex ecological system in which the reduction of one pest and innocuous (to man) predators allows new pests to become dominant. Specifically, the egg shells of many birds are becoming thinner reducing hatching success. In several species, these effects now seriously threaten reproductive capabilities. Damage to these predators in ecological system tends to create a situation in which pest outbreaks are likely to occur.

The concentrations and effects of DDT in the open oceans are not known. There are no reliable estimates and no direct measurements have been made. It is known that large amounts leave the area of application through the atmosphere and are transmitted through the world and some portion of this falls into the oceans.

DDT collects in marine organisms. Detrimental effects have not been observed in the open ocean but DDT residues in mackerel caught off of California have already exceeded permissible tolerance levels for human consumption. It is known that reproduction of fresh-water game fish are being threatened, but such failures are not expected in commercial marine fish because they have small eggs with little yolk. The effect of DDT on the ability of ocean phytoplankton to convert carbon dioxide into oxygen is not considered significant. The concentration necessary to induce significant inhibition exceeds expected concentrations in the open ocean by ten times its solubility (1 ppb) in water.

Eliminating the use of DDT without a corresponding increased use of alternative pest control techniques would result in severe effects on developing countries from food and health points of view.

Recommendations

1. We recommend a drastic reduction in the use of DDT as soon as possible *and* that subsidies be furnished to developing counties to enable them to afford to use non-persistent, but more expensive pesticides.

2. In order to obtain information about the concentrations and effects of DDT in the marine environment, a baseline program of measurement should be initiated. This might involve taking about one thousand samples at selected locations and analyze them over the course of a year. A full-scale monitoring program should await the results of such a program.

MERCURY AND OTHER TOXIC HEAVY METALS

Discussion of findings

Many heavy metals are highly toxic to specific life stages of a variety of organisms especially shellfish. Most are concentrated in terrestrial and marine organisms by factors ranging from a few hundred to several hundred thousands times the concentrations in the surrounding environment.

The major sources of mercury are industrial processes and biocides. There are many other possible routes but little data exist about the rates of release to the environment.

Recommendations

1. Pesticidal and biocidal uses of mercury should continue to be drastically curtailed, particularly where safer less persistent substitutes can be used.

2. Industrial wastes and emissions of mercury should be controlled and recovered to the greatest extent possible, using available control and recovery methods.

3. World production, uses, and waste products should be carefully monitored.

OIL IN THE OCEAN

Discussion of findings

It is likely that up to 1.5 million tons of oil are introduced into the oceans every year through ocean shipping, offshore drilling, and accidents. In addition, as much as two to three times this amount could eventually be introduced into waterways and eventually the oceans as a result of emissions and wasteful practices on land.

Very little is known about the effects of oil in the oceans on marine life. Present results are conflicting. The effects of one oil spill which have been carefully observed indicate severe damage to marine organisms. Observations of other spills have not shown such a marked degree of damage.

Potential effects include: direct kill of organisms through coating, asphyxiation, or contact poisoning; direct kill through exposure to the water soluble toxic components of oil; destruction of the food sources of organisms; incorporation of sub-lethal amounts of oil and oil products into organisms, resulting in reduced resistance to infection and other stresses, or in reproductive successes.

Recommendations

1. Much more extensive research is required to determine the effects of oil in the ocean. Past and future oil spills should be systematically studied beginning immediately after they occur so that a comprehensive analysis of the effects can be developed over time.

2. Political and legal possibilities should be explored which would necessitate the conversion to Load-On-Top techniques by those oil tankers which do not use this method.

3. The possibility of recycling used oil should be explored.

NUTRIENTS

Discussion of findings

Eutrophication of waters through overfertilization (principally with nitrogen and phosphorus) produces an excess of organic matter which decomposes removing oxygen and killing the fish. Estuaries are increasingly being eutrophied. Pollution of in-shore regions eliminates the nursery grounds of fish including many commercial species which inhabit the oceans.

Most (as much as 70%) of the phosphorus causing overenrichment of water bodies comes from municipal wastes. In the U.S. 70–90% of the total phosphorus in these waters comes from detergents. Rural land run-off contributes the remainder (approximately 30%). The principal contributor is runoff from feed lots and manured lands with natural runoff playing a relatively small role.

Trends in both nutrient use and loss are rising. Fertilizer consumption is expected

to increase greatly in both developed and developing countries in the next decade increasing the nutrient runoff from agricultural lands. Concentration of animal production will continue with the result that losses of nutrients from feed-lot runoff will quadruple by 2000. Urban concentration is projected to triple and urban waste production to quadruple by 2000 meaning greater potential loss of nutrients directly into coastal waters.

Recommendations

1. Develop technology and encourage its application to reclaim and recycle nutrients in areas of high concentrations, such as sewage treatment plants and feedlots.

2. Avoid use of biostimulants and biotoxins which are discharged in large quantities into air or water. For example, reformulate detergents to eliminate or reduce waste phosphates, but be certain they degrade and do not poison the ecosystem.

3. Effect, through appropriate institutions, control of nutrient discharges in natural regions such as river basins, estuaries, and coastal oceans.

WASTES FROM NUCLEAR ENERGY

It has taken our full efforts to probe in some depth a few questions. We decided deliberately to omit consideration of others of great importance. One of these is the problem of perpetual management of the large quantities of radioactive wastes which are by-products of nuclear power.

No other environmental pollutant has been so carefully monitored and contained. Yet as we look back on our intense examination of the effects of the products of fossil fuel combustion we have become aware of our neglect of different classes of pollutants which will grow greatly in quantity in the next 30 years.

We call to the attention of one of the sponsors of SCEP, the AEC, our decision to omit this item from our agenda and our concern about the subject.

Recommendation

That an independent, intensive, multi-disciplinary study be made of the trade-offs in national energy policy between fossil fuel and nuclear sources, with a special focus on problems of safe management of the radio-active by products of nuclear energy leading to recommendations concerning the content and scale and urgency of needed programs.

GENERAL CONCLUSIONS AND PRINCIPLES

In studying the specific problems outlined above, SCEP reaffirmed the conclusions and principles which underlie the ecological, social, and political implications of most critical environmental problems efforts to examine or ameliorate the effects of these problems should include explicit recognition of the considerations.

ECOLOGICAL CONSIDERATIONS

An estimate is needed for the ecological demand, a summation of all of his demands upon the environment, such as the extraction of resources and the return of waste. Such demand-producing activities as agriculture, mining, and industry have global annual rates of increase of 3, 5, and 7% respectively. An integrated rate of increase is estimated to lie between 5 and 6% per year, in comparison with a population rate of annual increase of only 2%.

Natural ecosystems still provide us many services. At least 99% of the potential pests of man are held to very low densities by natural control. Insects pollinate most of the vegetables, fruits, berries, and flowers, whether they be wild or cultivated. Commercial fish are produced almost entirely in natural ecosystems. Vegetation reduces floods, prevents erosion, and air-conditions the landscape. Fungi and minute soil animals work jointly on plant debris and weathered rocks to produce soil. Natural ecosystems cycle matter through green plants, animals and decomposers, eliminating wastes. Organisms regulate the amount of nitrates, ammonia, and methane in the environment. On a geological time scale, life regulates the amount of carbon dioxide and oxygen in the atmosphere.

The functions of ecological systems connect the impact of man upon the environment with the services supplied by nature. Ecological impairment eventually leads to a loss of such services. The health and vigor of ecological systems are easily reduced if (1) general and widespread damage occurs to the predators, (2) substantial numbers of species are lost, or (3) general biological activity is depressed. Most pollutants that affect life have some effect on all three processes.

To prevent further deterioration of the biosphere, and to repair some of the present damage, action is urgently needed. In addition to a variety of specific recommendations such as those accompanying the specific problem areas, *SCEP recommends* that the following activities be developed in national and international programs:

(a) Technology Assessment: An information center that centralizes data on products of industry and agriculture, especially new products and new increases in production. Such a center will also identify potentially hazardous materials, and promote research on their toxicity and persistence in nature.

(b) Environmental Assessment: An information center that centralizes data on the distributions of pollutants, and on the health and pollution loads of organisms.

(c) Problem Evaluation: A think-center to evaluate problems on the basis of the above information, to determine the urgency for action, and to identify options.

(d) Public Education: A service center to present the results of the above in simple form, and to distribute such materials to educational institutions and the news media.

SOCIAL AND POLITICAL CHANGES

SCEP has concentrated on a few global problems. The main thrust of our recommendations is to gather more information about pollution of the planet. This information would improve our understanding of the impact of man's activities on the earth's resources of air, water and those on land, that is, the Ecological Demand of man's activities. Relevant data on critical global problems is very poor and this seriously limits our understanding of their meaning.

We have tried to estimate scales of world activities to the year 2000. In very few areas is there reliable data for projections. Indeed much data about world activities today in areas of importance to this Study have been found fragmentary and contradictory. Far better estimates well into the 21st Century are needed in order to assess the expected impact of man on the world ecological system to give us time to take action to avoid crisis or catastrophe.

We have looked beyond the gathering of data and its interpretation to the question of how remedial action may be taken. Unless information leads to action to abate or control pollution it is largely useless.

Earlier in our history, the prevailing value system assigned an overriding priority to the first order effects of applied science and technology: the goods and services produced. We took the side effects—pollution—in stride. A shift in values appears to be under way that assigns a much higher priority than before to the control of the side effects. This does not necessarily impart a reduced interest in production and consumption. When the crunch comes, when the implications of remedial action and the choices that must be made become clear—will we have second thoughts? Or will we bog down in confusion and frustration? Will we hold to our course, insisting that our society make a more thorough and imaginative use of its resources of science and technology, its organizational skills, and its financial resources in an effort to achieve an optimal balance between the production we need and the side effects which we must bring under control? We hope the answer to these questions is in the affirmative.

The problem of action is compounded because contributions to global pollution come from activities in countries all over the world. Action to control depends upon agreed data on amounts of pollution and their harmful effects. Actual control will depend upon national action by governments. It is not enough that the U.S. exercise control. If others pollute our common resources of the air and oceans the perils remain. This challenge is before the United Nations Conference on Man and the Environment in Stockholm in 1972. We hope that the SCEP Reports will form useful inputs to that Conference and that the SCEP Study model may be applied to other critical problems of the environment.

BILL FOR MULTINATIONAL ACTION TO CONTROL AND ERADICATE NARCOTIC DRUGS

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

Mr. FASCELL. Mr. Speaker, I am today introducing legislation which would urge the executive branch to take significant action in stemming the flow of illegal drugs into the United States and throughout the world. This bill will act as companion legislation to H.R. 18398, a bill I introduced last month which would suspend foreign aid to any nation which fails to take appropriate steps to prevent narcotic drugs produced or processed in that country from entering the United States unlawfully.

The 1970's must become the decade which sees the end of the steady flow of narcotics into the United States. As our distinguished colleague BILL MAILLIARD has said:

> No section of our country is immune to drug abuse. It infects the suburbs as well as the inner city.

Nor can we afford to look at drug abuse purely as a national problem; the problem is now worldwide and, to combat the threat, international cooperation and action are required. The legislation which I am introducing would direct the executive branch to take the following steps:

First. Specify that at least 10 percent of the voluntary U.S. contributions to the United Nations Development Fund be used solely for the establishment of a multilateral program designed to halt illegal international traffic in narcotics.

Second. Instruct U.S. representatives to international organizations and programs to support the development, under U.N. auspices, of multilateral efforts aimed at both the illegal production and illegal traffic in narcotics.

Third. Direct the permanent U.S. Representative to the U.N. to urge that body to promptly draw up a protocol to the 1961 Convention on Opium to empower the U.N. to collect, investigate, and publish information relating to illegal production and traffic of narcotics.

Fourth. Instruct the permanent U.N. Representative to work toward a new international convention to regulate the production of, and international traffic in, synthetic and semisynthetic drugs.

Fifth. Consider withholding assistance to those countries refusing to cooperate with U.N. efforts.

The problem of hard narcotics use is worldwide, and the United Nations is the proper body for directing international control. However, in order to do so, it must have the cooperation of all nations involved.

This additional legislation will be an important step toward eradicating drug abuse. It is an important step in facing squarely up to a problem we can no longer afford to ignore.

CAPTIVE NATIONS WEEK OF 1970 UNDERSCORES NEED FOR A SPECIAL COMMITTEE ON THE CAPTIVE NATIONS

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

Mr. DERWINSKI. Mr. Speaker, we Americans are indeed fortunate in having an annual Captive Nations Week because it gives us pause to contemplate some basic realities of international life. In all sections of our country, as well as in a dozen and more foreign countries, the impressive observation of the 1970 Captive Nations Week again brought home to our fellow citizens the realities of the captive nations themselves, the persistence of the cold war, and the methodical unfolding of Soviet Russian strategy in Western Europe, the Middle East, Asia, and the Americas.

Those participating in the nationwide observance have resolved to campaign hard for a much-needed Special House Committee on Captive Nations. For propaganda as well as other reasons, Moscow and its satraps regard as a top objective a growing apathy and indifference on the part of our people toward the captive nations, particularly those in the Soviet Union itself. The attainment of this objective would provide them with an enormous psychopolitical base of security to advance further their aggressive penetrations into the free world. A special committee, as proposed in dozens of resolutions, would deny them this security and also contribute heavily to our own, both without and within.

The 1970 Captive Nations Week was observed in a variety of ways. To illustrate some of them, I direct the attention of my colleagues to the following examples: First, proclamations issued by Gov. Richard B. Ogilvie of Illinois; Gov. Kenneth M. Curtis of Maine; and Gov. William G. Milliken of Michigan; second, the program in Los Angeles, a release in Indianapolis, and a New York Daily News account of an observance on July 13; third, a July 9 item in the NC News Service on "Captive Nations Week Asks: Is U.S.S.R. Really Russian?" and a July 16 news report in America of the Philadelphia Observer; and fourth, an article on the captive nations in the July 5 Manion Forum issue.

The material follows:

PROCLAMATION OF THE STATE OF ILLINOIS

Since 1918 communist forces have subjugated more than half of the countries of Europe and Asia, denying the people their national independence and right of self-determination.

In 1959 the United States Congress and President Dwight D. Eisenhower, recognizing the importance of focusing attention on the plight of these peoples, designated the third week in July as Captive Nations Week. This year will mark the eleventh anniversary of the week.

Therefore, I, Richard B. Ogilvie, Governor of the State of Illinois, proclaim July 13–18, 1970, as "Captive Nations Week" in Illinois and urge all citizens to support the people of the captive nations in their quest for liberation, and to commend and assist those in the free world who are striving so that others may also enjoy the blessings of freedom and democracy.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Illinois to be affixed.

Done at the Capitol, in the City of Springfield, this eighteenth day of June, in the Year of Our Lord one thousand nine hundred and seventy, and of the State of Illinois the one hundred and fifty-second.

RICHARD B. OGILVIE,
Governor.

PROCLAMATION OF THE STATE OF MAINE

Whereas, the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czecho-Slovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, and others; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86–90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence;

Now, therefore, I, Kenneth M. Curtis, Governor of the State of Maine, do hereby proclaim that the week commencing July 12, 1970 be observed as "Captive Nations Week" in the State of Maine, and call upon the citizens of Maine to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

Given at the office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine, this seventh day of July, in the Year of Our Lord, One Thousand Nine Hundred and Seventy, and of the Independence of the United States of America, the One Hundred and Ninety-fifth.

KENNETH M. CURTIS,
Governor.

PROCLAMATION OF THE STATE OF MICHIGAN

The United States stands as an inspiration to freedom-loving peoples of the captive nations of the world.

The citizens of the United States possess a warm understanding and sympathy for the aspirations of the nearly 100 million East and Central Europeans in such countries as Poland, Hungary, Czechoslovakia, East Germany, North Korea, North Vietnam, and others, who are daily subjected to the harsh cruelties of a Communist government.

Captive Nations Week, since its inauguration in 1959, has been a rallying point for all who love freedom and defend fundamental human rights and has symbolized the solidarity of free people in the United States and their East and Central European brethren living under Communist rule.

The tragic events in Czechoslovakia, and the trend toward Stalinism in the Communist countries which invaded Czechoslovakia, make the solemn observance of Captive Nations Week 1970 all the more necessary and appropriate.

The citizens of Michigan share the aspirations of all the captive nations for their national independence. We pledge our continued efforts to promote the right of self-determination and restoration of freedom, human rights, and dignity for all the peoples of the world.

Therefore, I, William G. Milliken, Governor of the State of Michigan do hereby proclaim the week of July 12–18, 1970, as "Captive Nations Week" in Michigan, and urge every Michigan citizen to observe this week with appropriate activities, expressing their sympathy for those who are not fortunate enough to possess the freedom of America.

