under the provisions of title 10, United States Code, sections 593(a) and 3385:

To be brigadier general

Col. Wilbert A. Allen, SSAN [redacted], Armor.

The Army National Guard of the U.S. officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. Jack W. Blair, SSAN [redacted] Adjutant General's Corps.

Brig. Gen. Larry C. Dawson, SSAN [redacted] Adjutant General's Corps.

Brig. Gen. John N. Owens, SSAN [redacted] Adjutant General's Corps.

Brig. Gen. Alberto A. Pico, SSAN [redacted] Adjutant General's Corps.

To be brigadier general

Col. Ferd L. Davis, SSAN [redacted], Infantry.

Col. Van Hixson, SSAN [redacted] Field Artillery.

Col. Rafael Rodriguez-Ema, SSAN [redacted] Infantry.

Col. Theron F. Stimson, SSAN [redacted] Field Artillery.

Col. Ronald R. Woodin, SSAN [redacted] Signal Corps.

IN THE NAVY

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

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

Vice Adm. Ralph W. Cousins, U.S. Navy, for appointment as Vice Chief of Naval Operations in the Department of the Navy, pursuant to title 10, United States Code, section 5085.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of major general, subject to qualification therefor as provided by law:

Homer S. Hill	Herman Poggemeyer, Jr.
Leon J. Dulacki	William C. Chip
Carl W. Hoffman	
William G. Johnson	

The following-named officers of the Marine Corps for temporary appointment to the grade of brigadier general:

Edward J. Miller	Charles D. Mize
Wilbur F. Simlik	Norman W. Gourley
James H. Berge, Jr.	Paul G. Graham
James R. Jones	William R. Quinn
William G. Joslyn	Harvey E. Spielman
Donald H. Brooks	Andrew W. O'Donnell

HOUSE OF REPRESENTATIVES—*Monday, August 10, 1970*

The House met at 12 o'clock noon.

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

Finally, brethren, be of one mind, live in peace: and the God of love and peace shall be with you.—II Corinthians 13: 11.

O God, who art the light of all who put their trust in Thee and the life of those who walk in Thy way, we draw near to Thee in the quiet of this moment of prayer seeking strength and wisdom for the tasks of this day.

We bring to Thee our responsibilities to ourselves, to one another, and to our country, and we would see them in the light of Thy will for us. Empowered by Thy spirit we would carry them with honor to Thee, to our Nation, and to ourselves.

Again we bow in sorrow at the remembrance of our beloved colleague who has gone to his eternal home. We thank Thee for his presence in our midst and for the contribution he made to our country as a Member of this body. Comfort his family with the assurance of Thy spirit and strengthen them for this experience and for the days that lie ahead.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceeding of Thursday, August 6, 1970, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

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

H. Con. Res. 689. Concurrent resolution providing for an adjournment of the House from August 14, 1970, until September 9, 1970, or sooner if reassembled by the Speaker.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 3547) entitled "An act to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ANDERSON, Mr. CHURCH, Mr. BURDICK, Mr. ALLOTT, and Mr. JORDAN of Idaho to be the conferees on the part of the Senate.

The message also annoonced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 704. An act to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to announce that the Chair is not going to recognize Members for the usual 1-minute speeches at this time, due to the situation with respect to the rules that exist in relation to the consideration of a constitutional amendment, with one exception: and that is that the Chair will recognize the gentleman from Pennsylvania (Mr. CORBETT) to announce the death of our late and beloved colleague and friend, the gentleman from Pennsylvania (Mr. WATKINS).

THE LATE HONORABLE G. ROBERT WATKINS

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

Mr. CORBETT. Mr. Speaker, it is my very sad duty to announce the sudden death Friday evening of G. ROBERT WATKINS of the Ninth District of Pennsylvania.

All of us knew him as BOB WATKINS, and found him to be a very congenial friend and a very clear-thinking legislator. The fact that the people of his county recognized his ability and loved him is proved by the fact that he was elected Sheriff of his county, he served three terms in the Pennsylvania State Senate, then was elected a Commissioner of Delaware County, Pa., and following that was elected to the 89th, 90th, and 91st Congresses. He is survived by his wife, Hilda Jane, his son, G. Robert Watkins, Jr., and his son, Dwain. It is a gross understatement to say that those of us who knew him here will miss him most profoundly, and we extend our deepest sympathies to his wife and family.

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

Mr. CORBETT. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I was shocked and saddened by the announcement of the news that BOB WATKINS had passed away. I had talked with him on a number of occasions just last week. He seemed healthy, vigorous, and in his usual good spirits. I will miss a close and a dear friend, and I believe the House as a whole will miss a stalwart Member.

We all extend to his widow and to his family our deepest condolences.

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

Mr. CORBETT. I yield to my colleague from Pennsylvania.

Mr. WILLIAMS. Mr. Speaker, in the death of the Honorable G. ROBERT WATKINS last Friday evening, the Nation lost a dedicated public servant, the people of the Ninth Congressional District of Pennsylvania lost an outstanding representative, and all of us lost a great colleague—and I lost a close personal friend.

No one in this distinguished body can feel this loss more personally than I. It

was my privilege to know and to work with BOB WATKINS for the past 25 years.

The Honorable G. ROBERT WATKINS, known to his friends as "BOB," was a fine example of the personal success and the public service which a man can achieve under the incomparable American free enterprise way of life in which he so firmly believed.

I knew him in his various capacities as county sheriff, State senator, county commissioner, Member of Congress; and it was a pleasure to work with him as a fellow political leader in Delaware County, Pa.

I knew him as a hard-working man who, starting with absolutely nothing in the material sense, employed the intelligence, good judgment, and driving energy to develop an outstanding business career which made him wealthy and which gave employment to many other people.

At the time of his demise, BOB WATKINS owned the Blue Line Transfer Co. which, with headquarters in Chester, was involved in extensive operations in Pennsylvania, New York, New Jersey, Delaware, and Maryland. He also started a successful truck franchise sales and service company which is now owned and operated by his two sons, G. Robert, Jr., and Dwain.

I knew him as a man whose first job was as an apprentice shipfitter, as a man who progressed from salesman to manager of a coffee and tea company in 5 years, as a man whose youthful athletic ability carried him to renown as an excellent baseball pitcher, and as a man whose love of horses led to great success as a breeder of fine thoroughbreds at his paddock acres estate in Delaware County.

I knew BOB WATKINS as a man whose inborn love of his country and deep patriotism caused him to enlist in the Army during World War I and be well along in his basic training before it was discovered that he was an underage enlistee.

And certainly, I knew BOB WATKINS as a man deeply devoted to his wife, Jane, and to their sons, G. Robert, Jr., and Dwain. I remember, well, that it was only recently that BOB and Jane achieved that which, for them, was the magnificent milestone of their golden wedding anniversary.

I am, indeed, grateful that, throughout this past quarter century, I have been privileged to have known, to have worked with, and to have served with, the Honorable G. ROBERT WATKINS, most of all, I am grateful that, throughout the years, I have been able to call him my friend.

I shall miss him, as we all will, and I take this moment to extend my deepest sympathy to Jane, Bob, Jr., and Dwain.

Mr. CORBETT. I was told by the Speaker earlier today that under the rules of the House, it is required that a discharge petition come up immediately following the reading of the Journal.

But that I would be recognized for 1 minute at this time.

It has been decided that on Thursday, after BOB'S funeral, we will take time for eulogies.

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

Mr. CORBETT. I yield to the distinguished Speaker of the House.

Mr. McCORMACK. The gentleman has made a correct statement. But, as I have said, I view these things, recognizing the sentiments and feelings that are involved. So if any of our colleagues desire to speak now, as well as others who may wish to eulogize our departed colleague later in the week, I am sure they would appreciate it because I would like to say a few words at this time.

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

Mr. CORBETT. I yield to the gentleman.

Mr. ALBERT. I thank the gentleman for yielding.

Mr. Speaker, I realize that we shall have time at a later date to pay tribute to our distinguished and beloved friend. Today, however, I join in the expressions of shock and sorrow shared by all Members on learning that our colleague had passed away suddenly last Friday. Congressman WATKINS was one of the kindest, friendliest, and most beloved persons I have known since I became a Member of Congress. He will be sadly missed by his many friends on both sides of the aisle. I extend my sympathy to Mrs. Watkins and their family.

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

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

Mr. GROSS. I thank the gentleman for yielding.

Mr. Speaker, it is still almost impossible for me to believe that our colleague and a man I was proud to call my friend, the Honorable G. ROBERT WATKINS, has departed from among us.

Only last Thursday afternoon did we have a long visit on the House floor. We discussed legislation that was to be considered this week and speculated as to the legislation that would be undertaken following Labor Day and the recess of the House that is to begin this week. He appeared in excellent health. There was no portent of death that was to overtake him the next day.