CAPTIVE NATIONS WEEK IN LOS ANGELES, CALIFORNIA

(Sponsored by Americans for Freedom of Captive Nations)

I invite the people of the United States of America to observe such week with appropriate ceremonies and activities, and I urge them to study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the peoples of those captive nations.

DWIGHT D. EISENHOWER,
Captive Nations Week—1959.

There are some Americans who think That Captive Nations Week should be soft pedaled or forgotten, I strongly disagree.

Americans must continue to make known their deep concern about the people of the captive nations and convey this message to the captive world.

Americans should continue to make known their refusal to accept the regimes imposed upon these unfortunate victims of tyranny.

Americans should continue to promote the basic human rights and fundamental freedoms which are the God-given rights of all people—and not talk of them only when it may be expedient to do so.

Americans must never accept the view that freedom is foreclosed for the now enslaved peoples of the world. Consistent with our own national interests, America should constantly explore all avenues that might lead to a lessening of their plight.

Let us continue to inform the captive peoples of our full and uncompromising support for their unquenchable goal of national and individual freedom. Let them ever know that Americans are dedicated to the furtherance of freedom throughout the world.

Let us keep faith with the people of the captive nations.

GERALD R. FORD,
House of Representatives.

CAPTIVE NATIONS WEEK PROGRAM, SATURDAY, JULY 11, 1970, 11 A.M., ON THE STEPS OF LOS ANGELES CITY HALL

Master of ceremonies: Robert Dornan.
Welcome: Mayor Sam Yorty.
Greetings—distinguished guests:
Senator George Murphy.
Assemblyman Carlos Moorehead.
County Supervisor Ernest E. Debs.
Councilman Louis R. Nowell.
Chancellor, Pepperdine College, Dr. William S. Banowsky.
Guest speaker: Dr. Lev E. Dobriansky.

Chairman, National Captive Nations Committee, Washington, D.C.

Captive Nations: Armenia, Bulgaria, Byelorussia, Croatia, Cuba, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, Ukraine.

OTHER HIGHLIGHTS DURING CAPTIVE NATIONS WEEK

July 10, 1970, 11:00 a.m.: Press Conference, Opening Captive Nations Week, Hollywood Roosevelt Hotel.

July 11, 1970, 3:30 p.m.: Invitational Meeting Sponsored by Walter Knott at Independence Hall, Knott's Berry Farm, Buena Park, California.

July 13, 1970, 10:00 a.m.: Americans for Freedom of Captive Nations Committee, Presentation to Los Angeles City Council, City Hall.

July 18, 1970, 10:00 a.m.: Parade to Hungarian Freedom Fighters' Monument, McArthur Park.

July 19, 1970: Captive Nations Day of Prayer in the Church of Your Choice.

July 20, 1970: Opening of Captive Nations Exhibit, City Hall Rotunda, Ribbon Cutting Ceremony, 4:00 p.m.

July 20 to July 24, 1970: Captive Nations Display, City Hall Rotunda.

Everyone invited to attend and participate in these activities and especially urged to come dressed in their native costumes.

THE CAPTIVE NATIONS—AMERICA'S BEST FRIENDS AND UNUSED WEAPON

THE INDIANAPOLIS STAR,
Indianapolis, Ind.

TO THE EDITOR OF THE STAR: This is the 11th anniversary of Captive Nations Week which was first established during the Eisenhower administration. But for many Captive Nations it is the 50th year under the yoke of Godless Communism. This family of Captive Nations extends from Central Europe through the Soviet Union out to Asia up to the coast of the United States, to Cuba. These nations are being subjected to a new wave of political repression, religious oppression, economic exploitation, revived secret police brutalities, and life in concentration camps. With that in mind, the Captive Nations ask you to ponder critically the message of those who speak about the "mellowing" of Communism, and examine carefully the people who carry that message. If you do not know who they are, the Captive Nations offer the answer: "These are Communist agents".

There is no question about the fact that nobody works for us in the Kremlin. On the contrary behind the walls of Kremlin there is only one thought: how and when to bury us. On the other hand the Kremlin has many people in the United States including some Senators working for them. All this may sound unbelievable, but it is reality. If the editor of Moscow's Pravda wants to attack the United States, the only thing he has to do is to cite Senator Fulbright and some of his colleagues.

That fact makes the job of the Captive Nations extremely difficult. They know that they could be America's best weapon because most of them are within the Soviet Union. Not only are they neglected, but even more the United States gives to their usurpers billions of American dollars thus prolonging and intensifying their slavery. It is really frustrating that this would be our policy for the 70's.

There are many nations in Africa who were granted the right for self-determination, but nobody cares to raise the question of self-determination for those Captive Nations who were free for hundreds and hundreds of years of their existence, and who contributed so much to culture and civilization.

It is interesting to note that the tides of anti-Communism are spreading in every one of those Captive Nations, even in the Soviet Union. That is the main reason why Communist tyrants are tightening their control. That is why every pro-Communist gesture of American officials is a knife in the back of these courageous protesters in the Soviet Union and other enslaved countries.

The Indiana Committee for Captive Nations will end this year's Captive Nations Week observance with a Church Service and Concert at the Christian Church: 1401 E. 49th Street on Sunday the 19th of this month at 8:00 PM. Pastors of different denominations will participate. One of them Rev. Paul Voronaeff, who spent many years in a Siberian concentration camp will speak and show some slides. Admission free.

IVAN M. JAKOVLJEVIC,
Vice President, the Indiana Committee for Captive Nations, Inc.
JULY 9, 1970.

[From the New York Daily News, July 13, 1970]

EX-CAPTIVE PRIEST TELLS OF RED PERIL

The 11th annual observance of Captive Nations Week was touched off yesterday with a warning by a priest—a former prisoner of the Chinese Reds—that Communist leaders have two primary goals—"the systematic destruction from within of the United States and the Catholic Church."

The Rev. Raymond J. de Jaegher, who was a missionary in China for 20 years and who is now vice chairman of the New York-based Free Pacific Association, made his comment at a special Eastern Catholic Rite Mass at St. Patrick's Cathedral. The Mass was offered by the Most Rev. Joseph M. Schmondiuk, bishop of the Ukrainian Catholic Diocese of Stamford, Conn. Cardinal Cooke presided.

After the Mass, participants in the observance marched up Fifth Ave. to the bandshell in Central Park, where they heard speeches and watched various national dances.

Michael Pizniak, an attorney who is vice chairman of the Ukrainian Congress Committee, told the gatherings of about 1,000 that American youth should direct its criticism away from the establishment and toward the "tyranny of communism."

"CAPTIVE NATIONS WEEK" ASKS: IS U.S.S.R. REALLY RUSSIAN?

(By Denis Dirscherl, S.J.)

WASHINGTON.—The Soviet Union, like the United States, is currently taking a census of its citizens. If all predictions are on target, the results will show that Russians make up less half the population. This fact has important implications for the nationality problem, a touchy situation at best.

The Soviet Union, unlike the United States, is divided into 15 republics, mostly along national and ethnic lines. They include the Armenian, Georgian, Latvian, Lithuanian and Ukrainian republics.

The actual redivision of that vast land once called Russia into a sort of "federalism" by the early Bolsheviks was motivated, above all, by a desire to win over the various ethnic groups to the revolutionary cause. A new age was supposedly symbolized by a new title for the land—Union of Soviet Socialist Republics, or the Soviet Union for short.

"Self-determination" was and is still proclaimed today for all the various republics and nationality groups within the Soviet Union. Each republic has its own constitution and state apparatus and, accordingly, has the right to secede from the union if it wishes.

But after more than 50 years the 15 major groups have a little of the freedom or sovereignty promised them by Lenin and each succeeding regime. When all the propaganda is pushed aside, the title "Soviet Union" remains a misnomer, a cover for the same old Russian Empire in a new form.

Realizing the vulnerability of the Soviet Union to the nationality issue, a group of Americans decided a little over a decade ago to focus attention on the problem. Gradually centers throughout the United States and abroad increased in size and devoted themselves to emphasizing the fact of "captive nations" within the Iron Curtain, observing an annual "Captive Nations Week" (July 12–18 this year). One of the major rallying factors behind the movement was the sensitive nature of this problem to the Soviet oligarchy.

It is paradoxical to note that though the Soviets base their world outlook on Marx's philosophy, Marx himself held Russia in low esteem, chiefly in military and diplomatic matters.

Writing for the New York Tribune on April 19, 1853, Marx said: "What had to happen? The ignorance, the laziness, the pusillanimity, the perpetual fickleness and the credulousness of Western Governments enabled Russia to achieve successively every one of her aims."

According to Marx, Russia's covetous power-policies have a long tradition: "In the first place the policy of Russia is changeless, according to the admission of its official historian, the Muscovite Karamzin. Its methods, its tactics, its maneuvers may change, but the polar star of its policy—world domination—is a fixed star."

Marx called Russia "decidedly a conquering nation." Marx summarized Russia's spirit of aggrandizement under the categories of imperialism, pan-Slavism and oriental despotism. That part of the Marxian corpus is not available to the public in the Soviet Union.

Reaction to oppressive conditions in the Soviet Empire was prepared through centuries of apathy under the czars. But dissent or disagreement have ways of being turned against the individuals who espouse them. The Soviet response to writers Yuli Daniel and Andrei Sinyavsky was to sentence them in 1966 to labor camps for "slandering" the state. There is also the case of former Maj. Gen. Peter Grigorenko, who was packed off to an insane asylum for his civil rights activities.

One of the most daring of the attacks on Russification is Ivan Dzyuba's "Internationalism or Russification." In his book Dzyuba suggests that the people of the Soviet Union have already had their minds dulled to the state's injustices, to the mass resettlements, the dispersement of the population and economic inequities. The Ukraine has always been one of the testing grounds for the NKVD secret police because of the Ukrainian's love for independence and resistance to the arbitrary rule of the Soviets.

There is also the case of Vyacheslav Chornovil, who in the fall of 1965 was assigned to cover the trials of some Ukrainian intellectuals. In the process he saw a travesty of law by the courts, and for making his views known he was sentenced to a forced labor camp. His letters were smuggled out along with the letters, petitions, and diaries of many others in labor camps.

Other Soviet citizens have spoken out against the "system" at their own personal peril. Nuclear physicist Andrei D. Sakharov, the author of "Progress, Coexistence and Intellectual Freedom," has called for greater collaboration between the U.S. and Soviet Union. Andrei Amalrik, author of "Will the Soviet Union Survive until 1984?" and who was recently sent off to prison, has emphatically declared: "I am against the system from organic revulsion. I cannot listen to the Soviet radio. I cannot read Pravda. It is crude, stupid and full of lies."

Recently a wave of protest has highlighted the Soviet practice of taking political prisoners to mental hospitals to discredit the personalities involved. Alexander Solzhenitsyn assailed this practice as "a variant of the gas chamber, and even more cruel." Another critic revealed his own despair: "I hate my own people. They are like cattle. They always have been. They always will be."

Captive Nations Week has put its focus on the Soviet empire as being grossly insecure and suffering pangs of inferiority, hiding behind concrete walls and no man's lands.

[From the Philadelphia American, July 16, 1970]

MOTORCADE AND MANIFESTATION MARKS PHILADELPHIA CAPTIVE NATIONS WEEK OBSERVANCE—800 ATTEND RALLY AT INDEPENDENCE MALL AFTER RIDING IN A MOTORCADE OF 200 CARS ACROSS THE CITY

PHILADELPHIA, PA.—Captive Nations Week Observances have already been traditional in Philadelphia, Pa. For eleven years since 1959, they have taken place every year and have been sponsored by the local Captive Nations Week Committee consisting of following organizations: Armenian Revolutionary Federation of America, Cossack National Liberation Movement, Cuban Club of Philadelphia, Estonian Committee of Philadelphia, Federation of American Citizens of German Descent, American Hungarian Federation, The Council of Latvian Churches and Organizations, Lithuanian American Community of U.S.A., Polish American Congress, Ukrainian Congress Committee of America, Young Americans for Freedom. The Committee is headed by Prof. Dr. Austin J. App, chairman, Mr. Ignatius M. Billinsky, executive vice chairman, Mrs. Margit Rohtla, secretary, and Mr. Albert Bagian, treasurer.

This year's observances took place on Sunday, July 12, and they started with a motorcade assembling near Girls High School at Broad St. and Olney Ave. at 4:00 p.m. From there the motorcade of some 200 cars, decorated with flags representing the captive nations and anti-communist signs, and escorted by motorized police and sound-trucks, proceeded along Broad and Chestnut Sts. Music and speeches explaining the purpose of the manifestation were broadcast through loudspeakers. The motorcade was led by Dr. Ivan Skalchuk, chairman of the local chapter, Ukrainian Congress Committee of America, and the Ukrainian section of the motorcade was headed by Mr. Wasyl Zabrodsky.

At 6:00 p.m., some 800 representatives of the national groups, members of the Captive Nations Week Committee and Guests of Honor assembled at Independence Mall to protest the plight of Captive Nations under Communist domination. National groups with their flags were standing as honored groups with flags and rostrum decorated by the symbolic wreath of Captive Nations. Native-costumed groups with flags and rostrum with honored guests made an unforgettable and symbolic picture with the Independence Mall in the background.

The Rally was opened by Mr. Ignatius M. Billinsky, the Committee's executive vice chairman, who was master of ceremonies. After the National Anthem had been sung and Invocation had been delivered by Rev. Kajatonas Sakalauskos, a representative of His Eminence John Cardinal Krol, Prof. Dr. Austin J. App delivered an address which we present as the editorial in this issue of "America."

In turn, proclamations of the Captive Nations Week, issued by Pennsylvania's Governor Raymond P. Shafer and Mayor James H. J. Tate were read by the members of the Committee. The main address at the Rally was delivered by Hon. Perrin C. Hamilton, member of Governor Shafer's Cabinet which is also published in this issue of "America."

Introduction of Guests of Honor and Representatives of Nationalities was made by Mrs. Margit Rohtla, Secretary of the Philadelphia Captive Nations Committee. Flags representing captive nations were displayed one at a time by native-costumed girls as Miss Gundega Jurgans of the Council of Latvian Churches and organizations in Philadelphia read a resolution listing 22 nations enumerated by Congress as captive in 1959. The Rally ended with Benediction, delivered by Rev. Juhan Suurkivi, pastor of the Estonian Community of Philadelphia.

A wreath-laying ceremony followed the Rally and was held at the Liberty Bell in Independence Hall with Prof. Dr. Austin J. App speaking on the analogies between the liberation struggle of the American people and that of the Captive Nations.

On the occasion of the Captive Nations Week, His Excellency the Most Rev. Ambrose Senyshyn, OSBM, Archbishop of Philadelphia and Metropolitan of Ukrainian Catholics in the USA issued a Pastoral Letter asking the clergy and the faithful to pray for the termination of the captivity of the Ukrainian and other peoples. In all Ukrainian churches Divine Services were celebrated with this intention.

In the afternoon hours on Friday, July 10, girls in national costumes were distributing leaflets explaining the significance of the Captive Nations Week and the plight of Captive Nations under Communist domination on the streets of Philadelphia. On Sunday, at night, television and radio stations brought coverage of the manifestation. Local papers covered it in their news-stories on Monday, July 13.

[From the Manion Forum, July 5, 1970]

LIVING ON BORROWED TIME—CONTINUED AMERICAN SECURITY CANNOT BE PURCHASED AT THE PRICE OF OTHER PEOPLE'S SLAVERY

(By Dean Clarence E. Manion)

This 4th of July weekend is a most appropriate time to appraise the condition of human liberty here and all over the world. At this point the United States of America is just six years away from the two hundredth anniversary of its historic (1776) Declaration of Independence. A Federal Government commission is already planning an appropriate celebration, but pragmatic political bookmakers are quietly predicting that the celebration will never take place.

Other prophets are not so quiet. On the contrary, our loudest, highest paid, and best publicized platform speakers—Jerry Rubin, Abbie Hoffman, David Dellinger and their contemptuous defense lawyer, William Kunstler—have been giving big campus audiences proud and profane assurances that the United States must and will be completely destroyed forthwith. The public desecration of the Star Spangled Banner is now an established, climatic characteristic of their performances.

The most ominous feature of these obscene speeches is the fact that each of them is almost invariably followed with a standing ovation by the youthful audiences. The irony of all this comes full circle with the recollection that all of these blatant exhibitionists are fugitives from justice meted out by a duly constituted court of the United States. Their criminal trial, verdict of the jury and sentences by the court have served merely to give each of them a big microphone for the amplification of their violent program for the seditious destruction of the lives, property and government of the American people.

The inability of our free civilization to defend itself against this kind of inflamatory, anarchistic nihilism is a bad omen for the continued celebration of our once "glorious" Fourth of July.

For our current holiday-conscious and often otherwise unconscious celebrants of this great day, let me break in with an assurance that there is immeasurably more at stake here than the possibility of another "lost weekend."

The murderous assault of the Rubin-Hoffman-Dellinger-Kunstler-SDS axis upon American civilization is not just a destructive end in itself. On the contrary, in its true perspective it shows up as a calculated attempt to break through the infamous Berlin Wall from its *east* side and to flood the free world with the slime and slavery of Communism.

This is the inevitable but presently disguised consequence that looms up behind the broadly based and progressing destruction of all that is implicit in the American Fourth of July. Thus, for our adequate understanding, this particular anniversary of American liberty must be considered in the context of human freedom all over the world.

It is appropriate therefore that this year our official annual observance of Captive Nations Week will begin next Sunday July 12, just when our big celebration of American freedom will be tapering off.

What are the Captive Nations? The answer is spelled out graphically in Public Law 86-90, passed unanimously by the Congress of the U.S. on July 17, 1959. This is the quickest and most effective way to begin our homework on the precarious condition of human liberty throughout the world today.

The full text of this historic Congressional Resolution follows. Please note that North Viet Nam is one of the more than 20 nations named in 1959 as having been captured and enslaved by the Communists at that time. Others, like Cuba, have been snared into the Communist corral since.

"PUBLIC LAW 86-90, PROVIDING FOR THE DESIGNATION OF THE THIRD WEEK OF JULY AS 'CAPTIVE NATIONS WEEK'

"Adopted by the 86th Congress of the United States of America in July, 1959

"Whereas the greatness of the United States is in large part attributable to its having been able, through the democratic process, to achieve a harmonious national unity of its people, even though they stem from the most diverse of racial, religious, and ethnic backgrounds; and

"Whereas this harmonious unification of the diverse elements of our free society has led the people of the United States to possess a warm understanding and sympathy for the aspirations of peoples everywhere and to recognize the natural interdependency of the peoples and nations of the world; and

"Whereas the enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence between nations and constitutes a detriment to the natural bonds of understanding between the people of the United States and other peoples; and

"Whereas since 1918 the imperialistic and aggressive policies of Russian communism have resulted in the creation of a vast empire which poses a dire threat to the security of the United States and of all the free peoples of the world; and

"Whereas the imperialistic policies of Communist Russia have led, through direct and indirect aggression, to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Viet Nam, and others; and

"Whereas these submerged nations look to the United States, as the citadel of human freedom, for leadership in bringing about their liberation and independence and in restoring to them the enjoyment of their Christian, Jewish, Moslem, Buddhist, or other religious freedoms, and of their individual liberties; and

"Whereas it is vital to the national security of the United States that the desire for liberty and independence on the part of the peoples of these conquered nations should be steadfastly kept alive; and

"Whereas the desire for liberty and independence by the overwhelming majority of

the people of these submerged nations constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace; and

"Whereas it is fitting that we clearly manifest to such peoples through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and independence: Now, therefore, be it

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is authorized and requested to issue a Proclamation designating the third week of July, 1959, as "Captive Nations Week" and inviting the people of the United States to observe such week with appropriate ceremonies and activities. The President is further authorized and requested to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world."

Later, that same day (July 17, 1959) President Eisenhower issued the first annual Presidential proclamation called for by the resolution. He repeated the Congressional denunciations of the aggressions of Soviet Communism and designated the week beginning July 19, 1959, as the first Captive Nations Week. He urged the people of the U.S. to observe such week with appropriate ceremonies; to study the plight of the Soviet dominated nations and to recommit themselves to the support of the just aspirations of the peoples of those captive nations for their freedom and independence.

It may or may not have been mere coincidence that during the week of July 19 to July 26, 1959, Vice President Nixon was scheduled to make his famous trip to Moscow for a "cultural exchange" with the redoubtable "Butcher of Budapest," Nikita Khrushchev.

The unexpected news of the Captive Nations Resolution and the Presidential proclamation caught Khrushchev in, of all places, Poland, one of the least captivated of all the Captive Nations where the frank and revealing resolution pinched his badly exposed nerve of tyranny and elicited a wild cry of pain.

Khrushchev's one-track conspiratorial mind now read but one thing into the coincidence of Nixon's trip to Moscow and the Captive Nations Resolution, namely, that the U.S. was finally determined to exploit the long ignored issue of liberation behind the Iron Curtain which, as every Communist well knows, was then, as it still is, the Achilles Heel of the Red conquest.

Immediately Khrushchev screamed an outraged protest against this "direct interference in *the Soviet Union's internal affairs,*" if you please, thereby admitting to the Poles and to the entire world that the Captive Nations Resolution was correct in its declaration that the Kremlin had actually swallowed the sovereign independence of all the nations named in the resolution and that the one devlopment Khrushchev feared more than anything else was the possibility of violent and painful Soviet indigestion.

The fact that Vice President Nixon and his official coterie of "cultural exchangers" were blissfully innocent of any such sensible design could not be credited by such a dyed-in-the-wool conspirator as Nikita Khrushchev, who throughout the long period of his Kremlin dictatorship never managed completely to plumb the great depth of our ingenuous naivete in dealing with his destructive designs upon America and the world.

Khrushchev knew that he had previously sent Mikoyan and Kozlov to the United States to make Communist propaganda. He assumed therefore, and naturally, that Nixon was coming to Moscow to make propaganda for freedom.

What really shook him up was our unprecedented effrontery in timing Nixon's visit to coincide with the explosive psychological depth-bomb that Khrushchev saw wrapped up neatly in the Captive Nations Resolution.

Unfortunately, Nikita was wrong about the purpose of Nixon's visit, and during his frequently humiliating interchanges with Khrushchev in Moscow, Mr. Nixon finally convinced the tyrant of our sincerity by inviting Khrushchev and obtaining his consent to visit the United States during the following September.

For the oppressed by hopeful Communist captives throughout the world, Khrushchev's warm welcome here by the President of the United States took most of the cream from the top of our Captive Nations Resolution. Nevertheless, the unanimous finding of fact by Congress that the murderous Communist conquest of human freedom and the consequent "mockery of the idea of peaceful coexistence" with Communist governments was undeniable in 1959 and remains undeniable today.

This is why this upcoming 12th Congressionally directed recurrence of our Captive Nations Week observance may well be our last clear chance to strengthen the enfeebled sinews of our own liberty with healing injections of truth from the unanimous unrepealed 1959 resolution of Congress.

For we must remember that the Captive Nations Resolution is not just a gesture of sympathy for the one billion victims of the Communist conquest. The resolution is much more than that.

This 1959 declaration by Congress on the menacing wickedness of Communist enslavement is the logical, appropriate and official application of the unanimous 1776 declaration of our Continental Congress on the subject of God-given human liberty.

The validity of the second—the 1959 declaration—sits squarely upon the authority of the first one, which we made in 1776, and without this moral and philosophical validation the Captive Nations Resolution would have been precisely what Khrushchev said it was, namely, a gratuitous interference in the Soviet Union's internal affairs.

For unless the power of earthly governments is restrained by "the laws of nature and of natures God," as our Declaration of Independence says it is, then the fate of human beings everywhere is up for grabs by tyrants under "the old rule, the simple plan, that he shall rule who has the power and he shall keep who can."

Unfortunately, during the eleven years that have elapsed since it was passed, our Government has done literally less than nothing to implement the Captive Nations Resolution—the boldest profession of our faith in freedom since 1776.

The reason for this shameful neglect was the immediate, continued and determined opposition of our controlling cult of pragmatic liberalism to all manifestations of anti-Communism in general and to its forthright documentation in the Captive Nations Resolution in particular.

For instance, the *Washington Post* very promptly (July 24, 1959) called the Congressional resolution and the President's approval of it "a bad idea." "The observance," the *Post* continued, "bears some resemblance to the misleading and empty 'liberation' policy enunciated as a political slogan in 1952. At some point," the editorial concluded, "we are going to have to deal with Mr. Khrushchev on a basis of equality."

Unfortunately, the *Post's* policy for faith in Communists rather than faith in God and God-given freedom has consistently and officially prevailed. And so, *for our failure to encourage the revolutionary anti-communist liberation of the captive people of North Viet Nam in 1959, we are now face to face with the pro-Communist "liberation" of the United States by the outspoken unrestrained advocates of obscenity, murder, arson, and wholesale universal destruction.*

For 25 years we have been buying our own temporary security by prostituting our birthright of self-evident truth with official sanctions for the progressive enslavement of other people. Now our own time is running out 1984 threatens to move in ahead of 1976. Perhaps you should read the Captive Nations Resolution again before we are forced to join the club.

The Captive Nations Resolution proves that Soviet Russia started our unfortunate war in Viet Nam which it is now projecting into the United States.

Has President Nixon forgotten what happened to Vice President Nixon in Moscow in July, 1959?

Why does our State Department still continue to ignore the hard facts about Communist enslavement and the one true formula for world peace that the Captive Nations Resolution contains?

Must we too become a captive nation?

Thousands of key people need to read this timely speech by Dean Manion. Order them in quantities. Send them to your stockholders, school teachers, public officials, state and national, or direct the Manion Forum to mail them for you.

THE ADMINISTRATION INFLATION-RECESSION

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

Mr. BOGGS. Mr. Speaker, despite the best efforts of our Republican friends, the inescapable facts presented by the latest figures on unemployment and price increases cannot be denied.

A clear picture of this administration's inflation-recession can be obtained by reading the financial pages of any newspaper. The Washington Post for August 5 is an excellent example. In columns side by side you will find these headlines: "Jobless Rate at 6 Percent in 24 Cities" and in the next column, "Big Steel Slates Fall Price Boosts."

There you have it in a nutshell: Recession on one hand, inflation on the other. It all fits in with the pattern of Republican economics: Everything that should be going down is going up; everything that should be going up is going down.

With the national jobless rate at 4.7 percent of the civilian labor force, we see this rate increasing to 6 percent—the highest in 5 years—in 24 key cities. Nationwide, we had a total of 4.7 million workers listed as unemployed at the end of July—an increase of 1.8 million since Mr. Nixon took office.

Meanwhile, inflation continues as prices steadily rise. United States Steel has just announced new price increases for tin mill products to go into effect October 1. As we all know, one price increase calls for another—and the inflationary spiral goes on, in the midst of a nationwide recession.

On top of all this, we are daily subjected to phony charges about this Congress being a "spendthrift" Congress. These charges were the topics of two excellent columns: One, by William V. Shannon in the New York Times of

July 27, and the other, by Clayton Fritchey in the Evening Star of August 3. I am inserting them in the RECORD and commending them to the attention of my colleagues:

CONGRESS TAKES LEAD IN ECONOMICS ON BUSINESS

(By Clayton Fritchey)

In one respect, at least, the students are more wrong than right about the business community. Most business leaders are not, as charged, Vietnam hawks. But the students would be "right on" if they cited businessmen for being hawks on the equally ineffective war against inflation. Most have gone every step of the way with the administration in this hapless operation.

In contrast, some of the most prominent business leaders led the opposition to the Cambodian escalation, many taking time to come to Washington to lobby in person on Capitol Hill against the intervention. Recently, in a follow-up, 100 executives from as many national corporations flew to Washington to support the McGovern-Hatfield amendment to end the war.

Speaking for the Corporate Executives Committee for Peace, Paul Woolard, vice president of Revlon, Inc., said, "The best thing we can do for our economy and our country is liquidate this war."

Wheelock Whitney, the head of a large investment banking firm, added, "The true villain is the war . . . it imperils our whole way of life."

A new Fortune magazine poll of executives of the 500 largest companies shows how widespread the anti-war feeling is in the business world. Only 26 percent gave President Nixon good marks on Vietnam. Conversely, however, it showed a much higher percentage supporting the President's economic policies despite the recession.

So, if the students want to criticize business, they ought to switch their complaint to the economic front. It is simply inexplicable that business leaders have not offered any organized resistance to a government policy which, in the name of fighting inflation, has reduced profits, cut productivity, put people out of work, and squeezed $200 billion in value out of the stock market—and then, after all that, has not reduced inflation.

The end result of this policy is so dismal that the administration, even without prodding from business, is beginning to back off from it. With the start of the fall congressional election campaign only a few weeks away, the administration has begun a propaganda drive to convince the public that the recession has "bottomed out," a vague phrase intended to suggest that the worst is over, or nearly over, and things ought to begin picking up.

The evidence to support this is flimsy, at best, and even administration spokesmen are careful to say that there will probably be more unemployment before there is less, that inflation will continue, and that no substantial improvement in the GNP (Gross National Product) can be expected before next year.

Soothing words from Washington may help the administration in the coming election, but they are not an acceptable answer to the country's economic plight. It is intolerable to allow the economy to go on sagging when it ought to be growing at the rate of $50 billion a year, or $100 billion, allowing for inflation. If the White House won't act decisively, Congress ought to step in.

Fortunately, it already has to some extent. If the recession is really bottoming out, some of the credit should go to Congress for continuing to support, over administration opposition, various domestic programs which have the effect of stabilizing the economy.

"A Congressional Medal of Honor should be given by Congress to Congress," says Prof. Paul Samuelson, a long-time adviser to presidents and former head of the American Economic Association. "If Congress had not overcome Nixon administration resistance to increased Social Security benefits, and to government pay increases, then by the analysis of the Department of Commerce itself we would not have had in the second quarter a razor thin rise in the real Gross National Product."

Nixon has frightened some of the legislators on Capitol Hill by his campaign against "big spenders," but if Congress has any doubt that it is on the right track politically, it need only look at the latest Gallup poll, which shows that, on the question of keeping the United States prosperous, the vote is 44 to 29 against the President.

MR. NIXON ON SPENDING

(By William V. Skannon)

As both a politician and a football fan, President Nixon knows that an aggressive offense is the best defense. He has taken the offensive against critics of his economic strategy who believe that with high prices, high unemployment, and no economic growth, this Administration has managed simultaneously to combine several of the worst effects of inflation and deflation.

In a statement issued a week ago, President Nixon focuses on inflation and warns that prices cannot come down if Congress insists upon appropriating more money than he requested in his budget. He attacks frontally the argument that what is needed is a cut in defense expenditures and a change in national priorities. Mr. Nixon asserts: Let's set the record straight. We have changed our national priorities."

In support of his assertion, the President points out that for the first time in twenty years, his budget provides more spending for human resources (41 percent) than for defense (37 percent). He compares his budget in this regard with the budget of President Kennedy in 1962 and of President Johnson in 1968.

These comparisons are significant because they at least reveal the Administration's sensitivity to the debate over national priorities. Without quibbling over these comparative statistics, two important qualifications have to be made with regard to the Kennedy budget of 1962. First, since Congress had not acted upon a long list of President Kennedy's educational and social welfare proposals, it was obviously not possible to spend money on programs that had not yet been approved. Secondly, the nation's economic performance in 1962 was decidedly unsatisfactory. The gross national product was rising but unemployment was even higher than it is now. That is why President Kennedy eventually proposed a major tax cut the following year.

JOHNSON'S RECORD

The comparison with President Johnson's record in 1968 is also instructive in a way in which Mr. Nixon did not intend. By then, Congress had approved the far-reaching social program which the Kennedy Administration had sought, as well as others formulated by Mr. Johnson. By then also, the economy had benefited for four years from the stimulating effect of the tax reduction which President Kennedy requested. Because of the enormous growth of the economy in the Kennedy-Johnson years, President Johnson could fight a sizable war in Vietnam and yet devote a smaller percentage of the national budget to defense than Mr. Kennedy had six years earlier.

THE EISENHOWER YEARS

Both the Kennedy and Johnson Administrations made errors in managing the economy, but by correctly concentrating on economic expansion, they helped bring about real increases in living standards and in education and welfare programs. The Eisenhower Administration, preoccupied with the perils of inflation, especially during its second term, achieved a dismal record of slow growth and two recessions in its last four years.

President Johnson and the Democratic-controlled Congress of 1967–68 share the blame for inducing inflation by fighting a war without promptly imposing sharply higher taxes. Although President Nixon now talks of facing "hard figures" and possible "painful measures," his statement shows no evidence that he is any more willing than his predecessor to choose either of the two grim options—to end the war or to run a war economy.

Vietnam and the inflated military budget are the true breeders of inflation, not only in direct budgetary costs but in the even larger invisible costs of diverted manpower and wasted resources. Nigging cuts in social programs cannot reach the source of the economy's troubles, indeed, with the population steadily growing and unmet urban needs accumulating, the nation has to have more schools, more hospitals, more housing and more people to man the social services. These requirements grow as inexorably as interest on the national debt.

To attack Congress for spending money on schools and hospitals may be good politics if the President is only concerned with shifting the blame for inflation. But if he is interested in raising real living standards and reducing the scandalous level of unemployment, he will join Congress in approving higher social expenditures. If he is interested in reducing inflation, he will do so by stopping the war in Vietnam and materially cutting back on military programs. Wars and stable prices do not go together. Not even the most adept economic juggling or facile rhetoric can conceal that fundamental incompatibility.