BOB WATKINS was another of those who literally lifted himself by his own bootstraps. From humble, hardworking experiences as a youth he rose to a position of eminence both in business and in politics. He was a true conservative and a great American.

By reason of his untimely death, the State of Pennsylvania and the Nation has lost one of its foremost citizens and I have lost a friend.

To Mrs. Watkins and the members of the family I extend heartfelt sympathy.

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

Mr. CORBETT. I yield to the distinguished minority whip, the gentleman from Illinois.

Mr. ARENDS. I thank the gentleman for yielding.

Mr. Speaker, I was shocked and saddened to learn of the passing of my good friend BOB WATKINS, our distinguished colleague from Pennsylvania. He was to me more than a good friend, more than a great friend. He was a beloved friend for whom I had the deepest affection as well as great respect and admiration.

We often hear it said of those who serve in Congress that "he is a man of the people." No man served in Congress to whom this appellation more appropriately applies than BOB WATKINS. As a boy no older than 9, he sold newspapers to the crews of the harbored at Hampton, Va., where he was born. Upon his family moving to Pennsylvania he organized a "stevedore" company and subsequently owned and operated a trucking business. He understood what it was to labor. He understood the common man as few men are given to understand. He was one of them. He loved them and they loved him. This was quite evident to me upon an occasion when I was privileged to be a guest speaker in his district.

In the fullest sense he was, to borrow a line from the scriptures, "the salt of the earth." It must be recognized that in biblical days the two most precious commodities to man were fertile land and salt. BOB WATKINS was indeed "the salt of the earth" to all who knew him. He had an understanding and a compassion possessed by few men.

He always sat in a seat in the upper right-hand corner of the floor on our side of the aisle. He was invariably surrounded by a group of us of somewhat common interests. He was inspiring to talk to. He was inspiring just to know.

Mr. Speaker, this House has lost a really great American. He was a member of the Interstate and Foreign Commerce Committee and a member of the Merchant Marine and Fisheries Committee. He brought to the work of both of these committees a very unique knowledge. It was a knowledge acquired from a lifetime of experience with the shipping and trucking industry.

As stated in the book of Matthew:

> He was the salt of the earth: but when the salt has lost its savour, wherewith shall it be salted.

Mr. Speaker, wherewith shall we find such a man as this. A man of the people, devoted to the cause of the people and who served exemplarily in their behalf in the Congress. He was in the fullest sense an outstanding public servant.

I share the personal loss of his fine family and express to them my deepest sympathy.

I was proud to call him my friend.

Mr. CORBETT. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. McCORMACK).

Mr. McCORMACK. Mr. Speaker, I was very sorry to learn of the death of our dear friend BOB WATKINS. He was one of the kindest gentleman I have ever met in the journey of life. Only last Thursday I chatted with him as we were leaving the Capitol. About 2 weeks prior to that, as we know, he had had a fall and had injured his leg. I happened to meet him as he was leaving to go to his office. He was limping, and I said, "BOB, have you had an accident?"

He told me about the accident to his leg.

I said, "Come into the car. You don't want to walk over to your office. Ride along with me."

Last Thursday I talked with him again and asked him how he felt. He said that his leg was feeling better.

I said "BOB, do you want me to give you a lift over to your office?"

He said, "I have my own car."

He was one of the finest gentlemen that any one of us could ever meet in the journey of life. He was quiet but dedicated. In my years of service in the House I have never served with anyone who was more dedicated than BOB WATKINS or one who had a finer and broader outlook on life or a kinder disposition than he did.

I have already sent a telegram to Mrs. Watkins extending to her and her sons, not only for myself but for all Members of the House of Representatives, our deep sympathy. I again express to the Pennsylvania delegation my deep sympathy in their loss, and also again to Mrs. Watkins and her two sons I wish to say how deeply I feel for them in their bereavement.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I share in the deep sense of loss that has been expressed not only by the Speaker of the House but by other Members of this body on the passing of our friend and colleague, G. ROBERT WATKINS. BOB was truly a warm, winsome, and engaging personality. He had both a ready smile and a ready wit. I shall miss him very much in this body. I take this opportunity briefly at this time to express not only my feeling of loss but my deep sense of sympathy to Mrs. Watkins, their sons, and to the members of the Pennsylvania delegation.

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

Mr. CORBETT. I yield to the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Speaker, BOB WATKINS was a dedicated man. He was a member of the committee of which I happen to be the ranking member. Only on last Thursday I asked him if he would be sure to be present this morning when a subcommittee was meeting, and to be sure to represent me at that meeting. He assured me that he would. I know that had this not happened to him, he would have been there this morning, keeping his word, as he always did.

On the committee he was one of those who was not only dedicated to good Government; he was one who kept his word. He was one upon whom we all relied in the committee for advice. We shall deeply miss BOB WATKINS on the committee of which I am a member.

I do extend to his wife and to all of his family the deepest sympathy not only of myself but the members of the committee, both Republican and Democrat, all of whom were exceedingly proud to have him as a member.

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

Mr. CORBETT. I yield to the gentleman from Pennsylvania (Mr. GOODLING).

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

Mr. GOODLING. Mr. Speaker, the passing of the Honorable G. ROBERT WATKINS, my very good friend and our esteemed colleague, leaves me stricken with deep sadness.

I had known Congressman WATKINS longer than I have any other Member of Congress. I found him to be a deep and understanding person, consistently fair in his dealings with people and problems. He had a rare talent for friendship and great ability. Everyone in this Chamber had a fondness for him, just as they enjoyed working with him on complex legislative programs.

G. ROBERT WATKINS was a superb legislator, combining natural ability with long service in the field of legislation. The people of the Ninth Congressional District of Pennsylvania can point with great pride to the record that this exceptional legislator has made in the Congress through his service in their behalf and in the interest of the total American citizenry.

Congressman WATKINS was a real tower of strength in a good cause, and a bulwark of opposition to a bad one. Through it all, however, he was always a perfect gentleman, having high regard and respect for others, including those with whom he disagreed.

He was forceful in action and wise in counsel, and he had great wit. I had the privilege of enjoying his company not only here in the House of Representatives but also social events. In or out of the legislative Chamber, he was always the same—friendly, alert, and witty.

While Congressman WATKINS took his work seriously, he never took himself the same way. It was in his nature to lighten a heavy load and to introduce clarity to complex problems.

The citizens of Pennsylvania's Ninth Congressional District have lost a superb Representative, this Chamber has lost an excellent legislator, and I have lost a very close friend.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Pennsylvania (Mr. JOHNSON).

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

Mr. JOHNSON of Pennsylvania. Mr. Speaker, we of the Pennsylvania delegation to Congress were shocked and saddened by the sudden death of our dear friend and colleague, G. ROBERT WATKINS, of Delaware County, Pa.

I first met BOB when he was a member of the Senate of Pennsylvania representing Delaware County. He was a brilliant and highly respected member of this body. Being a very able speaker, and a man of wide experience in business and government, he made a valuable contribution to the operation of the senate, to the great advantage of the people of Pennsylvania. He gave of his time and talents willingly and was widely recognized as one of the ablest members of the senate.

He left the senate to become a member of the board of county commissioners of Delaware County. This was made necessary because of the rapid growth of this county, with many new situations created as a result of this expansion, which required a man of the stature and ability of BOB WATKINS to administer.

Finally the call came to represent his district in the Congress of the United States. In 1964 he came to this Congress with a background of experience, which made him just the right person to serve in this capacity. In the Congress BOB soon became an admired and warm friend to many of his colleagues, and gave unlimited advice and counsel to us all.

He was much sought after by the Members for direction and guidance as they approached their own individual problems, or the business of the day in the House of Representatives. For this and many other reasons, BOB will be sorely missed by his many friends. The Congress has lost one of its finest Members.

And now, may I express to his family my deepest sympathy in their great loss, and for my own part, I have lost one of my dearest friends, and now that he is gone, I wish that I could have had an even greater association with him.

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

Mr. CORBETT. I yield to the gentleman from Pennsylvania (Mr. McDADE).

Mr. McDADE. Mr. Speaker, I was deeply grieved and filled with sorrow over this weekend to learn of the unfortunate and untimely death of my colleague, the Honorable ROBERT WATKINS of the Ninth Congressional District of Pennsylvania.

But knowing BOB here in Washington has been for me, as it has been for other Members of the House and Senate as well as for members of the executive branch, an experience that will not soon be forgotten.

He was a man who was always cheerful. He was a man of warmth, of compassion, of friendliness. This was the man we met and knew when he guided us so often in our work of making this a better nation.