THE AMERICAN CHALLENGE

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

Mr. BOGGS. Mr. Speaker, last Thursday the Joint Economic Subcommittee on Foreign Economic Policy, of which I am chairman, was privileged to hear testimony from a distinguished European, Mr. Jean Jacques Servan-Schreiber.

Mr. Servan-Schreiber is the publisher of the French newsweekly, L'Express; a newly elected member of the French National Assembly, and author of "The American Challenge," an excellent book which I can recommend highly.

Mr. Servan-Schreiber's remarks before our subcommittee were reprinted last Sunday in the Washington Post. His visit to this country and views in general are also the topic of a column by Hobart Rowen in today's Washington Post.

I am including them in the RECORD for the benefit of my colleagues:

LOOKING PAST OUR GOOF IN VIETNAM

(By Jean Jacques Servan-Schreiber)

Economics and politics have become so interwined that one cannot be considered without the other. Thirteen years ago I wrote a book, "Lieutenant in Algeria," recounting a tragic drama in whose grip my country experienced a foretaste of human degradation, economic bankruptcy and the ominous stirrings of military power.

With due respect, but also with friendly concern, we cannot be indifferent to your predicament in Vietnam. If this great republic were to be overwhelmed by the kind of national crisis that overcame France in May of 1958, the consequences for Europe and the world would be incalculable. They would

spell disaster for our own economies and for our security.

The end of the war in Indochina and then, at tremendous national cost, the end of the war in Algeria, reopened our road to salvation. We have learned the futility of attempts, by a country like mine or yours, to impose our own ideals on other continents.

For those of us who love America, who remember how generously you participated in our rescue and reconstruction, it is painful to see this country tear at the fabric of its social life. No matter how sternly we criticize your actions and illusions in Indochina, we instinctively know that the United States has, within the moral fiber of its people and its youth, the means to cure this cancer.

NO MERE TANTRUM

Vietnam is an aberration. What must mobilize our energy and ingenuity is the need to preserve and reform the industrial society in which we live. Only if we dare to make this reform sufficiently profound and rapid will we save our peoples from all-consuming anarchy.

The growing rebellion against certain features of the new industrial state is deeply rooted and potentially violent. Those who dismiss it as an ill-humored tantrum of youth are being naive. From the radicalism of the young stems a deeply felt conviction that a system which allows the excesses of economic competition to ride herd over social life is basically immoral.

Herein lie the roots of rebellion, roots which cannot be eradicated by the elders in a fit of blind rage. Those who run the great multinational corporations know the sincerity of their children's concern. They get it at the breakfast table every morning.

Yet it is clear that the modern market economy, with its freedom of private initiative and the bracing energy of competition, is a powerful tool for material progress. This tool must be at the service of society. Man cannot, after centuries of poverty and servitude, be allowed to sink back to the status of a mere object, a cog in an aimless machine of production.

This quest for human dignity in our contemporary economy is not a Utopia. It is the essential role of politics. Reform without revolution is possible; and it is the duty of our generation, in Europe and in America, to bring it about.

Like church and state, economic and political power must be separated as much as possible if each is to fulfill its mission. The best judges in matters of investment and profitability are generally the entrepreneurs, not the state. Public ownership of means of production has been irrevocably discredited by the experience of the Communist East.

Private industry must be allowed to perform to the full its function as a factor of material progress. Politics has another and more crucial role: to consecrate itself to the service of man—the worker—rather than to the efficiency of production—the corporation.

THE LOVE OF MONEY

The ferociousness of competition among business enterprises is a locomotive of innovation, development and enrichment. It must be given full play. But the main goal of politics is to prevent this ferociousness from hurting man himself.

If those who lord over industry are also to be those who by their influence dictate the direction of political life, then we will inescapably fall into the most bitter and dangerous social upheavals. The separation of economic and political power is, therefore, a primary task for the future.

The great British economist John Maynard Keynes wrote in the '30s that "the essence of capitalism is the preponderance of the role of money in society, and the love of money by the individual." It is this that we must extirpate from our social system with human generosity and solidarity. This reformist objective is a worthy and urgent mission for the '70s.

The intensified conduct of business across national borders has augmented the benefits and the miseries of the capitalist system. The development of corporate activity on a global scale by firms such as IBM, Ford, Siemens, Fiat, Phillips and Lafoarge make for more efficient productivity and a wholesome cross-fertilization of intelligence, talent and creativity. Consequently it is a force for social well-being. But because of the worldwide empires which they are carving out for themselves, the multinational corporations are also able to create a new jungle.

Widely spread out in their component parts and commanded from geographically remote bases, they account to no single national authority. And since international law is feeble, or nonexistent, they are free of international authority as well. Fraudulent or undisciplined organizations, often operating with funds invested by unsuspecting people of modest means, enjoy far-ranging immunity from any meaningful form of regulation or supervision, unless you consider Panama or Liechtenstein acceptable legal systems.

Profit-making activities which draw undue advantage from tax havens, holding company privileges, the weaknesses and contradictions of international tax enforcement and other loopholes without any redeeming economic function, rob society of much of the material abundance created by the market economy and the dynamism of legitimate multinational business. That portion of the available wealth which should go into collective investment for the benefit of all (health, education, housing, transportation, etc.) is too often diverted into hands where it is not needed and where it does not belong.

THE AMERICAN "PRESENCE"

Some of us see models in the institutions which you developed during the momentous days of the "New Deal": the Securities and Exchange Commission, for example. But we are also afraid of the awesome size and vigor of your business institutions, and we must take steps in our own defense.

Consider the fact that the real value of American investments in the European Common Market currently stands at close to $40 billion. American subsidiaries control 95 per cent of the total production of integrated circuits, 80 per cent of electronic calculators and 30 per cent of automobiles.

Because the process of integration on the Continent is so slow, and so heavily obstructed by nationalistic considerations (my own country being a principal offender), it is difficult to develop a coordinated policy vis-a-vis the multinational corporation. The European countries vie with each other for a larger share of these investments, occasionally offering generous subsidies and tax concessions. When General Motors was denied the privilege to build a plant in Alsace, it was immediately welcomed across the border, to use German workers and supply the French market under the preferred tariff structure of the European Economic Community.

Our capital markets are also dominated by American-controlled institutions. Indeed, the banking centers of London, Frankfurt and Zurich seem to be at the mercy of the mighty, and occasionally not so mighty, Eurodollar. And it is an extraordinary paradox that the savings of Europeans are used to finance the acquisition of local industries by U.S. companies.

In 1959, for example, American borrowings in Europe stood around $500 million; in 1967, they reached $2.6 billion. During the same period, the proportion of U.S.-generated funds to finance investments in Europe fell from 25 per cent to 16 per cent.

I mean to be neither nationalistic nor chauvinistic in pointing out the drama of this situation and the patterns which it announces for the future. American investments are welcomed in Europe. They stimulate the efficiency and energy of our own economies. But we cannot help being disturbed by the form of the invasion in certain sectors.

Our industries are still too unsophisticated to stand up against the multinational American giants in face-to-face competition. This is demonstrated by the fact that European companies which venture into the U.S. market with operating subsidiaries are hardly able to hold their heads above water.

Penetration into a foreign country, which is a natural by-product of the multinational phenomenon, cannot go without a commensurate sense of social responsibility. The multinational corporations must show greater sensitivity than they have to conditions prevailing in the host country. What is good for General Motors may be good for America, but not necessarily for Belgium or Holland.

A TENDER SWORD

Happily, the world is no longer as polarized as it used to be. Strong centrifugal forces are at work both in the East and in the West. Russia, no less than America, is learning the limitations of military might and developing dangerous internal cracks. The empire over which it presides is discovering the inevitable link between economic progress and human freedom. This is the tender sword which will open the East.

In the last few years, the Eastern countries have given evidence of their desire to become integrated into the world economy. Communist planners are groping for new techniques to improve the competitive position of their economies and the standard of living of their people.

Under these new conditions, international cooperation becomes imperative. If the Eastern countries wish to participate in the feast of industrial development, they can no longer afford the luxury of splendid isolation and the suppression of creative freedom. This process must be helped along, for it can help to reopen the East.

As Europeans, we view the East in the light of the economic and cultural indivisibility of the Continent rather than its ideological cleavage. While the longing for civil and intellectual liberties in the Communist societies still remains unfulfilled, a manifestation of national identity and a rejection of the dogmas of the past is clearly in evidence. Indeed, the Gaullist notion of "Europe des Patries" has touched a more responsive nerve in the Eastern than in the Western part of the Continent.

MUTUAL HELPFULNESS

It is becoming increasingly clear that in the '70s Europe will have a much more important economic and moral role to play than in the two previous decades—a very special role, since our old Continent, at least that part of it which lies to the West, no longer aspires to the dream of world empire. It has learned from bitter experience that military conquest brings no rewards. Within this experience lies a lesson which can help you.

A major task at the other end of the Atlantic is the construction of a federalized Europe, one which is larger, more self-sufficient, socially more just and democratically more compatible. In this you can help us.

Priority must be given to East-West reconciliation, the road toward which objective passes through active coexistence, economic and industrial cooperation and broader exchange of products, ideas and men. This is an enterprise which we shall tackle together.

By far the greatest challenge is the passion of youth, admirable in its motivation, dangerous in its frustration. The quest of the young for dignity, sincerity and truth in our generation is one of the two great

sources of human energy. The other source is industry.

Both are highly progressive and liberating forces. If we allow them to remain as they are today, on a collision course, the future will be dark. If we forge their alliance by reform, then we will have met the challenge of our generation.

DOLLAR'S DOMINANCE HELPS UNIFY EUROPE
(By Hobart Rowen)

Jean Jacques Servan-Schreiber, the dynamic Frenchman who aspires to lead France one day, talked earnestly on his recent visit here of a federalized Europe. Based on an enlarged Common Market of 10 or 12 countries, he says, it could happen in five years.

Not all European politicians may be as sanguine as Servan-Schreiber, but there are important trends in that direction, not the least of which is a yearning for a common currency in Europe that would rival the monopoly now held by the U.S. dollar in international transactions.

Europeans historically have resisted the idea of a monetary "union," on the theory that a common currency would mean the surrender of national monetary sovereignty.

But the establishment of the Common Market, and its success over the years, is beginning to erode many of the fears. The West Germans, perhaps, have been the leaders in a drive for European unity and the diminution of nationalism. And with de Gaulle removed as the dominant voice in French politics, there is a better chance that France will think along the same lines.

Prof. Robert Triffin points out in an article in the current Morgan Guaranty Bank letter—in which he speaks favorably of the common currency idea—that the notion of integration "is now being accelerated by the feeling that it may offer the only practicable way to regain monetary sovereignty already lost to the United States."

Europe, however, is probably not ready for a real common currency; it is not prepared yet for total political integration, a common defense, and a unified budget for all of Europe. The most that might be accomplished is a sort of weak Federal Reserve System, with one central bank set up for the EEC, and "regional" banks set up in the various countries issuing their own local currency as legal tender.

No major European country is likely soon to abandon a fixed exchange rate with the U.S. dollar, or to stop holding dollars in its reserves. But even a limited central bank idea would be a symbolic gesture of underlying fears about the dollar and of American economic power.

Most Americans are not aware of the degree of bitterness that exists in European banking and financial circles over the dominance of the U.S. dollar. It is not simply a French phenomenon, although national pride may be wounded more easily in Paris than elsewhere.

The way Europe looks at the situation, Uncle Sam runs a nearly continuous balance of payments deficit; and to finance that deficit, European countries that trade with us must hold increasing amounts of dollars in their official reserves.

The dollar, Servan-Schreiber insisted in his "Defi Americain" (The American Challenge) is a menace; it enables American corporations to "invade" foreign countries and dominate their economies.

This is, to be sure, an oversimplification. Judd Polk, of the United States Council of the International Chamber of Commerce, recently made a good case for the multinational company feared by the Servan-Schreibers abroad, and narrow-minded labor unions here.

Polk said that the international company is not a new phenomenon, but (in its growth) a reflection of the internationalization of production:

"The state of industrial technology—and very much including instantaneous world electronic communication and computers—has created the situation in which for the first time men have been in a position to treat the world itself as the basic economic unit in pursuing that core economic problem: making the best use of its resources."

What it gets down to, of course, is that the Europeans feel that they are entitled to a bigger say in deciding how to make "the best use" of world resources. The multinational companies operating in Europe may draw on European raw materials, power, men, and even management. But the basic corporate policy-decisions are likely to be made in New York—that's the irritant.

Would a common currency help? For technical reasons, it probably would help European nations fight on a collective basis the impact of U.S. balance of payments deficits that they feel unable to cope with individually.

But whether a common currency would make for stronger corporations based outside of the United States is debatable. Fortune's listing of the 200 largest such industrial combines shows that despite rapid growth (especially in Japan) the foreign companies have a long way to go.

It is really difficult to counter Polk's argument that we had better get used to thinking of the world as one economic unit, rather than separate areas of big power influence—whether that influence be American, Russian, Japanese, or European. This truth necessitates putting aside the xenophobia that still dominates many governments.

In a new book ("The European Challenge") by Louis Armand and Michael Drancourt to be published later this month two prominent Europeans argue that "Europe is no longer Europe but just a piece of the world."

Armand and Drancourt suggest, like Polk, that the big forward steps in communications and technology, most of them originating in this country, force a change in the way business and society can be organized. The goal for Europe, they suggest pragmatically, is to use the fruits of technology wherever they originate.

"Whether the subject be trade, or travel, or nuclear attack," say Armand and Drancourt, "the whole planet is now the frame of reference."

A TRIBUTE TO RAZOR SMITH

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

Mr. PEPPER. Mr. Speaker, a year ago my best and oldest friend, Razor Smith, of Camp Hill, Ala., died. His name was Horace but since he was always thin as a rail from boyhood, we called him "Razor." When I came fresh from the country to Camp Hill, at 10 years of age, and entered the fifth grade, I met this boy and I liked him and he seemed to like me, although he was somewhat older than I and he was one of the most prominent boys in school. I met him one morning soon after our acquaintance at the overhead bridge. He got off of his pretty, blue bicycle and stopped to talk to me. I looked with envious eyes upon his bicycle and asked if I could ride it. He smiled and asked me if I knew how to ride a bicycle. With assurance I told him yes. He let me get on it on the crest of the bridge. I lasted to one end of the bridge, a few yards away and fell sprawling with his pretty bicycle on top of me. I had never ridden a bicycle before. He laughed heartily and said that was all right. This episode was the beginning of a friendship as dear and close as boy and boy and man and man can have. As boys we played and worked and fought side by side. Through our years of manhood that friendship ripened and bound us together "like hoops of steel."

When I was nominated to the U.S. Senate in 1936 it was he who arranged a celebration in Camp Hill, Ala., where I grew up. It was "Claude Pepper Day" and he fathered it and he was proud that his friend had become U.S. Senator. When my father died he took a collection of funds from the merchants of Camp Hill, where my father was once chief of police, to send flowers. He had a monument erected over the grave of my deceased little sister for me. He was a one-man public relations army for me. Wherever he went he had to tell them about his friend, Claude Pepper. He had me back to Camp Hill to deliver a commencement address to the graduating class of the Camp Hill High School which he and I attended and he arranged for a reunion of my high school class. He always remembered my birthday and I his and we constantly corresponded. When he passed away he had a birthday congratulation from me which he was never able to see.

When I became a Senator I took him on trips and to Democratic national conventions. Whenever I could I went to Camp Hill to visit him and we would talk about old times—times when youthful dreams stirred our hearts and we would sit on the wall outside his father's home in the moonlight and let our imagination lift us into the days and the great world of the future and revel over what we might do and be in that romantic era.

Razor was a great athlete, a great leader of boys in the little league or in professional baseball. He had no fear on the playing field, as a soldier or in the battles of life or, indeed, at last in the face of death. As he lay near the end and aware of it, he said "I am not afraid. The Lord and I have an understanding."

When Razor, the best friend of my youth, went away he left a deep loneliness in my heart for he was taking with him so much of the past and so much of me. The world can never be quite the same again without Razor. Yet, Razor will always be in my memory and my heart. When such a friend passes one understands how rich he is to have one real friend. Razor never attained much of the world's goods nor acquired fame or impressive title but I have never known a greater man than Razor. He had the stuff of greatness in him.

I think of Razor as I read the lines translated by Arthur W. Ryder from the Sanskrit entitled "True Friendship":

TRUE FRIENDSHIP

'Tis hard to find in life
A friend, a bow, a wife,
Strong, supple to endure,
In stock and sinew pure,
In time of danger sure.

False friends are common. Yes, but where
True nature links a friendly pair,
The blessing is as rich as rare.

To bitter ends
You trust true friends,
Not wife nor mother,
Not son nor brother.
No long experience alloys
True friendship's sweet and supple joys;
No evil men can steal the treasure;
'Tis death, death only, sets a measure.

May there be his like again.

A beautiful and deserving tribute was paid to Razor at his funeral by Dr. Buford M. McElroy, Sr., who was Razor's minister at the time. He caught the spirit of Razor in his movingly eloquent words. I ask, Mr. Speaker, that Dr. McElroy's funeral tribute to Razor appear following my remarks in the RECORD.

The tribute follows:

A TRIBUTE TO MR. W. H. "RAZOR" SMITH, AUGUST 7, 1969

On one occasion Jesus said, "He that would be great among you, let him be your servant." We are gathered here today to pay tribute to one whose service has enriched this community and this church across the years.

There are many fine things we could say about Mr. Smith—he possessed a radiant smile and a quick wit; he was a gentle, unaffected man who loved people without calculating the cost; he gave to others from a heart which overflowed with generosity; His life was committed to the Lord he loved and the God he served.

No greater comfort can come in the hour of death than the knowledge that here rests a good and godly man.

The worth of this man's life can be stated simply—he invested in people. He loved and served others as a devoted husband, an unfailing friend, a faithful churchman.

Mr. Smith was first of all a devoted husband who with his wife established a Christian home. In this day many are whispering that all dignity has gone out of life. This statement holds no truth unless dignity has gone out of our homes. Mr. Smith has rendered us a great service. In the latter years of his life, his home offered an inspired example for those who hope to found their domestic relationships on the Christian principles of love and faith.

The pastoral visits I made with Mr. Smith were always a pleasant pastime. At 73 he was a young man at heart, full of life and laughter. Mr. Smith was a man who never met a stranger. His winsome smile and gracious manner won him many friends but he had a special relationship with children and young people. A grin tugged at the corners of his mouth and laughter danced in his eyes as he reminisced of his little league ball players. He spoke of their achievements with the unabashed pride of a father and in a very real sense he was a second father to hundreds of little leaguers, many of whom are now grown with families of their own. As Mr. Smith spoke of his experiences as a group of boys which has not faded in the passing years. His patience and love for youngsters paid many dividends. Perhaps paramount was his Auburn all-star team which played so well it went to the little league world series in Pennsylvania, which within itself is little less than a modern miracle. A great testimonial to a wonderful life of service to youngsters.

One who gives so unselfishly to young people will not find the result to be financial success or outer acclaim. Yet Mr. Smith realized he had invested in blue chip stock. His face radiated the kind of warmth and fulfillment which comes only to those who have drunk deeply from the cup of life and having come to the end of the way looks back and ascertains that life itself has been infinitely worthwhile.

Mr. Smith loved this church and for many years was an active member. In recent years he served as a trustee and as president of the men's Bible class until his health forbade him to continue this responsibility.

Ironically enough, last week we were talking together in his hospital room about the Christian life and we began to speculate about what heaven must be like. Mr. Smith said, "I'm not worried. The Lord and I have an understanding." Today, I place a great deal of confidence in that statement.

Let no one here this day believe this good life of service rendered shall be for nought. During the past week, I have been reading the book *Promises to Keep*. It is the story of the life of Dr. Tom Dooley, written by his mother, Agnes Dooley. Tom Dooley was called home by his Master at thirty-four years of age. You will remember him as the young Navy doctor who went overseas to the Orient.

There his heart was touched by the lack of medical care for these people. Out of his perseverance and his heart, he created with others the whole program of Medico.

At the height of his concern for others, and during the fever of his activity of humanitarian love, Tom Dooley discovered that he had a deadly disease within his own body. It was at that same time, ironically enough, that the teen-agers were singing the song that one occasionally hears, "Hang down Your Head, Tom Dooley, Poor Boy You're goin' to Die."

It is a folk song about a boy who was going to be hanged. But in a deep Christian note, the children of Fort Worth, Texas, sent a letter to Tom Dooley, the doctor. They had written a parody using these words:

Lift up your heart, Tom Dooley,
Your work will never die,
You taught us to love our neighbor
And not just to pass him by.

We'll pray for you, Tom Dooley
Your cure and your patients' too,
We'll send in our dimes and dollars,
For work that's left to do.

Lift up your head, Tom Dooley,
Lift up your head, don't cry,
Lift up your head, Tom Dooley,
'Cause you ain't agoin' to die.

And he didn't. He spent his last days upon the earth with a rosary in his hand. He was of another Christian faith, and he still lives; but he lives in more than just his presence with His Maker; for there has been stirred within the hearts of many sensitive doctors and others a concern for other people. Mr. Smith, too, has left us to meet His Maker, but he has left behind a legacy of love and service we shall not soon forget.

Death is not the end of existence. Anyone can know that if we invest our minds, our skills, our hearts, our moments to the God of life, we are investing in eternal stuff. Who can really measure the gifts that have been given to us by those who no longer walk the earth? Most of us, if we only knew it, have within the finer parts of our minds and hearts and beings the gifts of people who no longer breathe. Those things invested for the God of life do not die. We affirm that those who live their lives for Him live forever.

This is not just preacher talk. This is probing at the depths of the meaning of our existence. God plants within the human mind and heart—just as in a migrating bird—that wistful longing for home. Every man at some quiet moment of his life gets the flash of recognition that somehow his existence and his being are made for more than the earth upon which he dwells. Because he has come to know that God by name as a Shepherd in His Son Jesus Christ, he can say, "Yea, though I walk through the valley of the Shadow of death, I will fear no evil, for Thou art with me."

Our Apostle's Creed begins with the words "I believe in God the Father Almighty, Maker of Heaven and earth." It ends with the affirmative, "I believe in the life everlasting." These affirmations are in the right order. We believe in the life everlasting just because we believe in God. We believe in God with all the wonder of who He is and as an insight into His holy purposes and His love.

In this hour we are attempting to say we are grateful for Mr. Smith's life. We are better because he walked this way.

We have come to this moment that we might throw our arms of love about each other, giving strength one to another. Finally and best our only consolation is to feel God's strong arms of love about us, bearing us up lest we fall.

To the family we are saying, don't try to understand just now, just be everlastingly thankful that he was yours and you were his.

To the friends—We'll remember that a loved one has gone on down the way and soon we too shall join him. We'll serve while we may and with all our might, for no one knows when his service will be ended.

To God we offer a prayer of thanksgiving for one whom life of love and service has blessed our days.

Let us pray.

O God, who dost bring thy children out of darkness and the shadow of death, we thank thee for this dear departed one in whose love we were blessed, and in whose tenderness we were healed. May the sureness of his nearness to us and the certitude of his nearness to thee quiet our anxious spirits. In Jesus' Name we pray. Amen.

FRANK GRAHAM

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

Mr. PEPPER. Mr. Speaker, I am grateful for the privilege of joining in tribute to one of the most Christ-like men I have ever known—Frank Graham. This man truly walks with the angels. His life has been dedicated, whether in the leadership of youth, in public office, or international service. He has given of himself unstintingly to every task he undertook because he loved his fellow man. That love has ever beamed out of his beautiful face. It has been in the warm clasp of his hand, in the words that came out of his noble heart. Frank Graham has always lifted men to walk on higher ground. He has made those better with whom he has worked and who come within the circle of his charm. He was brutally deprived of his seat in the U.S. Senate which he richly adorned but he had the Christian grace not to be bitter, not to lose the cheerful word or the radiant face which bespoke a beautiful soul.

Frank Graham yet lives, thank God, and long may he live to add quality and character and courage to a world which so much needs these rare virtues. And Frank Graham will ever live—live in the lives of innumerable young people who came under the spell of his teaching or his influence; live in the institutions he has built or bettered; live in great works of which he has been the architect and the skilled craftsman; live in the annals of his time for his historic deeds and live in countless hearts which he has touched and stirred.

Frank Graham, I salute your greatness and your goodness. I salute you as a friend. God bless you and keep you.

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. Before 1940, Americans spent about $4 billion on recreation and now that figure is over $30 billion.

ASSOCIATE JUSTICE WILLIAM O. DOUGLAS

(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, because it deals with a matter concerning the rights and the constitutional responsibilities of all Members of the House, I am inserting herewith the text of a letter which I wrote last July 29 to the distinguished gentleman from New York, chairman of the Committee of the Judiciary and of its special Subcommittee on the Impeachment of Associate Justice William O. Douglas:

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 29, 1970.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Upon learning from news reporters that you or your Special Subcommittee had, last Friday, removed the confidential classification from the Report dated June 20, 1970 and made it generally available to press and public, I availed myself of a copy.

I am deeply concerned both by its contents and by the fact that I was never officially advised of the unwarranted threat and attack it contains upon me and other Members who have pressed for a thorough and objective investigation of Associate Justice William O. Douglas, as is their right and duty. I refer particularly to the last three paragraphs of Judge Rifkind's letter.

While I am aware that the document in question is largely the work of a few members of your staff, it bears the imprimatur of the Special Subcommittee and the names of all five of its Members. Moreover, it is my understanding that it was distributed to the full Committee on the Judiciary at its Executive Session on June 24 last, without any advance opportunity for the Members to read it and with little or no discussion of its contents except as they related to a 60-day extension of time for the staff "investigation." It was also promptly leaked to the press.

I am shocked, Mr. Chairman, that my position on this question could be so misstated and my relations with your Special Subcommittee so misrepresented. Indeed it is difficult to tell from this document whether the Special Subcommittee staff has been engaged in investigating the behavior of Justice Douglas or the behavior of the Minority Leader of the House of Representatives, and more than 100 other Members of both political parties. I have always admired the courteous consideration of the Dean of the House for his colleagues, and have been particularly appreciative of our personal friendship and working relationship.

Knowing of your dedication to fairness and facts, whatever your own previously held opinions, may I cite some of the errors and flaws in this Report to which I take particular exception:

(1) Page 2, paragraph 4, states that "although H. Res. 920 does not contain a statement of charges, it encompasses all the charges made by Mr. Ford in his speech to the House." This may be the opinion of the drafter of H. Res. 920 but it is not mine. Mr. Jacobs' Resolution of Impeachment (a word which curiously does not appear on the cover of this Report) clearly excludes any misbehavior which is unconnected with judicial office or which is not construed to be a high crime or misdemeanor in the Constitutional sense. The careful wording of Mr. Jacobs resolution resolves in a single phrase the historic and continuing debate over the "good behavior" provision of Article III, section 1, to which you yourself referred in your letter to me of May 15, 1970. As is well known, my position is that the Constitution sets "good behavior" as a *separate, additional,* and *more exacting* standard for the Federal Judiciary. This argument is central to my April 15 speech and it is neither "encompassed" by Mr. Jacobs' resolution nor entertained by the authors of this Report.

(2) I am particularly disturbed, Mr. Chairman, that in relating my response of May 20, 1970 to your request of May 15 for my views on the foregoing subject, the authors of this Report deliberately omitted my first three paragraphs—which are fully responsive to your question—and included only my last two paragraphs which, standing alone, appear to be evasive and argumentative. Here and in other instances the Report seemingly seeks to portray me and other Members urging thorough investigation of Justice Douglas as being uncooperative and contributing little to the Special Subcommittee. In my opinion, it is the duty of an investigating staff to ferret out facts for the benefit of the Members of the House of Representatives, and not the duty of the Members to feed evidence to the staff. Nevertheless, I have endeavored to provide you and your Special Subcommittee with certain investigative leads which were not disclosed in my April 15 speech, or which subsequently came to my attention. It is disheartening to have my communications with you edited and twisted in this staff document, while the attorneys for the accused and for Mr. Albert Parvin have their letters reproduced in full. It must be equally disheartening to Mr. Wyman to be singled out for failure to respond to your request when the most important paragraphs of my response were deleted and his excellent letter of May 6 was omitted entirely. In light of the general tone of this document I seriously question whether it would be advisable for any Member to turn any information over to this staff. (I append hereto a complete copy of my May 20 letter with the deleted paragraphs marked.)

(3) Page 4 of the Report, after acknowledging numerous resolutions by Mr. Wyman and other Members were referred to the Committee on Rules, states as follows: "Inasmuch as the charges against Associate Justice Douglas in H. Res. 922 and the related resolutions, challenge the same activities and conduct that were criticized by Representative Ford in his speech, the Special Subcommittee on H. Res. 920 has included Mr. Wyman's charges in its investigation."

This poses first a question of jurisdiction, since H. Res. 920 (Mr. Jacob's Resolution of Impeachment) is all that has definitely been referred to the Committee on the Judiciary. But beyond the jurisdictional question the quoted statement is simply untrue. There are very considerable differences of scope, emphasis, and specifics, between the activities of Justice Douglas cited in the premises of H. Res. 922 (Mr. Wyman et al.) and my report on the conduct of Justice Douglas which I made to the House on April 15. Much appears in H. Res. 922 that is not mentioned in my speech and vice versa. Both the Wyman resolution and the text of my April 15 speech are appended to this printed Report. They were independently developed and the staff's efforts to treat them as redundant is in my judgment a serious misrepresentation of both.

(4) Pages 2, 3, and 4 of the Report presume and purport to summarize in five categories my April 15 "charges" against Justice Douglas. In fact, my April 15 speech was not intended as a formal presentation of "charges" but, as I stated in preface, as a report to the House of my personal and independent inquiry into the law of impeachment and the behavior of Mr. Justice Douglas. It was my hope that a bipartisan Select Committee should investigate all the facts and allegations about Mr. Justice Douglas, of which I had reported only those which to me appeared most serious, significant and worthy of further inquiry.

Although I never reduced my own speech to specific "charges," whoever did so in this Report grossly distorted my position both by phraseology and by the omission of my important qualifications, and most of all by completely ignoring my basic "charge"—that Justice Douglas' behavior has been less than good, and that this brings the Supreme Court and the entire judicial process into disrepute.

Of the five "charges" to which your staff has reduced my April 15 speech one (E) relating to the Center for the Study of Democratic Institutions cannot be fairly construed as a "charge" at all. It is necessary to inquire into the Center because of its close relationship with the Albert Parvin Foundation while Justice Douglas was associated with and advising both. This becomes relevant to Justice Douglas' practicing law and the propriety of his extra-judicial moonlighting, but constitutes no separate "charge" or criticism of the Center.

My other "charges" are summarized as (A), (B), (C), and (D), with increasing misrepresentation. In charge (B) the Report utterly ignores the careful qualifications I stated regarding the First Amendment rights of free speech and free press. In charge (C) the Report includes the irrelevant fact that a caricature of President Nixon appears in *Evergreen* magazine, but makes no mention of my straightforward concession that it is within the bounds of "legitimate political parody."

The portfolio of erotic photographs in *Evergreen* magazine, copies of which presumably are available to the Subcommittee staff, are described blandly as "nude photographs that are characterized by Mr. Ford as 'hard core pornography'." As you know, Mr. Chairman, several of these photographs portray sexual perversion between male and female nudes. The least an objective summarizer should have done was describe them in my own words. The Report, on the contrary, suggests to anyone unacquainted with *Evergreen* magazine that I am a prude who objects to artistic photographs and a partisan incensed by irreverent cartoons of President Nixon—precisely contrary to clear statements in my speech.

Charge (D) represents the most significant distortion of my speech. In a total of ten paragraphs the Report presumes to summarize four "charges" from data which I presented to the House by way of preface to what I termed prima facie evidence "far more grave." This "far more grave" portion consumed almost one-fourth of my total text. And all this is compressed in the Report to five paragraphs under charge (D). There it is not only inadequacy but inexcusably presented to misread my meaning.

I could cite several examples of this but the worst is found on page 3 of the Report, as follows: "These associations (with Albert Parvin, alleged international gamblers, and the Albert Parvin Foundation) allegedly re-

sulted in practicing law in violation of Section 454, Title 28, U.S. Code, Practice of Law by Justices and Judges." I am unable to fathom the meaning of this sentence but my speech contains no such contention.

(5) The account of the Special Subcommittee's treatment of information which I personally supplied concerning former employees and officials of the Parvin-Dohrmann Company is related in two separate sections of the Report with the result that my cooperation is concealed and minimized. On page 25, it is stated that my Legislative Assistant, Robert T. Hartmann, supplied your staff with the names of six former employees. In fact, upon my instructions Mr. Hartmann on May 20 supplied your staff with *seven* names, one of whom was the "former" official of the Albert Parvin Company" mentioned on page 15. Prior to this I had personally given this information to Members of the Special Subcommittee and my assistant handed your staff investigators a Xerox copy of my original handwritten notes. Incredibly, the Report claims that "the Subcommittee *independently* received" the information concerning the seventh prospective witness referred to on page 15.