His was a life in the classic American dream of a man who would achieve success and distinction in the widest possible variety of endeavors. From humble origins he worked at building a great and successful transportation enterprise. From those same humble origins he rose to give a lifetime to public service on every level of government, as a sheriff of Delaware County, as a county commissioner, as a State senator, and finally as a Representative in the Congress of the United States.

He was an avid sportsman, interested in all the vigorous activity connected with athletics. And for more than 30 years he has bred thoroughbred horses at his home in Pennsylvania.

Above all things, he was a great and loving family man. I join his beloved wife Hilda, and his sons, Robert and Dwain, in their sorrow at the passing of BOB. He was a man whose passing has made all of us poorer; he was a fine, and warm, and decent human being.

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

Mr. CORBETT. I yield to the gentleman from Pennsylvania (Mr. BIESTER).

Mr. BIESTER. Mr. Speaker, I learned

with deep sadness of the unexpected and tragic death of our colleague, BOB WATKINS. I shall miss his warmth. This House will miss his warm and cheerful presence.

At a time in our Nation's history when the forces of division are strong, we need the amiable, warm spirit that BOB so continuously exuded. I hope, Mr. Speaker, that those of us who have been touched by BOB's warm spirit will carry it with us as we work in this chamber in the future so that his example of cheerfulness and fellowship may help us to heal the division afflicting our land.

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

Mr. CORBETT. I yield to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Speaker, the House of Representatives, the Ninth Congressional District of Pennsylvania, and the Nation have lost a true and dedicated friend, G. ROBERT WATKINS. BOB was one of the most sincere and kindest members of this House. He went about the responsibilities of his office in a most quiet and efficient way. Because of this, many here never really learned to know the real BOB WATKINS. That has been their loss, but an even greater loss in his passing, ending his service to the country he loved so much.

I join today his many friends of this body and the Nation in extending our heartfelt sorrow to his wife, sons, and grandchildren. May God's blessings be with them at this time of their bereavement.

(Mr. ROUDEBUSH (at the request of Mr. MYERS) was granted permission to extend his remarks at this point in the RECORD.)

Mr. ROUDEBUSH. Mr. Speaker, today, I would like to take a few moments to pay tribute to a great Congressman, a great American and a dear friend of mine, Congressman BOB WATKINS, of Pennsylvania, who died last Friday.

From 1946 until last Friday, he devoted his life to helping the people of his State as an elected official.

First as sheriff, then as a State senator, then as chairman of the board of county commissioners, and finally, as a Member of the House of Representatives.

BOB WATKINS loved Pennsylvania.

He loved his country.

And people loved him.

Several years ago, a group of us formed sort of a supper club. We got together for dinner each evening after the House adjourned, if we did not have commitments.

BOB WATKINS was a leader of this group.

My hours with him can never be replaced.

Not only did he offer good counsel but he presented me with an outlook on life and a gift of brotherhood which will stay with me for the rest of my life.

BOB WATKINS was a loner.

BOB WATKINS was a man with thousands of friends.

Because once you met him, he was your friend.

Joseph McCaffrey, newscaster for radio station, WMAL, of Washington, summed it up, when on his program "Meet the Member," he said:

Robert Watkins has the personality that was made for politics, or for that matter, made for success in any field. He meets people with that ease only a few men can master.

He never meets a stranger.

Watkins enjoys being a Member of Congress, saying,

"I think it is a great privilege. I cherish it, although I admit that the seniority system is the rule and I don't have many years here, but still I believe it is the most important office a man can be elected to, and an office where he can do some good for the average man and woman."

To friend BOB I say farewell and may God bless you. To his wife and family I offer my most sincere condolences.

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

Mr. CORBETT. I yield to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Mr. Speaker, I thank the gentleman for yielding, but I will not make any remarks about my good friend, BOB WATKINS, at this time. I shall do so at some later date, but I do wish to have inserted in the RECORD the information pertaining to the services for BOB WATKINS.

The services will be held at the William S. Bleyer Funeral Home, 500 West 22d Street, Chester, Pa. The viewing will be Tuesday night, August 11, 1970, between the hours of 7 p.m. and 9 p.m. The Masonic services will be held at 8 p.m. sharp.

The funeral will be at the Bleyer Funeral Home on Wednesday morning, August 12, 1970, at 10 a.m.

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

Mr. CORBETT. Mr. Speaker, I yield to the gentleman from Maryland (Mr. GARMATZ), the chairman of the Committee on Merchant Marine and Fisheries.

Mr. GARMATZ. Mr. Speaker, the sudden death of our colleague, ROBERT WATKINS, is a shock to those of us who worked so closely with him here in Congress. Since his election to the House of Representatives in November 1964, he has been a member of our House Committee on Merchant Marine and Fisheries, and he served with distinction on the Subcommittee on Panama Canal and the Subcommittee on Coast Guard, Coast and Geodetic Survey, and Navigation. He was also the ranking minority member of the Special Subcommittee on Maritime Education and Training.

Congressman WATKINS was admirably qualified to serve on the Merchant Marine Committee, from a standpoint of both background and ability. He was a self-made man, and it seems somehow appropriate that—at the age of 9—he sold newspapers to the crews of vessels anchored in his native port of Hampton Roads, Va. Through the ensuing years, he gained broad business experience, and successfully established a stevedoring business and then a very large trucking and transfer company.

This close association with various segments of transportation gave Congressman WATKINS an insight into that industry which proved invaluable during his tenure on the Merchant Marine Committee; his broad background enabled him to understand the many problems of the complex maritime industry, and the many bills he sponsored in Congress—which were referred to the Merchant Marine Committee—were instrumental in helping to formulate national maritime policies.

Congressman WATKINS also had many years of experience as a public servant—on a State and local, as well as Federal level. He held many responsible positions, including that of county sheriff, State senator, and county commissioner.

But in addition to his many talents, Congressman WATKINS was—above all else—a very warm and compassionate man. Both his talents and his warmth will be missed by his many colleagues in Congress.

Speaking for myself, and for all the members of the Merchant Marine Committee, I wish to extend to Mrs. Watkins and their sons our heartfelt sympathy.

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

Mr. CORBETT. I yield to the gentleman from West Virginia (Mr. STAGGERS), the chairman of the Interstate and Foreign Commerce Committee.

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

Mr. Speaker, again it becomes our sad fate to pause in contemplation of the uncertainty of human life. Man is as a flower, which is soon cut down, as the Psalmist remarked. "He is a shadow, which continueth not." As of yesterday, BOB WATKINS was in the prime of life, with every reason for long years of success and honor. Today he is not among the mortal. While he thought, perchance, that his career was aspiring, he fell, like autumn leaves, to enrich his mother earth. His place among us, his comrades, in the bosom of his family, and with the good people of his native State, is vacant and empty. They shall know him no more. May his good deeds in the flesh be a lasting monument to his memory.

Congressman WATKINS made a success of life in a variety of occupations, both civil and political. Integrity and honor followed him all the days of his life. His constituents from the Ninth Pennsylvania District have reason to respect his judgment and his devotion to their interests. As a colleague of mine in the House Interstate and Foreign Commerce Committee, I had learned to appreciate his close attention to his assignments, his keen intelligence in grasping the essentials of controversial issues, and his determination to follow the right as he saw it. We shall miss his sagacity in the committee and his continuing efforts to find an acceptable solution for our problems. He was an agreeable man, a man easy to work with, a credit to himself and to his duty. I am happy that I could list him as a friend, loyal and dependable.

To his loving family and close friends, we offer whatever feeble consolation there may lie in our assurance that he was a statesman in every sense of the word, and that he left a record of faithfulness and honor which cannot be erased. May time assuage your sorrow

and give you opportunity to enjoy the satisfaction in accomplishment which was denied him.

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

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

Mr. RUTH. Mr. Speaker, as a new Member of Congress, I found BOB WATKINS most helpful. This Chamber will miss both his counsel and his sense of humor. I am proud to have acquired his friendship.

Mrs. Ruth and I send our sympathy to the Watkins family.

Mr. CORBETT. Mr. Speaker, I would remind the Members that we all have 5 legislative days in which to extend our remarks at this point in the RECORD.

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

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

Mr. HAYS. Mr. Speaker, I thank the gentleman for yielding.

I was shocked and saddened to hear of the death of our friend, the gentleman from Pennsylvania, BOB WATKINS, who has not been here many terms, but through his personality and his conviviality he made a great many friends in the House of Representatives. I was proud to know him and call him my friend. He will be greatly missed.

Mr. Speaker, I extend to his family my deepest sympathy.

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

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

Mr. RIEGLE. Mr. Speaker, I thank the gentleman for yielding.

I, too, join my colleagues in paying tribute to BOB WATKINS. I thought BOB WATKINS was a good fellow and a good man to have here in Congress. I know I feel a sense of loss when I look on our side of the aisle today and do not find our good friend BOB WATKINS there. I will miss him.