The Report takes two pages to describe the alleged difficulties encountered at the Department of Justice with respect to its investigative file on this key prospective witness. Neither is any credit given me for arranging, at your request and that of Mr. McCulloch, your June 9 conference with the Attorney General which I understand helped to resolve this problem. There is no doubt in my mind that this individual, and others, must be questioned under oath in the course of any complete investigation.

Now, Mr. Chairman, may I comment briefly upon certain questions of law and procedure which, after reading the Report, leave me puzzled to say the least. On page 1 the Report states that "thus far all potential witnesses have been cooperative" so no subpoenas have been necessary. By what legal logic does the staff reach this extraordinary conclusion? How can the *appearance* of cooperativeness ensure that the potential witness is telling the truth, much less the whole truth? The truly "uncooperative" witness probably would plead self-incrimination and provide no information whatsoever. The purpose of the subpoena power in Congressional and other investigations is to produce testimony under oath and subject to the penalties of perjury. I cannot perceive how you can conduct a meaningful investigation, "neither witch-hunt nor whitewash" as promised, without obtaining sworn testimony and the production of private records other than those conveniently volunteered by the accused and his associates.

The Report barely mentions on page 10 the expert and thoughtful letter which Mr Wyman sent you on May 6 concerning proper investigative procedure. On page 12 the Report notes but does not detail an 11-page submission on June 1 by Judge Rifkind, attorney for the accused, entitled "Role of Counsel and Related Procedural Matters." Without questioning the right and duty of counsel to attempt any and every advantage for his client, Justice Douglas, I must respectfully inquire whether Judge Rifkind's unchallenged memorandum has been accepted by the Subcommittee and is currently guiding the staff investigation. Obviously Mr. Wyman's suggestions are not.

It seems to me that both submissions should have been included in this Report and should now be made available promptly to all Members of the House, together with the procedural guidelines which the Special Subcommittee is in fact observing.

Particularly disturbing is the apparently inadvertent disclosure on page 50 of the Report in the next to the last paragraph of Judge Rifkind's letter, wherein he states:

"We have responded, at this point, to all allegations made with some degree of particularity. Since the gentlemen who made the charges have not yet accepted the subcommittee's invitation to produce by May 8, 1970, evidence to support their allegations, there may remain one or two charges insufficiently defined to make an answer possible."

How did the attorney for the accused on May 18 know (1) that the subcommittee had invited other Members of Congress to submit evidence to support their allegations by May 8 and (2) whether they had or had not replied to this invitation?

Clearly, here is tacit admission of improper communication between the attorney for the accused and the staff of the Special Subcommittee with respect to *internal communications among Members of the House of Representatives*. This paragraph also indicates a future expectation on the part of Judge Rifkind that he will be advised of the contents of communications by Members of the House to the Chairman of the Subcommittee concerning charges against his client.

The adversary proceeding of a formal impeachment trial by the Senate clearly permits the accused and/or his counsel to be advised of the charges against him. When such charges are still unformulated and unappraised by the whole House or even by the Full Committee on the Judiciary no such right exists. *Counsel for the accused does not sit in the Grand Jury Room.* If any such procedure is being pursued by the Special Subcommittee, or clandestinely by the staff, the result can only be a *sweeping whitewash of every allegation as it appears.*

In summary, this Report clearly demonstrates that while the demand for a full investigation of the conduct of Justice Douglas has truly been a bipartisan effort, the normal safeguards of the two-party system are not functioning in the staff investigation undertaken by the Special Subcommittee. Those Members who have publicly gone on record for a full investigation into the conduct of Justice Douglas are not, obviously, properly represented at the staff level in this investigation. They are not, it seems, represented at all.

From cover sheet to its final sentence before the Chronology on page 26, the staff Report betrays a basic and persistent distortion of the true role of a House committee investigation in the Constitutional process of impeachment. It states:

"Hopefully, during this period (60 days), the Subcommittee will receive all the information it needs for a final assessment of the validity of the charges against Associate Justice William O. Douglas."

The function of the subcommittee is not to make a *final* assessment. It is to present all the available and relevant facts and evidence to the Members of the full committee, in the first instance; and to the Members of the House of Representatives in the final instance. Only the House as a whole has the power of impeachment, and even this is not a *final* assessment.

The final assessment of the *validity* of the charges is made in the Senate sitting as a court of impeachment. From this there is no appeal. The preliminary assessment required of the House as a whole is whether the charges and prelimniary showing of evidence are of sufficient gravity to warrant a formal trial in the interests of both the public and of the accused.

The concluding sentence and the whole tenor of this Report seem to envisage the Special Subcommittee's investigation as the start of a series of judicial proceedings and appeals, with adversary rules applicable all the way—at least to the benefit of the accused. Thus, an appeal may be taken from the Special Subcommittee to the Full Committee and then to the whole House. Under his curious concept, the United States Senate would become the *Supreme Court* of impeachment. Much as this role might please some in the other body, it is not at all the Constitutional concept.

In impeachment, the Senate is the *sole* court, original and final, judge and jury. The role of the House at no time becomes judicial in character; it is investigator, grand jury and (if it votes to impeach) prosecutor at the bar of the Senate. This is clearly established by the Constitution and by all the precedents. Significantly, it is totally ignored in the final phrase of Judge Rifkind's letter to the Chairman of the Special Subcommittee:

"I very much appreciate the opportunity you have given us to expose the lack of merit in the allegations and to vindicate the reputation of Mr. Justice Douglas."

In conclusion, Mr. Chairman, may I express the hope that your staff Report—the confidential nature of which is explicable only on the basis of its bias—does not reflect the attitude of your Special Subcommittee or of yourself.

No one knows better than I the legislative workload which still burdens the Committee on the Judiciary. It was for this reason, rather than any lack of confidence in your thoroughness or fairness, that I openly favored a bipartisan Select Committee with an independent investigative staff to undertake this important and wide-ranging inquiry. It was for the same reason that I requested that those Members who favored the Select Committee alternative be permitted staff representation to augment your regular staff and to ensure that their rights and their viewpoints would be protected and properly presented. Clearly, they are not.

I gave my informal agreement to a 60-day time extension for your investigation because no responsible Member of the House, on a Constitutional question of this moment, would wish to act in haste or in the absence of every available element of testimony and evidence. But I have grave reservations whether this will ever be obtained under the cursory and one-sided proceduers revealed by this staff Report.

As I previously advised you (in the portions of my letter deleted from the Report) I am not only continuing my personal search for relevant information but am obtaining authoritative legal opinions both in response to your specific requests and otherwise, which I shall make available to the House at the proper time. In the interim I most respectfully renew my request for access to the information being amassed by your Special Subcommittee, adequate staff representation, public hearings and the inclusion of all pertinent documentary materials in the public report of the committee.

While I anticipate that you may not be disposed to change your position on some of my requests, I respectfully submit that as a minimum I be supplied with every item of information and copies of all communications between the Special Subcommittee and the Accused and his Counsel, Judge Rifkind, and be given the courtesy of an opportunity to respond to such communications prior to their inclusion in a printed document or their consideration by the Members of the Special Subcommittee or the full Committee on the Judiciary.

I also respectfully request that this letter be made available as soon as practicable to all Members of the Special Subcommittee with the suggestion that they reexamine the June 20 staff Report in the light of my comments. I must also ask that all my correspondence with you in this matter be made available to the Members of the Special Subcommittee in full context and not in part or in paraphrase. I would think this courtesy should apply to similar communications from other Members.

Please be assured of my continuing and warm personal respect and regard.

Sincerely,

GERALD R. FORD.

Mr. Speaker, I also insert an earlier letter I wrote to the chairman on May 20 and two news reports which were enclosures to my July 29 letter:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 20, 1970.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
U.S. House of Representatives.

DEAR MR. CHAIRMAN: Thank you for your letter of May 15, requesting my views on the meaning of the "good behaviour" clause of Article III, Section 1 of the Constitution with reference to impeachments of members of the Federal Judiciary.

I am indeed aware that this question has been vigorously debated throughout our history. My own review of the background of impeachments and my views on "good behaviour", supported by some distinguished opinion in the other body on the occasion of the last impeachment trial, occupy perhaps one-third of my April 15 speech to the House. A marked copy is enclosed.

I am also aware that Judge Rifkind, who is retained by Associate Justice Douglas, has taken public exception to a single sentence from my argument, which states not so much my personal opinion as what I believe to be a fair summary of the few precedents. Judge Rifkind has branded this "a subversive notion" and I am happy to have your calmer conclusion that it is legitimately arguable.

With very real respect, however, I submit that it puts the cart before the horse to argue the law in this specific instance in the absence of all the facts. It certainly is possible that a more compelling and learned summary of precedents and prior argument on "good behaviour" can be made than the preliminary one I have made; indeed, I am in the process of doing exactly that. This will be useful, however, only in the context of the evidence and testimony which I have every confidence the Special Subcommittee will fully develop in its investigation for the information of the House. As previously stated I stand ready to cooperate in every way in getting the truth and the whole truth on the record in this matter.

It is my conviction, Mr. Chairman, that when all the facts are known the Members will have little difficulty in deciding whether or not they square with the Constitutional standards of judicial conduct.

Warm personal regards,

GERALD R. FORD.

[From the Los Angeles Times, June 25, 1970]

ACCUSATIONS DENIED BY DOUGLAS' ATTORNEY—LETTER TO IMPEACHMENT PANEL ANSWERS MISCONDUCT CHARGES AGAINST JUSTICE

(By Thomas J. Foley)

WASHINGTON.—The attorney for Supreme Court Justice William O. Douglas has issued a point-by-point reply to charges of misconduct against Douglas.

The attorney also has indicated he believes House members who launched the charges may have violated the American Bar Assn.'s code of professional responsibility.

Answers to charges launched against Douglas by House Minority Leader Gerald R. Ford (R-Mich.) were made by former Judge Simon H. Rifkind in a letter to the special House judiciary subcommittee investigating possible impeachment proceedings against the justice.

A 53-PAGE REPORT

The letter was part of a confidential 53-page report made Wednesday by the subcommittee to the full House Judiciary Committee. The subcommittee requested and was granted another 60 days to complete its study. Both groups are headed by Rep. Emanuel Celler (D-N.Y.).

The subcommittee said more than 1,000 documents had been studied and more than a dozen persons interviewed since it began its investigation two months ago.

"Much remains to be done before the special subcommittee will be in a position to render a final assessment on the validity of the charges that have been made," the report said.

Rifkind is a senior partner in a New York law firm that includes former Justice Arthur J. Goldberg, former White House aide Theodore Sorensen and former Atty. Gen. Ramsey Clark.

His letter was submitted to the subcommittee May 18 along with a 138-page brief answering Ford's charges and a three-volume compendium of 555 documents from the files of Douglas and groups involved in the charges.

In his letter Rifkind said, "I must say that the exhaustive inquiry we have concluded to date has totally vindicated my own faith in the integrity and character" of his client.

He said Douglas, in his tenure on the court since he was appointed by Franklin D. Roosevelt in 1939, "has participated in the effort to give genuine meaning to a Bill of Rights which too often in the past was honored more in the breach than in the observance."

LIBERAL RECORD

Douglas' defenders contend that the attack on his out-of-court activities primarily was motivated by his liberal record on the court.

Ford has said he will insist that the subcommittee make public all pertinent information and documents when it reports to the House this summer.

In his letter Rifkind said, "Those who have attacked this great man of American law ought carefully to examine Canon 9 of the ABA's code of professional responsibility which warns that 'a lawyer shall not knowingly make false accusations against a judge.' "

Whether this would apply to charges made in the House under the privilege of immunity was not immediately known. Both Ford and Rep. Louis Wyman (R-N.H.), who authored a resolution with 115 other members asking for the investigation, are lawyers.

Taking up the charges, Rifkind noted that Ford and Wyman attacked Douglas' recent book, "Points of Rebellion," which the congressmen characterized as advocating rebellion.

Rifkind, in turn, characterized the attack as a demand for an inquisition into Douglas' thoughts and beliefs and said it was "not only profoundly subversive of the First Amendment but is based upon an inexcusable distortion of what the justice actually wrote."

The second charge involved the reprint of part of the book in a magazine, Evergreen Review, immediately following a multipage section of photographs of naked men and women in furious forms of sexual intercourse.

Rifkind said "Whatever may be the merits or demerits of Evergreen Review, the justice did not authorize its editors to reprint a portion of his book. Pursuant to its standard contractual rights, Random House, one of the nation's most prestigious publishers, made the decision. If that was a mistake, it was not a mistake made by the justice."

LIBEL SUIT

A third attack centered on Douglas' ruling in favor of magazine publisher Ralph Ginzburg in a libel suit brought by Senator Barry Goldwater (R-Ariz.) a year after another Ginzburg magazine published a Douglas article on folk singing.

Rifkind said Douglas had no reason to stay out of the libel case, as Ford argued. "The record demonstrates that Mr. Justice Douglas has been exceedingly scrupulous with respect to disqualification in those cases where he had some meaningful 'connection' to the parties or the transaction involved."

The other charges grow out of Douglas' $12,000-a-year position as president of the Albert Parvin Foundation, founded a decade ago by Parvin, a Los Angeles hotel supplier and part of whose income was derived from a mortgage on a Las Vegas gambling casino.

[From the St. Louis Post-Dispatch, June 28, 1970]

PANEL STILL AWAITING JUSTICE DOUGLAS DATA

WASHINGTON, June 27 (AP)—Despite repeated requests, the Department of Justice still has not supplied information concerning Justice William O. Douglas to the House committee investigating impeachment charges against him.

It has only been in the last week that tax information requested by the committee nearly two months ago has been made available by the Internal Revenue Service.

Because of the delays in getting such information, the committee has asked and been given 60 more days to complete its inquiry and assess the validity of the charges against Douglas.

The difficulties and delays in gathering information from the Government are detailed in a report by the committee to the House Judiciary Committee, which set up the special investigating panel in response to demands from more than 100 House members. The report was made available to a reporter.

NIXON'S ASSURANCE

The committee asked President Richard M. Nixon on April 29 to authorize any government agencies with information bearing on Douglas to make it available, and on May 13 received Nixon's assurance there would be full co-operation.

Despite numerous telephone calls to the Justice Department and a personal visit with Attorney General John N. Mitchell last June 9, the committee said it still has not received the information it wants from the department.

The Internal Revenue Service, it said, requested an executive order from Mr. Nixon before it would release the tax information the committee sought. The order was signed by the President June 13 and last Monday the IRS notified the committee that it had 250,000 documents the committee could look at.

The documents were reviewed by the IRS in its investigation of Albert Parvin, the Albert Parvin Foundation and Parvin-Dohrmann Co. Douglas served as the salaried president of the foundation from 1961 until 1969.

The Securities and Exchange Commission, which has litigation pending against Parvin-Dohrmann Co. in connection with some of its securities transactions, promptly delivered its documents to the committee May 11.

The committee report discloses that the panel has conducted numerous interviews, collected extensive information on its own and received a voluminous file from Douglas through his attorney, Simon H. Rifkind.

In a letter to the committee, included in the report, Rifkind said his own investigation of Douglas' affairs "has totally vindicated my own faith in the integrity and character of this man . . ."

Rifkind supplied the committee also with a 138-page legal brief answering point by point charges made against Douglas by House Republican minority leader Gerald R. Ford of Michigan in a speech April 15.

Ford cited Douglas's authorship of the book, "Points of Rebellion," his position as the salaried head of the private foundation, his participation in a court case involving a magazine publisher from whom he had received a $300 fee and the appearance of one of his articles in a magazine containing nude photographs.

CALLED DISTORTION

Rifkind, in his letter, said Ford's attack on Douglas's book "is not only profoundly

subversive of the First Amendment but is based upon an inexcusable distortion of what the justice actually wrote."

Rifkind accused Ford also of "a flimsy attempt" to link Douglas with gambling figures through some of the business associates of Parvin and the activities of Bobby Baker, former Senate majority secretary who has since been convicted of tax evasion and fraud.

Douglas has never been associated with Baker, Rifkind said, and the Parvin Foundation has no connection with "the international gambling fraternity"—as Ford called it

In accepting a $12,000 salary from the foundation, Rifkind said, Douglas was following a long-established precedent. Other justices, most recently Chief Justice Warren E. Burger and Justice Harry Blackmun, have received compensation from foundations, he said.

"It is disquieting to me," said Rifkind, "that in a major congressional address an effort should be made to impugn the integrity of an associate justice of the U.S. Supreme Court by the assertion of one misstatement after another . . ."