My sympathy goes to his family at this sad time.

Mr. YATRON. Mr. Speaker, the people of Pennsylvania's Ninth District, our State's congressional delegation and the House of Representatives have lost an able and experienced public servant.

The passing last weekend of G. ROBERT WATKINS, with whom I had the great pleasure of serving in both the Pennsylvania State Legislature and the U.S. Congress, is a tragic loss to his colleagues, to his constituents in Chester and Delaware Counties, and to his many friends throughout the Commonwealth of Pennsylvania and the Nation.

A successful businessman, a county commissioner and for 12 years an effective State Senator, BOB WATKINS was completing his third term in the House of Representatives.

Mr. Speaker, I join my colleagues in paying tribute to this dedicated Member of Congress and want to extend to Mrs. Watkins, their two sons, and other members of their family my deepest sympathy.

Mr. MILLER of Ohio. Mr. Speaker, Friday, Congress suffered the loss of one of its most distinguished Members. For me, the news of the death of Representative G. ROBERT WATKINS was especially acute, because he was not only a colleague but a neighbor. Our years serving together in the House of Representatives blended with the countless additional occasions outside the Capitol Halls when we discussed issues of mutual importance to our districts. Congressman WATKINS' dedication to his constituents in the Ninth District of Pennsylvania was evident in his legislative record and his individual attention to their concerns. BOB WATKINS not only knew his people, but knew their problems. As a former county sheriff and commissioner, and as a member of the Pennsylvania State Senate for three 4-year terms, he brought to Congress an understanding and insight which enabled him to represent his district to the fullest. At the time of his death, he was a member of the important House Interstate and Foreign Commerce, and Merchant Marine and Fisheries Committees. I knew BOB WATKINS as a friend, a neighbor, and a very capable Congressman, but even more, I knew him for what he was most to us all: An American, through and through.

Mr. MONTGOMERY. Mr. Speaker, on a Thursday morning, July 23, 1970, ROBERT G. WATKINS talked to the congressional prayer breakfast group. He gave a wonderful inspirational talk to his fellow Members.

It was a talk that I believe I shall never forget. BOB WATKINS used no notes, but talked from what was in his heart. By his remarks that day, we all knew he was truly a God-fearing man who wanted to let us know of his strong religious feelings.

Mr. Speaker, BOB WATKINS will be missed by all of us here in the House, but we are better off for having known him even though it was for only a short time.

My thoughts are with Mrs. Watkins and their two sons during this very sad time.

Mr. MORGAN. Mr. Speaker, the sudden and untimely passing of our colleague, ROBERT WATKINS, comes as a shock to all of us. During his three terms in the House of Representatives he had won our respect and friendship. He was a conscientious, hard-working Member whose dedication to public service began many years ago. As a Member of Congress, ROBERT WATKINS brought with him to this House a rich and varied background of experience. Starting as a newsboy at the age of 9, he learned the trade of shipfitter, headed the Chester Stevedoring Co., and in 1932, organized the Blue Line Transfer Co. He served 4 years as sheriff of Delaware County and was a member of the State Senate for 12 years. He also served a 4-year term as county commissioner. The knowledge and experience so gained helped him when he came to the House of Representatives. He came equipped with a deep knowledge of the problems and needs of his district and State and a broad view of national and international affairs. It was only natural for him to seek and gain membership on the Interstate and Foreign Commerce and Merchant Marine and Fisheries Committees on both of which he served with industry and distinction.

I regarded ROBERT WATKINS as one of my dearest and closest friends and am deeply saddened by his sudden passing. To his wife and sons, I wish to extend my heartfelt condolences.

Mr. HARVEY. Mr. Speaker, the sudden passing of our colleague, G. ROBERT WATKINS, last Friday evening is still difficult to comprehend and accept. My wife, June, joins me in extending our deepest sympathy to Mrs. Watkins and their two sons.

As one who served with BOB on the House Committee on Interstate and Foreign Commerce, I had the advantage of learning from an outstanding gentleman the art of firmness dealt only under reasonable and fair conditions.

Together, we served on the Subcommittee on Commerce and Finance, where no one surpassed BOB WATKINS in desire and dedication to produce good legislation. It shall be a difficult task, I know, to replace him.

I shall always recall with fondness and appreciation the privilege that was mine in knowing BOB WATKINS. He was a great Congressman and a truly fine gentleman. His presence shall be sorely missed.

Mr. EILBERG. Mr. Speaker, I rise today to mourn the loss of BOB WATKINS. He was known to us all for his good works and benign spirit. He had a full and productive life, a veritable testament that Horatio Alger heroes can still rise up in the world among us. He was born of humble parentage in Hampton, Va., as one of four children, on May 21, 1902. His first business experience was that of selling newspapers to the crews of vessels anchored in the harbor. As a young man, he learned the trade of shipfitter in the city of Newport News, but BOB WATKINS had his aspirations set on bigger things.

He moved to Chester, Pa., shortly thereafter marrying the former Hilda Jane Smerbeck, of Pittsburgh. Between 1920 and 1931, BOB WATKINS ran a concern that he had begun: The Chester Stevedoring Co. In 1932, with a partner, he organized and headed the Blue Line Transfer Co., operating hundreds of trucks to all points in the East. But once again BOB WATKINS was not satisfied, for he had come from humble people and it was not enough for him to separate himself from them and live in a big house on a hill. He believed that his calling was to serve the people, regardless of their party affiliation or ideological beliefs. Thus, he became sheriff of Delaware County for a 4-year term and, after that, served as a member of the State Senate for three 4-year terms. He also served a 4-year term as county commissioner.

He was elected to the 89th Congress on November 3, 1964, bucking the Democratic landslide of that year, thus demonstrating that the people of Delaware County, Pa., trusted G. ROBERT WATKINS more than any party label. He served from then until the present, dying, unfortunately, this last Sunday, after com-

pleting a speech to the folks back home. G. ROBERT WATKINS might thus be said to have died in harness, as all of us here in Congress might wish to go: serving the people who have placed such trust in us until the very end.

He was a great and a good man, and I, a Democrat, would like to say that I felt as much in common with this wonderful man, who was a Republican, as I have ever felt with any other holder of public office. He was very conscientious, but what stands out in my mind just now is his humanness, his warmth. We shall miss him. People like BOB WATKINS, no matter what party they belong to or what positions they take on issues of the day, are the dependable human backbone of any Congress, and I would like to express my condolence for the loss of a fine man and dedicated public servant, to his wife, Hilda, and to his children, Robert G. and Dwain Joseph Watkins.

Mr. SCHNEEBELI. Mr. Speaker, I was shocked an saddened to learn of the recent death of our friend and colleague, Hon. G. ROBERT WATKINS.

BOB WATKINS was a big man with a big heart. He had many outstanding qualities, and in his role as Congressman his loyalty and thoughtful regard and actions toward his colleagues were refreshing. Considered a "conservative" in his political philosophy, he was a strong leader of more than a dozen House Republicans who embrace a similar outlook.

He was respected by all for his dependability, charity and friendliness. A great conversationalist and fine story teller, he had a vast fund of knowledge and fascinating experiences; he was graduated from the practical "school of hard knocks" with high honors.

His death leaves a void for all of us who knew him, which cannot be filled.

Mr. WHALLEY. Mr. Speaker, it was with deep sorrow and a sense of personal grief that I learned of the passing of our good friend, colleague and fellow Pennsylvanian, G. ROBERT WATKINS, of the Ninth District of Pennsylvania.

BOB was one of the kindest of men, and his quick smile and warm personality will be sadly missed by all those who had the privilege and pleasure to know him.

BOB WATKINS distinguished himself not only in these Halls, but in each endeavor that he has ever undertaken.

Profiting from the wealth of knowledge and experience he earned in his walk through life, BOB WATKINS excelled as sheriff and county commissioner in his home county of Delaware, Pa., as senator in the Pennsylvania State Senate at Harrisburg; as legislator in these hallowed Halls; and as husband and father at home.

I have had the personal privilege and pleasure to serve with BOB both in the Pennsylvania State Legislature and in the U.S. Congress. In both bodies, BOB contributed immensely and left an indellible mark.

His deep sense of patriotism, his intense conviction to the ideals for which he strived, and his tremendous practical abilities, earned for him the admiration and respect of all. He was spun from the rarest of fibers.

Mrs. Whalley and I extend our deepest condolences to Mrs. Watkins and their two sons. He will be sadly missed by all, but his spirit and the warmth of his life will remain with us forever.

GENERAL LEAVE TO EXTEND

Mr. CORBETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, character, and public service of the late Honorable G. ROBERT WATKINS.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania (Mr. CORBETT)?

There was no objection.

AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATIVE TO EQUAL RIGHTS FOR MEN AND WOMEN

Mrs. GRIFFITHS. Mr. Speaker, pursuant to clause 4, rule XXVII, I call up motion No. 5, to discharge the Committee on the Judiciary from the further consideration of House Joint Resolution 264, proposing an amendment to the constitution of the United States relative to equal rights for men and women.

The SPEAKER. Did the gentlewoman sign the motion?

Mrs. GRIFFITHS. Yes, Mr. Speaker, I signed the motion.

The SPEAKER. The gentlewoman qualifies. The gentlewoman from Michigan calls up a motion to discharge the Committee on the Judiciary from the further consideration of the joint resolution (House Joint Resolution 264) which the Clerk will report by title.

The Clerk read the title of the joint resolution.

PARLIAMENTARY INQUIRY

Mr. CELLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. CELLER. Mr. Speaker, I understand the rule provides for 20 minutes of debate, 10 minutes on either side. Is it correct that the chairman of the Judiciary Committee, being opposed to the discharge petition, will be allocated 10 minutes?

The SPEAKER. The gentleman's statement is correct that the rule provides for 20 minutes of debate, 10 minutes on each side. If the gentleman from New York (Mr. CELLER) is opposed to the motion, the Chair will recognize him for 10 minutes.

Is the gentleman opposed to the motion?

Mr. CELLER. I am opposed to the motion, Mr. Speaker.

The SPEAKER. Under the rule, the gentlewoman from Michigan (Mrs. GRIFFITHS) will be recognized for 10 minutes, and the gentleman from New York (Mr. CELLER) will be recognized for 10 minutes.

CALL OF THE HOUSE

Mr. HAYS. 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. 261]

Anderson, Tenn.	Flynt	Pollock
Aspinall	Foreman	Powell
Baring	Frelinghuysen	Price, Tex.
Berry	Fulton, Tenn.	Railsback
Biaggi	Gallagher	Rarick
Bray	Giaimo	Reid, N.Y.
Brock	Gilbert	Reifel
Brown, Mich.	Goldwater	Robison
Buchanan	Gubser	Roe
Burleson, Tex.	Hagan	Rogers, Colo.
Bush	Halpern	Rooney, N.Y.
Caffery	Hastings	Rostenkowski
Carter	Hébert	Roudebush
Clark	Holifield	Rousselot
Clay	Keith	Ruppe
Cohelan	King	Ryan
Cramer	Kleppe	Sandman
Crane	Long, La.	Schadeberg
Cunningham	Lukens	Scheuer
Daddario	McEwen	Sikes
Davis, Ga.	McKneally	Skubitz
Dawson	MacGregor	Stuckey
Denney	Mailliard	Sullivan
Dickinson	Mann	Symington
Dorn	Meskill	Teague, Calif.
Edwards, Ala.	Monagan	Teague, Tex.
Edwards, La.	Murphy, N.Y.	Tunney
Evins, Tenn.	O'Hara	Vanik
Fallon	O'Neal, Ga.	Weicker
Farbstein	Ottinger	Wright
Fish	Passman	Young
	Podell	Zwach

The SPEAKER. On this rollcall 334 Members have answered to their names, a quorum.

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

AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATIVE TO EQUAL RIGHTS FOR MEN AND WOMEN

The SPEAKER. The gentlewoman from Michigan (Mrs. GRIFFITHS) is recognized for 10 minutes.

Mrs. GRIFFITHS. Mr. Speaker, for 47 consecutive years this amendment has been introduced into the Congress of the United States. For 26 years both parties in their political conventions have endorsed it; the Republican Party has endorsed it for 30 years. Yet it has been 22 years since the Judiciary Committee of the House has even held a hearing on it. On the eve of the 50th birthday of women suffrage, it appears reasonable to me that the proponents of this legislation, who are more than a majority of this House, have a right to have this legislation discussed. We ask only 1 hour to convince you that the amendment is fair and reasonable; and I will yield 15 minutes of that hour at the request of the gentleman from New York (Mr. CELLER) to Judiciary members for debate who may oppose it.

Give us a chance to show you that those so-called protective laws to aid women—however well-intentioned originally—have become in fact restraints, which keep wife, abandoned wife, and widow alike from supporting her family.

The EEOC has already ruled protective legislation invalid and cases are now headed toward the Supreme Court to test that ruling under the Civil Rights Act of 1964.

For those of you who may be worrying with the AFL–CIO, permit me to read a letter from the wisest one of us all:

WASHINGTON, D. C.,
August 7, 1970.

HON. ANDREW J. BIEMILLER,
Washington, D.C.

DEAR ANDY: I am in receipt of your letter in opposition to the H.J. Res. 264.

Respecting the views of the AFL–CIO, I want to frankly advise you that I favor the Resolution.

With kind regards, I am,

Sincerely yours,

JOHN W. MCCORMACK,
Speaker of the House of Representatives.

Permit me also to say that Mary Keyserling does not represent the Women's Bureau. It is represented by Elizabeth Koontz and it supports this legislation.

We will show you that the Supreme Court which has readily moved to change the boundaries of your District and the boundaries of your school district has on not one single occasion granted to women the basic protection of the fifth or 14th amendment. The only right guaranteed to women today by the Constitution of the United States is the right to vote and to hold public office.

It is time, Mr. Speaker, that in this battle with the Supreme Court, that this body and the legislatures of the States come to the aid of women by passing this amendment.

I ask you, Mr. Speaker, to support the discharge motion; to vote for the motion for immediate consideration; to support the previous question; to vote against any motion to recommit with or without instructions and to vote for the amendment.

Let me paraphrase the greatest suffragette of them all—Sojourner Truth, "Aint' I a person?"

Mr. CELLER. Mr. Speaker, I yield 2 minutes to the ranking minority member of the Committee on the Judiciary, the distinguished gentleman from Ohio (Mr. MCCULLOCH).

Mr. MCCULLOCH. Mr. Speaker, I rise in opposition to the motion to discharge the Committee on the Judiciary from consideration of House Joint Resolution 264.

This resolution, which proposes a constitutional amendment to vindicate the equality of rights of women under the laws of the States and the Federal Government, might at first glance seem noncontroversial. After all, who would suggest that the fairer sex should be given unfair treatment?

Unfortunately, the situation is not quite that simple. There is a question whether the content of this amendment is already embodied in the equal protection clause of the 14th amendment, with respect to the States, and the due process clause of the fifth amendment, with respect to the Federal Government.

Further, there is need to make a factual record to determine where discrimination on the basis of sex actually exists. In the area of employment, for example, the separate listings by sex in the "help wanted" sections of our major newspapers are almost certainly illegal under title VII of the Civil Rights Act of 1964, which specifically outlaws discrimination by sex in employment. What is needed here is enforcement of existing law, or at the very most, amendment of that law to make it more effective, but not a constitutional amendment. There is also considerable doubt about what effect this amendment will have on State laws in such areas as domestic relations and labor law.

Only after full and thorough hearings in committee can the facts be ascertained and a sufficient record made on which the House can act. Therefore, the distinguished chairman of the Committee on the Judiciary has scheduled hearings on this most important matter commencing September 16, 1970. Our committee has an extremely heavy schedule of hearings and executive sessions on pending legislation, especially in the field of the criminal law, and for this reason, September 16 is the first available date.

If this body should vote today to discharge the Committee on the Judiciary from consideration of House Joint Resolution 264, it will be denied the benefit of committee hearings. I sincerely believe, Mr. Speaker, that if we are to propose an amendment to the Constitution of the United States—a document that has stood intact for 181 years with only 23 amendments—the matter at least merits the kind of detailed consideration which is available only through committee hearings. For this reason, I hope that the House will vote down the motion to discharge.

Mr. CELLER. Mr. Speaker, I rise in opposition to the discharge petition, and I yield myself the balance of the time allotted to me.

Mr. Speaker, I oppose the motion to discharge the Committee on the Judiciary from consideration of House Joint Resolution 264, proposing an amendment to the Constitution of the United States relative to equal rights for men and women. What we are being asked to do is to vote on a constitutional amendment, the consequences of which are unexamined, its meaning nondefined, and its risks uncalculated.

On July 16, 1970, I placed in the CONGRESSIONAL RECORD the notice that the Judiciary Committee would hold hearings on September 16. Certainly, if the House is asked to vote on a constitutional amendment of this magnitude, it must have before it a record of expert testimony upon which to base its collective judgment. You should know that the Judiciary Committee has not been idle in preliminary staff study consideration of the possible affects of the amendment. The American Law Division of the Library of Congress has been requested to and has delivered to the committee samplings of the laws of 11 States and the District of Columbia relating to support, custody, divorce, separation and alimony which could be abrogated, for good or evil, by the adoption of this constitutional amendment—Alabama, Alaska, California, Colorado, District of Columbia, Hawaii, Illinois, Massachusetts, Nevada, New York, Pennsylvania and Texas.