Mr. Speaker, finally I would like to insert a press release issued on August 5, yesterday, by the distinguished chairman (Mr. CELLER) which constitutes an indirect reply to at least part of my peaceful protest:

STATEMENT OF SPECIAL SUBCOMMITTEE ON JUSTICE DOUGLAS INVESTIGATION

Representative Emanuel Celler, Chairman of the Special Subcommittee on H. Res. 920, and of the Committee on the Judiciary, made the following statement on behalf of the Subcommittee members with respect to the activities of the Special Subcommittee and the procedures applicable to this investigation. The members of the Special Subcommittee on H. Res. 920 are: Emanuel Celler (New York), Chairman; Byron G. Rogers (Colorado); Jack Brooks (Texas); William M. McCulloch (Ohio); and Edward Hutchinson (Michigan).

Mr. Celler said:

"Since its appointment on April 21, 1970, the Special Subcommittee, and its staff, has worked carefully and assiduously to examine each lead and to ferret out all pertinent facts that are relevant to the charges that have been made on the conduct of Associate Justice William O. Douglas.

"A comprehensive report on the status of the Special Subcommittee's investigation was made on June 20, 1970. Since its First Report, the Special Subcommittee has pursued this investigation in the Department of State, the Central Intelligence Agency, as well as the Department of Justice. In addition, numerous conferences have been held with representatives of the Internal Revenue Service, the Central Intelligence Agency, with Ed Levinson, and with individuals related to the leads to information that previously had been provided by Representative Gerald R. Ford. Further, the Special Subcommittee has continued its examination of the files of Justice Douglas.

"The Special Subcommittee has not delayed or hestitated in any respect in its attempt to collect all relevant documentary and factual materials.

"The Special Subcommittee, however, has not received full cooperation from some of the Executive Departments. Such cooperation is essential for expeditious resolution of the issues. This lack of cooperation has impaired the ability of the Special Subcommittee to complete its assigned task.

"On June 20, 1970, the Special Subcommittee requested the Department of State to provide relevant documentary and factual material. As of August 5, 1970, no information had been supplied by the Department of State pursuant to this request.

"The CIA was requested on June 22, 1970, to provide relevant documentary and factual materials. On July 15, 1970, Richard Helms, Director, wrote a letter in response to the Special Subcommittee's request, but declined to furnish any documentary or factual materials from the CIA's files. Three conferences have been held with representatives of the CIA in an effort to arrive at a mutually satisfactory accommodation by which materials and information in the files of the CIA could be made available for this investigation. The CIA has to date furnished nothing from its files.

"Department of Justice cooperation is in essentially the same posture that was described in the First Report of the Special Subcommittee. There have been further conferences and correspondence with Attorney General Mitchell, but as of August 5, 1970, the Department still has not supplied the documentary and factual materials the Special Subcommittee has requested.

"These delays and obstructions have hampered the Special Subcommittee in this investigation and hindered the completion of its task. In the light of the lack of cooperation from the Executive Branch, criticism of the Special Subcommittee is not justified.

"A brief summary of the procedures that have been adopted by the Special Subcommittee in this investigation is appropriate. Impeachment of a member of the United States Supreme Court is a serious matter and should not be undertaken irresponsibly or in the absence of complete knowledge of all relevant facts. In this investigation, the Special Subcommittee seeks to avoid any criticism of partisan politics. Every effort is being made to pursue this investigation in a professional, objective and orderly manner.

"As the First Report makes clear on page 1, the Special Subcommittee on H. Res. 920 has been appointed and operates under the Rules of the House of Representatives. During the initial stages of this investigation, the Special Subcommittee will operate under procedures established in paragraph 27, Rules of Committee Procedure, of Rule XI of the House of Representatives. These procedures will be followed.

"Phase I of the Special Subcommittee's investigation is a preliminary inquiry to collect all of the documentary and factual materials that bear upon any of the charges within the scope of H. Res. 920. To this end, the Special Subcommittee has requested information from every other known source who may be in a position to provide relevant materials.

"In Phase I, the investigation is *ex parte*. The purpose of the preliminary inquiry is to enable the Special Subcommittee to determine what course of action it can recommend to the full Judiciary Committee on the basis of the facts. The preliminary inquiry is analogous to the investigation that is necessary to make a determination that sufficient facts exist to warrant bringing matter to the attention of a Grand Jury.

"Phase I is not yet completed. Sources, primarily in the Executive Branch, that possess relevant information thus far have not complied with the Special Subcommittee's requests. Until these factual materials are supplied to the Special Subcommittee, the preliminary inquiry stage of this investigation cannot be completed.

"Phase II is the next step in the investigation. When the Special Subcommittee is satisfied that the facts indicate that an impeachable offense may have been committed, a recommendation will be made that the Judiciary Committee authorize the formal proceedings that look toward the impeachment in the Senate of a United States Supreme Court justice. Public hearings would be in order in Phase II.

"Prior to public hearings, the Special Subcommittee would adopt procedures appropriate to the particular facts and circumstances of this case. Such procedures would involve resolution of such questions, among others, as:

"The role of counsel for the parties;

"Whether public hearings should be conducted by the Special Subcommittee or by the full Judiciary Committee;

"Applicable hearing procedure rules, including the right to cross examine witnesses;

"Whether hearing sessions should be open or closed.

"During public hearings in an impeachment investigation, of course, testimony would be under oath. Attendance by relevant or material witnesses would be compelled by subpena.

"Phase III would come at the conclusion of the Judiciary Committee's investigation. In Phase III, the Judiciary Committee would render its report to the House. The Report would contain a recommendation on H. Res. 920. If warranted, the Judiciary Committee Report would contain a specific statement of the charges to be submitted to the Senate.

"This statement reflects the current status of the Special Subcommittee's investigation and the procedures that are being followed. All of the members of the Special Subcommittee hope that greater cooperation will be forthcoming and that delays that impair the Special Subcommittee's progress may be removed so that a definite recommendation shortly may be made to the Committee on the Judiciary."

Mr. Speaker, I am gratified by this degree of progress in the investigation and will continue to cooperate in every way for a full, fair, and open inquiry, without fear or favor, for the information of the House of Representatives and the American people.

BULLDOZING INTERSTATE HIGHWAY THROUGH CHARLESTON, W. VA.

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, people throughout the Nation are recognizing that bypassing a city is far preferable to bulldozing an interstate highway through the center of a city. In the case of West Virginia's capital city, plans call for converging three interstate highways and a four-lane Appalachian highway through the center of Charleston, W. Va. Under unanimous consent, there follow two articles on this subject from the magazine City and the August 1 issue of Afro-American:

IN THE PATH OF THE INTERSTATES

"The American Dream," writes "Road to Ruin" author A. Q. Mowbray, "is to drive from coast to coast without encountering a traffic light." The key to the dream is, of course, the Interstate Highway System, a network of freeways that now covers 29,000 miles and has another 13,000 in the offing. Now 70-per-cent complete, at a cost so far of $38.8 billion—the largest single public works project in history—the system is coming under increasing attack. Its opposition is chiefly from city dwellers decrying the disruption of neighborhoods, disappearance of parklands, and destruction of historic sites in its path.

The recently intensified wave of public reaction reflects the fact that states tackled the easier rural segments of the Interstate System first and then later began trying to push freeways through built-up city and suburban areas. (Last year 81 per cent of all residential displacements for freeway pur-

poses residents were urban.) Today's vociferous opposition reflects too the nation's growing concern with the environment. In at least 16 cities—including those shown on these pages—civic opposition is now holding up about 150 miles of Interstate construction.

In most controversies, the responsiveness of government is proving greater at the federal than the state level. The state selects the highway routes, but the federal government has added some safeguards to the original 1956 law implementing the Interstate Highway System. Congress gave the first aid to relocation problems in 1962 legislation requiring the states to offer advisory assistance in finding other homes for those displaced by the road builders. The federal government also promised to pay a share if the state helped to pay moving expenses. At that time only eight states had any such provision for assistance.

Further aid was extended in the 1968 Highway Act when Congress stipulated that displaced homeowners be repaid up to $5,000 for the difference between the acquisition price for the old house and the cost of replacement. This year Secretary of Transportation John Volpe took an even more dramatic step as he decreed that the federal government will not provide funds for new roads or other transportation projects until new housing has been found for persons displaced. The Volpe directive aims to meet what historically is the biggest reason for public protest: that people in the path of a new road are moved out with no place to go. (Federal Highway Administrator Francis Turner estimates that federal-aid highway displacements will average 25,000 dwellings annually for the years immediately ahead.)

Protection for parklands and recreation areas, wildlife areas, and historic sites was added in the 1966 act establishing the Department of Transportation. Section 4(f) says the Secretary shall not approve any project using such land unless there is "no feasible and prudent alternative" and unless there is "all possible planning to minimize harm" to the area. This section of the law is today forming the basis for appeals in Memphis and San Antonio where highways threaten two of the nation's most beautiful urban parks. It was cited in April by Secretary of the Interior Walter J. Hickel in withholding permission to construct a section of I–95 on the southwest outskirts of Philadelphia until steps were taken to preserve the Tinicum tidal marshland, a privately owned wildlife refuge forming a prime nesting and feeding ground for waterfowl in the northern Atlantic flyway.

Former Secretary of Transportation Alan Boyd tried to strengthen the role of public opinion in highway planning by putting into effect a requirement for two seperate public hearings—the first to provide for comments before a route was selected, the second to be held after the highway was designed. Although a public hearing had been mandatory in federally financed projects, the practice of many highway departments was to delay public hearings until the plans for the highway were so far along that any major change in route would be economically unfeasible. The state highway departments have been roundly criticized for putting economic costs ahead of human costs, and even with the new dual-hearing procedure, the state is not directed to heed the opinions expressed.

A strong new ally to the environment-over-mileage crowd has been added to the Department of Transportation: the Assistant Secretary for Environment and Urban Systems, J. D. Braman. Taking the new post in 1969, Braman was not unfamiliar with local problems with the highway; as mayor of Seattle, he had his own troubles with I–90, described by a leading architect as "a 12-lane ditch" across the city. Secretary Volpe's decree on the 1968 act's relocation provisions along with Section 4(f) and provisions in the National Environmental Policy Act of 1969, furnish the authority for the new office to get into the local squabbles. Its involvement currently is largely as arbitrator in controversies among local and state interests, but for the long range the office is searching for new techniques or mechanisms in transportation planing for urban areas that will obviate the kind of confrontations sparked by the Interstate System.

One member of the Environment and Urban Systems staff has succinctly stated the difference between this office and the Federal Highway Administration: "We don't see it as a failure if every mile of the Interstate isn't built."

(The Federal Highway Administration, overseer of the nation's massive highway-aid program, has been trying to win over the forces of opposition with such promotional prose as: "The budding basketball star of tomorrow could be a kid who learned how to dribble, pass, and shoot because an Interstate highway came through his neighborhood. And this same youth, who wiled away hours of his life wondering what to do next, can now cavort on a basketball court laid out under a structurally modern viaduct.")

The first example of successful citizen opposition to the invasion of cities by highways was set by San Francisco in 1959 when its irate citizens stopped construction of the elevated Embarcadero Freeway in midair. Since then, revolts have followed in Baltimore, Washington, Indianapolis, Cleveland, Philadelphia, New York, and elsewhere. In some the tide did turn against the highways: Mayor John Lindsay took the disputed Lower Manhattan Expressway off the planning maps; the elevated expressway that was to divide New Orleans' historic Vieux Carre from the riverfront was cancelled by Secretary of Transportation Volpe after a 10-year struggle.

But in Philadelphia, Morristown, N.J., and Nashville, the roads ran over the opposition. The Southwark Expressway rammed through Philadelphia's oldest settlement, razing historic houses and isolating the "Old Swede's" Church. Opposition from mayor, city council, and then-Interior Secretary Stewart Udall couldn't keep six-lane I–287 from plowing through the heart of Morristown. In Nashville, the fight went to the U.S. Appellate Court, but I–40 was permitted to take a wide loop through the center of a stable black community, where it wiped out all Negro-owned businesses on one side of the main business street and isolated the other side from customers.

In cities where the issue still hangs in the balance, two state governors have given antihighway forces reason to hope. In February, Massachusetts Governor Francis Sargent ended, at least temporarily, the bitter controversy over I–695, Boston's proposed Inner Belt. He called a halt to a pending $5.5-million study to fix the route. "I have decided not to approve it," he stated. "It is too expensive. It would take too long—and most important, it would consider only *where* and *how* to build expressways, not whether to build them at all." He announced plans instead to launch a Balanced Transportation Development Program to integrate road-building with mass transit and study other, innovative means of moving goods and people.

In April, Cleveland got a similar reprieve as Ohio Governor James Rhodes responded to six years of bipartisan efforts by requesting the state highway department to abandon plans for the segment of I–290 affecting Shaker Lakes and the Shaker Heights residential area.

The extraordinary attraction of the Interstate System to the states is its offer of federal funding on a 90–10 matching basis. The federal portion comes from the Highway Trust Fund, which also provides support for the construction of primary and secondary highways on a 50–50 basis. This even-matching partnership dates back to 1961 with the first bill to establish a federally aided highway program; half the states have no other highway program of their own. One quirk of the Interstate System funding is that the 90–10 money is available only for new routes; improvement of older routes can get only 50–50 funds. The 90-per-cent lure has been irresistible to state officials who wanted to show progress for the smallest investment.

The trust fund itself is fed by gasoline, oil, and tire taxes collected by the states. Each state naturally wants to benefit from its share of the tax money it sends to Washington, so the pressure is on to build more new highways. Each has three years to come up with highway projects to "obligate" the funds. So far no state has returned any of the 90–10 money; when San Francisco refused further freeway construction in 1966, its portion of the funds simply reverted to the state of California and made it possible for highway engineers to plan more Interstate mileage for Los Angeles.

Under present legislation, the Trust Fund is scheduled to go out of existence in 1972. Since work on the Interstate and other federal-aid systems will extend well beyond that date, this year will call for decisions on the future of the fund. Where highways and cities are in conflict, there has been clamor for change in the legislation to permit flexibility in the use of the tax revenues. Right now with the Trust Fund an exclusive conduit of money for highways, the cities have no comparable source of assistance for development of public transit or other solutions to the problems of urban transportation.

Significantly, DOT's office of Environment and Urban Systems is concerned not only about problems with highways, but about all forms of transportation facilities: airports, high-speed ground transportation, underground mass transit. It is in a position to evaluate the whole concept of transportation and the application of federal sharing funds. Back in 1967, then-Mayor Braman told Congressional hearings that there must be equitable funding of all forms of transportation, including nonhighway needs, and that the transportation decision of each city must be made at the local level.

The call for local decision-making is echoed by concerned citizen Helen Leavitt in her recent book "Superhighway—Superhoax." She writes, "There is no simple panacea, universally applicable to all of our major cities, that will solve our transportation problems. Each city needs and indeed is entitled to, its own particular solution to its own problems."

But on the state level it is still unusual to encounter the kind of recognition exhibited by the governor of Massachusetts, who told his constituents in February: "Four years ago I was the commissioner of the Department of Public Works—our road-building agency. Then, nearly everyone was sure highways were the only answer to transportation problems for years to come.

"We were wrong."

TRIANGLE: AREA FIGHTS TO SAVE ITS LIFE

CHARLESTON, W. Va.—The latest strategy in the embattled Triangle Community's fight to save itself, is a proposed boycott of downtown merchants who refuse to give their support to efforts to reroute interstate highway T 77 scheduled to run through the community.

Already Triangle residents, involved in the fight to save their community since 1965, have faced bulldozers and policemen, have been gassed and arrested.

Fifty youths blocked the bulldozers path when they moved into the Triangle * * *. Fourteen were arrested and placed on $5,000

bond. Bonds were later reduced with two exceptions.

But only buildings were destroyed, and a delegation of Triangle residents in Washington, last week, won reconsideration for their cause with Department of Transportation Secretary John Volpe.

But that reconsideration involved only a three-day request not to destroy any more buildings until a DOT representative could ascertain if adequate relocation facilities were available.

According to the report made to Volpe, adequate provisions had been made, despite the indignant complaint of Mrs. Gloria Blanton.

"I was in bed asleep and they came and told me they're going to tear my house down," she said standing on the street in her bathrobe. She said she had received no eviction notice.

The Secretary's temporary order was based on the fact the there were indications that the people whose homes were to be torn down had adequate housing elsewhere.

He must still make a decision on whether the highway can be routed diffently without disrupting the over-all plan. Triangle residents feel this can be done.

Gov. Arch Moore, Charleston mayor Elmer Dotson and state highway commissioner William Ritche do not think so.

"The time for changes in location has passed," the mayor said sometime ago.

Clinton Black, program * * * of the Progressive Association for Economic Development told AFRO, it is getting rather late in the game for the community. But in the years since the struggle began in 1965, he said the Triangle has developed a sense of unity and community that is rare. P.A.E.D. is an arm of Rev. Leon Sullivan's OIC program.