I quote some portions thereof:

So far as we can ascertain, no definitive legal analysis has ever been undertaken which purports to examine in detail any of the ramifications of these problems; and since no State has adopted a constitutional amendment of similar purpose, no court decision precedents exist which might provide some basis for prediction. This report, therefore, can do more than express our views in the form of what we believe is at best only reasonable speculation, as to some of the more significant aspects of domestic relations laws, statutory and case law, which might be subject to reevaluation in the light of a possible "Equal Rights Amendment."

Subsequent to the receipt of the American Law Division of the Library of Congress report, I wrote to the attorneys general of each State asking for information for committee use as to what laws, if any, could be affected by the proposal. The replies are now coming in. The attorney general of Texas has sent this committeee a list of State laws which as he states may or may not be affected. He cannot make a definitive reply any more than could the Library of Congress. Can we? Do we know? We cannot even begin to speculate until a body of information is before us, derived from considered testimony, analysis and exact information such as we have sought from the 50 States.

According to Prof. Paul Freund of the Harvard Law School, concurred in by numerous other legal scholars, every provision of law concerning woman would raise a constitutional issue which would have to be resolved in the courts. Others argue that women presently have the same constitutional protection under the fifth and 14th amendments that they would have upon adoption of the equal rights amendment. Maybe they are right; maybe they are wrong. Can we afford to grope in the dark without any concrete evidence.

Each of us is in a sense blindfolded. How can we discharge our responsibilities without even the knowledge of which laws of the very States which sent us here could be abrogated, voided, or changed. Some should be, others not. But at the very least, we should know. Only hearings can produce that body of knowledge. The committee has already begun its work; we ask only for the opportunity to complete it.

Further, on June 30, July 7 and 13, and August 4, our colleagues MIKVA, GRIFFITHS, RYAN, and WILLIAM D. FORD introduced a proposal to carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities. The proposal is specific, its direction clear, its provisions immediately operative upon enactment. The two proposals, the equal rights amendment and the Women's Equality Act of 1970, as it is termed, should be considered together in committee hearings. The concrete versus the abstract should be joined in issue so that again, the Members of this body can judge and vote with chapter and verse before them.

Let us not leap into the thicket until we can at the very least know a bit about the terrain on which we will land, and where it will lead.

After just 1 hour of debate should this motion prevail, we shall be asked to vote on a constitutional amendment.

Feminists clamor for equal rights. Nobody can deny that women should have equality under the law. But ever since

Adam gave up his rib to make a woman, throughout the ages we have learned that physical, emotional, psychological and social differences exist and dare not be disregarded.

Neither the National Women's Party nor the delightful, delectable and dedicated gentlelady from Michigan (Mrs. GRIFFITHS) can change nature. They cannot do it.

Beyond that, let me say that there is as much difference between a male and a female as between a horse chestnut and a chestnut horse—and as the French say, Vivé le difference.

Any attempt to pass an amendment that promises to wipe out the effects of these differences is about as abortive as trying to fish in a desert—and you cannot do that.

There is no really genuine equality and I defy anyone to tell me what "equality" in this amendment means. Even your five fingers—one is not equal to the other—they are different.

You know, as a matter of fact, there is only one place where there is equality—and that is in the cemetery.

Women have thrown off many shackles with the help of men. I admit some shackles remain. Our duty is to abolish distinctions based on sex except such as are reasonably justified by differences in physical structure or biological or social function. The equal rights amendment would eliminate all distinctions in legal treatment of men and women even when the fundamental reasonableness and common sense of such differences is apparent.

For example, under the Federal Jury Selection Act of 1968, women with children today may seek and obtain an excuse from Federal jury duty on the grounds of undue hardship or extreme inconvenience.

Will women hereafter be prohibited from requesting such excuse from jury service—because a man cannot have such an excuse? Where is the equality then? Man has the right to say that if women have the right, then men should have the right.

The adoption of a blunderbuss amendment would erase existing protective female legislation with the most disastrous consequences.

You would have scores of thousands of working women without the proper protection from oppressive and fatal practices.

Some feminists casually say—We do not want protection, we want liberation.

Will you tell that to the female factory worker and to the female farmworker and get their reply? It would require very buoyant prescience to predict the effects of this amendment. Scores and scores of laws—State, municipal, and Federal Government—make distinctions in their applications, and, therefore, it would be impossible to determine exactly what the consequences would be. I say let us at least have hearings before we pass upon an amendment as important as this one. I attach to my remarks excerpts from the laws of a number of States relating to domestic relations which will be affected by the proposed amendment.

EXCERPTS OF SELECTED STATE LAWS RELATING TO DOMESTIC RELATIONS

(Prepared by the American Law Division, Library of Congress)

DIVORCE

Alabama

Tit. 34, Sec. 22, (7409) (3705) (1487) (2324) (2687) (2353) (1963), To either party in case of cruelty; to wife in case of nonsupport.—In favor of either party to the marriage when the other has committed actual violence on his or her person, attended with danger to life or health, or when from his or her conduct there is reasonable apprehension of such violence. In favor of the wife when the wife has lived, or shall have lived separate and apart from the bed and board of the husband for two years and without support from his for two years next preceding the filing of the bill; and she has bona fide resided in this state during said period.

Alaska

Sec. 09.55.110. Grounds for divorce.—Willful neglect of the husband for a period of 12 months to provide for his wife the common necessities of life, he having the ability to do so, or his failure to do so by reason of idleness, profligacy, or dissipation.

Husband must provide home and wife must reside there. It is elementary that the duty devolves upon the husband to provide and furnish the home, and that it is the duty of the wife to occupy the home and to reside there unless the husband acquiesces or consents to her residence elsewhere or unless her husband's mistreatment justifies her in leaving and remaining away from the home. *Ellis* v. *Ellis*, 8 Alaska 373.

Colorado

46–1–1. Grounds for divorce.—That the husband, being in good bodily health, has failed to make reasonable provisions for the support of his family for a period of one year, or more, next prior to the beginning of the action for divorce. No husband who secures a divorce on such ground, however, shall be relieved thereby from the duty of the support of the wife from whom he is thus divorced, unless she has sufficient property or means to support herself.

A wife located and employed in Pennsylvania, who repeatedly refused over a series of years to accompany her husband, a military serviceman engaged for several years in various states, who had finally determined to live in Colorado where he was so employed, is guilty of desertion. *Mulhollen* v. *Mulhollen* (1961) 145 C. 479, 358 P. 2d 887.

District of Columbia

Sec. 16–904. Grounds for divorce, legal separation and annulment.—Husband has right to choose domicile; unjustified refusal of wife to follow is desertion, grounds for divorce. *Snyder*, 134 A 2d 587, D.C. Mun-App. (1957)

Hawaii

Sec. 580–41. Grounds for divorce.—When the husband, being of sufficient ability to provide suitable maintenance for his wife neglects or refuses to do so for a continuous period of not less than sixty days.

Nevada

125.190. Action by wife for permanent support and maintenance: Grounds.—When the wife has any cause of action for divorce against her husband, or when she has been deserted by him and such desertion has continued for the space of 90 days, she may, without applying for a divorce, maintain in the district court an action against her husband for permanent support and maintenance of herself, or of herself and of her child or children.

New York

Dom. Rel., Sec. 200. Action for separation—Where the wife is plaintiff, the neglect or refusal of the defendant to provide for her.

Pennsylvania

Ch. 23, Sec. 11. Grounds for divorce from bed and board.—Upon complaint, and due proof thereof, it shall be lawful for a wife to obtain a divorce from bed and board, whenever it shall be judged, in the manner hereinafter provided in cases of divorce, that her husband has:

(a) Maliciously abandoned his family; or

(b) Maliciously turned her out of doors; or

(c) By cruel and barbarous treatment endangered her life; or

(d) Offered such indignities to her person as to render her condition intolerable and life burdensome; or

(e) Committed adultery.

ALIMONY

Alabama

Ch. 34, Sec. 30 (7417) (3803) (1495) (2331) (2694) (2360) (1970), allowance to wife pending suit.—Pending suit for divorce, the court may make an allowance for the support of the wife out of the estate of the husband, suitable to his estate and the condition in life of the parties for a period of time not longer than necessary for the prosecution of her bill for divorce.

Sec. 31. (7418) (3804) (1496) (2332) (2361) (1971), allowance to wife on decree of divorce.—If the wife has no separate estate, or if it be insufficient for her maintenance, the judge, upon granting a divorce at his discretion may decree to the wife an allowance out of the estate of the husband, taking into consideration the value thereof and the condition of his family.

Sec. 32. (7419) (3805) (1497) (2333) (2696) (2362) (1972), allowance when decree in favor of wife.—If the divorce is in favor of the wife for the misconduct of the husband, the judge trying the case shall have the right to make an allowance to the wife out of the husband's estate, or not make her an allowance as the circumstances of the case may justify, and if an allowance is made it must be as liberal as the estate of the husband will permit, regard being had to the condition of his family and to all the circumstances of the case.

Sec. 33. (7420) (3806) (1498) (2334) (2697) (1973), allowance when against wife.—If in favor of the husband for the misconduct of the wife, if the judge in his discretion deems the wife entitled to an allowance, the allowance must be regulated by the ability of the husband and the nature of the misconduct of the wife.

Alaska

Sec. 09.55.200. Orders during action.

(a) During the pendency of the action, the court may provide by order

(1) that the husband pay an amount of money as may be necessary to enable the wife to prosecute or defend the action;

(2) for the care, custody, and maintenance of the minor children of the marriage during the pendency of the action;

(3) for the freedom of the wife from the control of the husband during the pendency of the action.

(4) for the delivery to the wife of her personal property in the possession or control of the husband at the time of giving the judgment;

(5) for the appointment of one or more trustees to collect, receive, expend, manage, or invest, in the manner the court directs, any sum of money adjudged for the maintenance of the wife or the nurture and education of minor children committed to her care and custody.

District of Columbia

Sec. 16–911. Alimony pendente lite; suit money, enforcement; custody of children:

During the pendency of an action for divorce, or an action by the husband to declare the marriage null and void, where the nulity is denied by the wife, the court may:

(1) require the husband to pay alimony to the wife for the maintenance of herself and their minor children committed to her care, and suite money, including counsel fees, to enable her to conduct her case, whether she is the plaintiff or the defendant, and enforce any order relating thereto by attachment and imprisonment for disobedience;

(2) enjoin any disposition of the husband's property to avoid the collection of the allowances so required;

(3) If the husband fails or refuses to pay the alimony or suite money, sequestrate his property and apply the income thereof to such objects.

Sec. 16–912. Permanent alimony; enforcement; retention of dower:

When a divorce is granted to the wife, the court may decree her permanent alimony sufficient for her support and that of any minor children whom the court assigns to her care, and secure and enforce the payment of the alimony in the manner prescribed by section 16–911, and may, if it seems appropriate, retain to the wife her right of dower in the husband's estate; and the court may, in similar circumstances, retain the husband's right of dower in the wife's estate.

Sec. 16–913. Alimony when divorce is granted on husband's application:

When a divorce is granted on the application of the husband t..e court may require him to pay alimony to the wife, if it seems just and proper.

Hawaii

Sec. 580–9 Temporary support, etc.:

After the filing of a complaint for divorce or separation the judge may make such orders relative to the personal liberty and support of the wife pending the complaint as he may deem fair and reasonable and may enforce the orders by summary process. The judge may also compel the husband to advance reasonable amounts for the compensation of witnesses and other expenses of the trial, including attorney's fees, to be incurred by the wife and may from time to time amend and revise the orders.

Sec. 580–24 Allowance for woman and family:

Every woman who is deceived into contracting an illegal marriage with a man having another wife living, under the belief that he was an unmarried man, shall be entitled to a just allowance for the support of herself and family out of his property, which she may obtain at any time after action commenced upon application to any circuit judge having jurisdiction; provided, that the allowance shall not exceed one-third of his real and personal estate. In addition to the allowance, the judge may also compel the defendant to advance reasonable expenses of trial to be incurred by the plaintiff

Sec. 580–50 Alimony upon divorce after living separate and apart:

Where separation from bed and board or separate maintenance was decreed upon a showing by the wife that the husband was at fault, the circuit judge sitting in divorce may, in his discretion, even if divorce proceedings are brought by the husband, decree the payment to the wife of alimony.

Sec. 580–74 Support of wife and children:

Upon decreeing a separation, the judge may make such further decree for the support and maintenance of the wife and her children, by the husband, or out of his property, as may appear just and proper.

Massachusetts

Ch. 208. Sec. 17. Pendency of libel; allowance; alimony:

The court may require the husband to pay into court for the use of the wife during the pendency of the libel an amount to enable her to maintain or defend the libel, and to pay to the wife alimony during the pendency of the libel.

Sec. 34. Alimony; decree:

Upon a divorce, or upon petition at any time after a divorce, the court may decree alimony to the wife, or a part of her estate, in the nature of alimony, to the husband.

Alimony means an allowance to the wife; *Brown* v. *Brown,* 111 NE 42, 222 Mass. 415 (1916).

The wife can recover alimony even when divorce is granted to husband for wife's fault, *Graves* v. *Graves,* 108 Mass. 314 (1871).

Nevada

Sec. 125.040 Allowance and suit money for wife during pendency of action:

In any suit for divorce now pending, or which may hereafter be commenced, the court, or judge, may, in its discretion, upon application, of which due notice shall have been given to the attorney for the husband if he has an attorney, or to the husband if he has no attorney, at any time after the filing of the complaint, require the husband to pay such sums as may be necessary to enable the wife to carry on or defend such suit, and for support and for the support of the children of the parties during the pendency of such suit.

125.150 Alimony and adjudication of property rights; award of attorney's fee; subsequent modification by court on stipulation of parties.

1. In granting a divorce, the court may award such disposition of the community property of the parties as shall appear just and equitable, having regard to the respective merits of the parties and to the condition in which they will be left by such divorce, and to the party through whom the property was acquired, and to the burdens, if any, imposed upon it, for the benefits of the children.

2. The court may also set apart such portion of the husband's property for the wife's support and the support of their children as shall be deemed just and equitable.

New York

Sec. 236. Alimony, temporary and permanent.

In any action or proceeding brought (1) during the lifetime of both parties to the marriage to annul a marriage or declare the nullity of a void marriage, or (2) for a separation, or (3) for a divorce, the court may direct the husband to provide suitably for the support of the wife as, in the court's discretion, justice requires, having regard to the length of time of the marriage, the ability of the wife to be self supporting the circumstances of the case and of the respective parties. Such direction may be made notwithstanding that the parties continue to reside in the same abode and notwithstanding that the court refuses to grant the relief requested by the wife (1) by reason of a finding by the court that a divorce, annulment or judgment declaring the marriage a nullity had previously been granted to the husband in an action in which jurisdiction over the person of the wife was not obtained, or (2) by reasons of the misconduct of the wife, unless such misconduct would itself constitute grounds for separation or divorce, or (3) by reason of a failure of proof of the grounds of the wife's action or counterclaim.

Sec. 237. Counsel fees and expenses:

(a) In any action or proceeding brought (1) to annul a marriage or to declare the nullity of a void marriage, or (2) for a separation, or (3) for a divorce, or (4) to declare the validity or nullity of a judgment of divorce rendered against the wife who was the defendant in any action outside the State of New York and did not appear therein where the wife asserts the nullity of such foreign judgment, or (5) by a wife to enjoin the prosecution in any other jurisdiction of an action for a divorce, or (6) upon any application to annul or modify an order for counsel fees and expenses made pursuant to his subdivision provided, the court may direct the husband, or where an action for annulment is maintained after the death of the husband may direct the person or persons maintaining the action, to pay such sum or sums of money to enable the wife to carry on or defend the action by proceeding as, in the court's discretion, justice requires, having regard to the circumstances of the case and of the respective parties. (b) Upon any application to annul or modify an order or judgment for alimony or for custody, visitation, or maintenance of a child, made as in section two hundred thirty-six or section two hundred forty provided, or upon any application by writ of habeas corpus or by petition and order to show cause concerning custody, visitation or maintenance of a child, the court may direct the husband or father to pay such sum or sums of money for the prosecution or the defense of the application or proceeding by the wife or mother as, in the court's discretion, justice requires, having regard to the circumstances of the case and of the respective parties.

Pennsylvania

Ch. 23, Sec. 45 Permanent Alimony Where Respondent Insane:

If the wife be the petitioner, and have sufficent means, the court, or the judge, may provide for the support of the insane husband, as provided in this section for an insane wife, if the insane husband has not sufficient estate in his own right for his support.

Sec. 46. Alimony pendente lite, counsel fees and expenses:

In case of divorce from the bonds of matrimony or bed and board, the court may, upon petition, in proper cases, allow a wife reasonable alimony pendente lite and reasonable counsel fees and expenses.