Six community organizations participated in the battle to save the area. They are the Triangle Improve Council, People's Coalition, Save The Triangle Committee, The Legal Aid Society, NAACP and American Civil Liberties Union.

* * *

The fact that large numbers of people would block bulldozers with their bodies, face tear gas and imprisonment, would seem to indicate the development of something in Triangle which should be saved.

And it would seem to be the intention behind the new Environmental Quality Act of 1969 which says any federally supported program may be changed if it has a "deteriorating effect on the environment."

But officials in the DOT seem to feel this legislation may have come too late for Triangle. Plans have been finalized, contracts let and these things once started are difficult to stop.

But the boycott, the hard-won support of City Council, and the relatively broad community support, evidenced by those who put up their property to bail out the demonstrators, may be able to turn the tide and save the Triangle yet.

THE 10TH ANNIVERSARY OF MEDICAL-HOSPITAL SHIP SS "HOPE"

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, 1970 marks the 10th year of service for the SS *Hope*, the floating hospital that has carried doctors, nurses, and medicine around the world to thousands of suffering persons. Under unanimous consent, there follows an article printed in the Saturday Review, "Decade of Hope, Legacy of Health" by Richard L. Tobin, dated April 4, 1970, concerning the mission of the SS *Hope*.

Projects like the SS *Hope* present positive alternatives in foreign policy. Direct assistance, as opposed to military spending, is a more effective means of aiding other countries, especially the underdeveloped nations mentioned in the article:

DECADE OF HOPE, LEGACY OF HEALTH

The year 1970 celebrates the first decade of the good ship *S. S. Hope*, that fabulous unofficial medical-hospital envoy that has done so much to create good will for and a legacy of health from the United States. In the past ten years *Hope's* doctors, nurses, and technicians have trained 5,415 physicians, surgeons, dentists, nurses, and technical experts in foreign lands; treated 130,618 persons overseas; conducted 13,956 major operations; benefited nearly 3.5 million underprivileged people through immunization, examination, and other services; and distributed over 2,530,000 cartons of milk. Since *Hope's* first voyage, 1,578 American medical personnel have served with the project. The *S. S. Hope* has been in Tunisia since last September and will return to the United States next July. Meanwhile, shore programs continue in five of the countries already visited by the great hospital ship—Peru, Ecuador, Nicaragua, Colombia, and Ceylon. Other follow-up programs have been completed in Indonesia, Vietnam, and the Republic of Guinea. It's been quite a ten years!

In Ceylon, *Hope* has just concluded its most comprehensive treatment and teaching program to date. Some 70,000 children received immunization against tetanus, whooping cough, and diphtheria—three particular devils in that warm region. More than 3,000 patients were treated in the ship's dental department; the medical staff took care of 1,700 patients aboard ship and, with Ceylonese counterparts, completed some 2,280 operations. During the Ceylon visit, *Hope's* permanent staff of 135 U.S. specialists conducted educational exchange programs with more than 1,150 Ceylonese medical and paramedical counterparts on board ship and throughout the island.

Perhaps most dramatic of *Hope's* contributions in Ceylon was open heart surgery. Working hand in hand with Ceylonese surgical specialists, *Hope's* thoracic surgeons performed heart-valve replacements, which marked a milestone in the history of the island nation. These and many another operation conducted in Colombo General Hospital attracted wide attention in the Ceylonese press as each new surgical procedure was first performed by U.S. physicians, with Ceylonese surgeons assisting. Local surgeons operated in subsequent cases with *Hope* physicians assisting. The day before the *S. S. Hope* departed for the United States, long, snakelike lines formed on the docks, made up partly of people seeking last-minute relief from their suffering and partly of those who wished to thank the permanent staff for its miraculous services to an island population that rarely sees a doctor of any sort.

Soon after the arrival of *Hope* at the port of La Goulette, Tunisia, for a ten-month training and treatment mission, unprecedented rains inundated much of southern Tunisia, leaving 100,000 Tunisians homeless and 500 dead. In ten days Tunisia received the equivalent of ten years' rainfall, and typhoid quickly became a major threat. Project Hope vaccinated more than 76,000 flood victims and trained twenty-five vaccination-sanitation teams to go on from there. No visitor or ship could have arrived at a better time or have performed a greater public health service.

Over the past decade, Project Hope has successfully completed teaching and treatment programs in the fields of medicine, dentistry, and auxiliary medical specialties on four continents. The ship of Hope has visited Indonesia, South Vietnam, Peru, Ecuador, Guinea, Nicaragua, Colombia, Ceylon, and, most recently, conducted a project at home in the United States—with Mexican-Americans and Navajo Indians in Arizona. In Ganado, Arizona, Hope is developing a broad program including the assumption of full administrative responsibility for the fifty-five-bed Sage Memorial Hospital. Hope is sponsoring an associate arts nursing program in the Navajo Community College with a degree to be recognized by the state's bureau licensing authorities. To the normal medical curriculum Hope has added required subjects taught locally by Indian faculty members—this because Project Hope has learned by now that it is absolutely essential to enrich technology training with instruction leading toward a reverence for the history and traditions of the host culture.

Obviously, you won't find the *S.S. Hope* listed in any book of great fighting ships or glamorous cruise boats. She's a white, 15,000-ton vessel, originally the U.S. Navy ship *Consolation;* her 520 feet brim and bulge with operating rooms and the very latest in hospital equipment, including beds for 108 patients and a machine that converts powdered milk into one-pint liquid cartons. How far along our world would be toward the elusive dream of peace if all the ships that now carry atomic weapons, that can shell a beach, sink a convoy, and escort troops, were built and assigned to do what *S.S. Hope* has done in good neighborliness in a single decade. At the cost of a single day's military spending by the United States we could operate twenty *S.S. Hopes* around the world for a whole year with fantastic dividends for peace and a growing legacy of health from the world's kindest traveler.

PERMISSION FOR BANKING AND CURRENCY COMMITTEE—TO HAVE UNTIL 6 P.M., AUGUST 8, TO FILE CONFERENCE REPORT ON S. 3302

Mrs. SULLIVAN. Mr. Speaker, the managers on the part of the House ask unanimous consent that the House Banking and Currency Committee have until 6 p.m., Saturday, August 8, 1970, to file the conference report on S. 3302, an act to amend the Defense Production Act of 1950, and for other purposes.

The SPEAKER pro tempore (Mr. BROWN of California). Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GRAY (at the request of Mr. ALBERT) for today, on account of illness in the family.

Mr. ROBISON (at the request of Mr. GERALD R. FORD) for today, on account of illness in family.

Mr. REIFEL (at the request of Mr. GERALD R. FORD) through August 14, on account of personal matters.

Mrs. SULLIVAN, for August 10 and 11, on account of business in district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legisla-

tive program and any special orders heretofore entered, was granted to:

Mr. LEGGETT for 1 hour today.

(The following Members (at the request of Mr. SCHERLE) to revise and extend their remarks and include extraneous matter:)

Mr. FINDLEY, for 10 minutes, today.

Mr. ASHBROOK, for 1 hour, today.

(The following Members (at the request of Mr. FLOWERS) to revise and extend their remarks and include extraneous matter.

Mr. LOWENSTEIN, for 60 minutes, today.

Mr. MANN, for 10 minutes, today.

Mr. FLOOD, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BOGGS in two instances and to include extraneous matter.

Mr. HECHLER of West Virginia to revise and extend his remarks made on the postal reorganization conference report.

Mr. ANDERSON of Illinois (at the request of Mr. SPRINGER) immediately following the remarks of Mr. PICKLE in the Committee of the Whole today.

Mr. BROWN of Ohio (at the request of Mr. SPRINGER) immediately following the remarks of Mr. ANDERSON of Illinois in the Committee of the Whole today.

Mr. WHITTEN, to follow the remarks of Mr. WATSON.

All Members (at the request of Mr. SCHERLE) to revise and extend their remarks on the subject of Mr. WATSON's special order, today.

(The following Members (at the request of Mr. SCHERLE) and to include extraneous matter:)

Mr. BERRY.

Mr. BURTON of Utah in five instances.

Mr. HORTON in three instances.

Mr. DERWINSKI.

Mr. DUNCAN in two instances.

Mr. WYMAN in two instances.

Mr. STEIGER of Arizona in two instances.

Mr. REID of New York.

Mr. SCOTT.

Mr. LANGEN.

Mr. FOREMAN.

Mr. WIDNALL.

Mr. ASHBROOK in two instances.

Mr. ZWACH.

Mr. ROUSSELOT in two instances.

Mr. QUIE.

Mr. KEITH in two instances.

(The following Members (at the request of Mr. FLOWERS) and to include extraneous matter:)

Mr. EILBERG.

Mr. MATSUNAGA.

Mr. MOLLOHAN in five instances.

Mr. HATHAWAY in two instances.

Mr. ROYBAL in six instances.

Mr. LONG of Maryland in five instances.

Mr. MURPHY of New York,

Mr. DORN in three instances.

Mr. MIKVA in two instances.

Mr. MCCARTHY in 10 instances.

Mr. KOCH.

Mr. CHARLES H. WILSON.

Mr. CULVER in three instances.

Mr. WILLIAM D. FORD in two instances.

Mr. DANIELS of New Jersey.

Mr. WALDIE.

Mr. HAGAN in two instances.

Mr. OLSEN in two instances.

Mr. O'HARA in two instances.

Mr. ZABLOCKI in two instances.

Mr. ROSTENKOWSKI 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. 16915. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1971, and for other purposes; and

H.R. 17070. An act to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1076. An act to establish a pilot program in the Departments of Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes.

ADJOURNMENT

Mr. FLOWERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 53 minutes p.m.) under its previous order, the House adjourned until Monday, August 10, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2282. A letter from the Secretary of the Interior, transmitting a report on activities carried on by the Geological Survey outside the United States during the period January 1 through June 30, 1970 pursuant to 43 U.S.C. 31(C); to the Committee on Interior and Insular Affairs.

2283. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on studies of the control of health hazards from electronic product radiation and other types of ionizing radiation, pursuant to section 357 of the Radiation Control for Health and Safety Act of 1968; to the Committee on Interstate and Foreign Commerce.

2284. A letter from the Secretary of Health, Education, and Welfare, transmitting the 1969 annual report on the administration of the Radiation Control for Health and Safety act of 1968; to the Committee on Interstate and Foreign Commerce.

2285. 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.

2286. A letter from the President, Panama Canal Company, transmitting a report on claims paid by the Company under the authority of section 3 of the Military Personnel and Civilian Employees' Claims Act of 1964 during fiscal year 1970; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

2287. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in reclaiming usable parts from excess aircraft, Department of Defense; to the Committee on Government Operations.

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. MCMILLAN: Committee of conference. Conference report on H.R. 17711 (Rept. No. 91-1381). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 18835. A bill to protect the constitutional rights of those subject to the military justice system, to revise the Uniform Code of Military Justice, and for other purposes; to the Committee on Armed Services.

By Mr. EDWARDS of California (for himself, Mr. WALDIE, Mr. MCCLOSKEY, Mr. ROYBAL, Mr. ANDERSON of California, Mr. LEGGETT, Mr. MOSS, Mr. BURTON of California, Mr. COHELAN, Mr. HAWKINS, Mr. REES, Mr. CORMAN, Mr. BROWN of California, Mr. CHARLES H. WILSON, Mr. HANNA, Mr. VAN DEERLIN, and Mr. TUNNEY):

H.R. 18836. A bill to amend section 105 of the Clean Air Act to require each air pollution control agency receiving a Federal grant for support of air pollution control programs to provide information and data on air pollution sources within its jurisdiction; to the Committee on Interstate and Foreign Commerce.

By Mr. FASCELL:

H.R. 18837. A bill to amend chapter 3 of the Foreign Assistance Act of 1961, relating to U.S. contributions to international organizations and programs, to provide for a program to control illegal international traffic in narcotics, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FULTON of Pennsylvania:

H.R. 18838. A bill to amend chapter 3 of the Foreign Assistance Act of 1961, relating to U.S. contributions to international organizations and programs, to provide for a program to control illegal international traffic in narcotics, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GAYDOS:

H.R. 18839. A bill to amend the Tariff Schedules of the United States with respect to the duties on stainless steel sheets and on articles made from such sheets; to the Committee on Ways and Means.

By Mr. MCCARTHY:

H.R. 18840. A bill to amend the Federal Water Pollution Control Act to ban polyphosphates in detergents and to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

By Mr. MIKVA:

H.R. 18841. A bill to amend the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 18842. A bill to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR:

H.R. 18843. A bill to promote the economic

development of the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

By Mr. CHARLES H. WILSON (for himself and Mr. YATRON):

H.R. 18844. A bill to provide for drug abuse and drug dependency prevention, treatment, and rehabilitation; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF:

H.R. 18845. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WYATT:

H.R. 18846. A bill to amend the Internal Revenue Code of 1954 to make it clear that independent truck dealers and distributors who install equipment or make minor alterations on tax-paid truck bodies and chassis are not to be subject to excise tax as manufacturers on account thereof; to the Committee on Ways and Means.

By Mr. McFALL (for himself, Mr. PATMAN, Mr. UDALL, Mr. WYATT, Mr. FRIEDEL, Mr. WALDIE, Mr. MORSE, Mr. ECKHARDT, Mr. MCKNEALLY, Mr. MATSUNAGA, Mr. SHRIVER, Mr. ULLMAN, Mr. CONTE, and Mr. BOLAND):

H.R. 18847. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. QUIE:

H.R. 18848. A bill to prevent the assignment of draftees to active duty in combat areas without their consent; to the Committee on Armed Services.

By Mr. QUIE (for himself, Mr. AYRES, Mr. ERLENBORN, Mr. ESCH, Mr. DELLENBACK, Mr. SCHERLE, and Mr. STEIGER of Wisconsin):

H.R. 18849. A bill to amend and extend the Higher Education Act of 1965 and other acts dealing with higher education; to the Committee on Education and Labor.

By Mr. TUNNEY (for himself and Mr. VAN DEERLIN):

H.R. 18850. A bill to direct the Attorney General to establish quotas for the production in the United States of depressant, stimulant, and hallucinogenic drugs and to establish controls on the export of such drugs from the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHEUER:

H.J. Res. 1344. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. STOKES:

H.J. Res. 1345. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. FRASER (for himself and Mr. WHALEN):

H. Con. Res. 700. Concurrent resolution to establish a Joint Committee on Intelligence, and for other purposes; to the Committee on Rules.

By Mr. McCARTHY:

H. Con. Res. 701. Concurrent resolution on the conversion to a low-emission propulsion system for motor vehicles to replace the internal combustion engine; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLOSKEY:

H. Con. Res. 702. Concurrent resolution on the conversion to a low-emission propulsion system for motor vehicles to replace the internal combustion engine; to the Committee on Interstate and Foreign Commerce.

By Mr. BROOMFIELD:

H. Res. 1176. Resolution to express the sense of the House with respect to troop deployment in Europe; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MEEDS:

H.R. 18851. A bill for the relief of Mrs. Anita Lingho Tong; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 18852. A bill for the relief of Maximo Espinal; to the Committee on the Judiciary.

H.R. 18853. A bill for the relief of Guy Lubroth; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 18854. A bill for the relief of Jose De Jesus Robles; to the Committee on the Judiciary.

By Mr. WINN:

H.R. 18855. A bill for the relief of Usto E. Schulz; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

566. The SPEAKER presented a petition of the National Council of the YMCA, relative to abolition of the draft, which was referred to the Committee on Armed Services.

SENATE—*Thursday, August 6, 1970*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

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

Almighty God, from whom cometh every good and perfect gift, bestow upon all Members of the Senate the gifts of prudence, fortitude, and patience that in framing policy and enacting laws they may be guided by eternal truth and right, for the enhancement of the Nation and the advancement of Thy kingdom. Aware that the care of the many must ever rest with the few, keep them keen in mind, strong in heart, humble in the use of power that they may serve the common good of "One Nation, under God, indivisible, with liberty and justice for all."

Through Christ our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 6, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, August 5, 1970, be dispensed with.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the Senator from New York (Mr. GOODELL), there be a period for the transaction of routine morning business with a time limitation of 3 minutes in relation to statements therein.

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

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL MONDAY, AUGUST 10, 1970, AT 11 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business tomorrow, it stand in adjournment until 11 a.m. on Monday next.

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

ORDER FOR RECOGNITION OF SENATOR EAGLETON ON MONDAY, AUGUST 10, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Monday morning next, August 10, 1970, after the disposition of the Journal, the Senator from Missouri (Mr. EAGLETON) be recognized for not to exceed 15 minutes.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Indiana (Mr. BAYH) is now recognized for 30 minutes.

Mr. NELSON. Mr. President, will the Senator from Indiana yield to me briefly?

Mr. BAYH. I am happy to yield to the Senator from Wisconsin.