Sec. 47. Alimony in Divorce From Bed and Board:

In cases of divorce from bed and board, the court may allow the wife such alimony as her husband's circumstances will admit of, but the same shall not exceed the third part of the annual profit or income of his estate, or of his occupation and labor, which allowance shall continue until a reconciliation shall take place, or until the husband shall, by his petition or libel, offer to receive and cohabit with her again and to use her as a good husband ought to do; and then in such case the court may either suspend the aforesaid decree, or, in case of her refusal to return and cohabit under the protection of the court, discharge and annul the same according to its discretion; and, if he fail in performing his said offers and engagements, the former sentence or decree may be revived and enforced, and the arrears of the alimony ordered to be paid.

SUPPORT

Alabama

Tit. 34, Sec. 90. (4480) Husband or parent failing to provide for dependent wife or children:

Any husband who shall, without just cause, desert or wilfully neglect or refuse or fail to provide for the support and maintenance of his wife; she or they being then and there in destitute or necessitous circumstances, shall be guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not exceeding one hundred dollars, or be sentenced to a term in the county jail, or at hard labor for the county for a period of not more than twelve months, or the fine may be in addition to either the sentence to jail or to hard labor.

District of Columbia

Sec. 16–916. Maintenance of wife and minor children; maintenance of former wife; enforcement:

(a) Whenever any husband shall fail or refuse to maintain his wife, minor children, or both, although able to do so, or whenever any father shall fail or refuse to maintain his children by a marriage since dissolved, although able to do so, the court, upon proper application, may decree, pendente lite and permanently that he shall pay reasonable sums periodically for the support of such wife and children, or such children, as the case may be, and the court may decree that he pay suite money, including counsel fees, pendente lite and permanently, to enable plaintiff to conduct the case.

(b) Whenever a former husband has obtained a foreign ex parte divorce, the court thereafter, on application of the former wife and with personal service of process upon the former husband in the District of Columbia, may decree that he shall pay her reasonable sums periodically for her maintenance and for suite money, including counsel fees, pendente lite and permanently, to enable plaintiff to conduct the case.

Massachusetts

Tit. 223. Sec. 1. Desertion and nonsupport; failure to provide care and guidance; conditions damaging to character; decree establishing wife's rights as prima facie evidence:

Any husband or father who without just cause deserts his wife or minor child, whether by going into another town in the commonwealth or into another state, and leaves them or any or either of them without making reasonable provision for their support, and any husband or father who unreasonably neglects or refuses to provide for the support and maintenance of his wife, whether living with him or living apart from him for justifiable cause, or of his minor child, and any husband or father who abandons or leaves his wife or minor child in danger of becoming a burden upon the public, and any mother who deserts or willfully neglects or refuses to provide for the support and maintenance of her child under the age of sixteen, and any parent of a minor child, or any guardian with care and custody of a minor child, or any custodian of a minor child, who willfully fails to provide necessary and proper physical, educational or moral care and guidance, or who permits said child to grow up under conditions or circumstances damaging to the child's sound character development, or who fails to provide proper attention for said child, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than two years, or both.

Nevada

123.090 Necessaries provided wife when husband neglects to provide; recovery of value:

If the husband neglects to make adequate provision for the support of his wife, any other person may in good faith supply her with articles necessary for her support, and recover the reasonable value thereof from the husband.

New York

Dom. Rel., sec. 32. Persons legally liable for support of dependents;

1. Husband liable for support of his wife;

2. Father liable for support of his child or children under twenty-one years of age;

3. Mother liable for support of her child or children under twenty-one years of age whenever the father of such child or children is dead, or cannot be found, or is incapable of supporting such child or children;

4. Wife liable for support of her husband if he is incapable of supporting himself and is or is likely to become a public charge.

Pennsylvania

Tit. 48, sec. 131. Right of action; jurisdiction; spouses competent witnesses:

If any man shall separate himself from his wife or children without reasonable cause, and, being of sufficient ability, shall neglect or refuse to provide suitable maintenance for his said wife or children, action may be brought, at law or in equity, against such husband for maintenance of said wife or children, in the court of common pleas of the county where service may be had on the husband as in other actions at law or in equity or in the county where the desertion occurred, or where the wife or children are domiciled, and the said court shall have power to entertain a bill in equity in such action, and shall make and enforce such orders and decrees as the equities of the case demand, and in such action, at law or in equity, the husband and wife shall be fully competent witnesses.

Texas

Family code, sec. 4.02 Duty to Support:

The husband has the duty to support the wife, and the wife has the duty to support the husband when he is unable to support himself.

CUSTODY

Alaska

Sec. 09.55.205. Judgments for custody: As a general rule, child custody is awarded to mother. *Barr* v. *Barr, 437 F. 2d 324 (1968).*

California

Sec. 4600. Custody order; preferences; findings; allegations; exclusion of public:

(a) To either parent according to the best interests of the child, but, other things being equal, custody shall be given to the mother if the child is of tender years.

Illinois

Ch. 40; Sec. 14. Custody, etc., of children pending suit—Reference:

Generally the best interests are served by awarding custody of minor child to divorced mother unless there is compelling evidence proving that the mother is unfit or unless there is positive showing that the denial of custody to mother would be in child's best interest. *Akin* v. *Akin, 258 N.E. 2d 829, (Ill., 1969).*

New York

Dom. Rel. Sec. 240. Custody and maintenance of children.

Absent clearest presentation that child's welfare would be grievously impaired, law favors awarding custody of immature infant to mother. *Weiss* v. *Weiss,* 278 N.Y.S. 2d 61 (1967).

Pennsylvania

Ch. 48 Sec. 92. Judges to decide disputes as to children's custody.

Unless compelling reasons appear to contrary, custody of child of tender years should be committed to mother, by who needs of child are ordinarily best served *Com. ex. rel. Hickey,* v. *Hickey* 247 A 2d 806, 213 Pa. Super. 349 (1968).

Texas

Art. 4639a. Custody of minor children particularly those of tender years, should be awarded to mother in divorce action unless court is convinced that she is unfit. *Myer* v. *Myer,* 361 S.W. 2d 935 (Tex. Civ. App. 1963); error dism.

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

Mrs. GRIFFITHS. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from New Jersey (Mrs. DWYER).

The SPEAKER. The gentlewoman from New Jersey is recognized for 5 minutes.

Mrs. DWYER. Mr. Speaker, our distinguished colleague from Michigan (Mrs. GRIFFITHS), who is the equal of any Member of this body in intellect and in the power of rational persuasion, has done her usual outstanding job in outlining the case for adoption of the motion to discharge the Committee on the Judiciary from further consideration of the proposed Equal Rights Amendment to the United States Constitution.

The motion is not an untimely one. The amendment it would bring up has been pending before the Congress for more than 40 years.

Mr. Speaker, I am deeply proud to be associated with the gentlewoman from Michigan in this endeavor, not only in the effort we are undertaking today but also as a long-time sponsor of the resolution proposing the equal rights amendment and as a sponsor of the discharge petition. It is, in the truest sense of the term, a noble endeavor. For it deals with the basic freedoms that belong to all Americans—freedoms that have for too long been denied to the majority of our people simply because of their sex.

In considering the pending motion, there are three questions that should be answered. First, has the Committee on the Judiciary had adequate time to consider the equal rights amendment? Second, is there a demonstrated need for the protection to be afforded by the amendment? And, third, is the equal rights amendment an appropriate way of achieving the desired objective without bringing with it consequences of an undesirable nature?

I submit that the answer to all three questions is the same—an emphatic yes.

In the matter of the Judiciary Committee's jurisdiction, it would be hard to argue that 40-odd years is insufficient time to act. I can think of no other legislative proposal which has languished for so long and so silently in one committee. And this despite the fact that the other body has twice approved the equal rights amendment and again this year held extensive hearings.

The need for the amendment is equally obvious. Time after time after time, Presidential commissions, advisory councils, interdepartmental committees, and task forces have documented the continued existence of legal discriminations based on sex. They range from laws prohibiting women from working in certain occupations and excluding women from certain colleges and universities and scholarship programs to laws which restrict the rights of married women and which carry heavier criminal penalties for women than for men.

The documentation is extensive, but I would refer our colleagues especially to the report of the President's Task Force on Women's Rights and Responsibilities, which was released just 2 months ago, and the memorandum report on the equal rights amendment by the Citizens' Advisory Council on the Status of Women which was published in March of this year.

The equal rights amendment is also an appropriate vehicle for ending discrimination against women. It states—very simply and in the best tradition of American liberty:

Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

It would require only that women have the same protection of the laws as men.

There are no hidden meanings or tricky implications in this language. It is straightforward and means no more nor no less than it says. It imposes obligations just as it protects rights. But it does not—and this deserves special emphasis—it does not obliterate the differences between male and female.

Those differences exist, and I, for one, welcome them. But the differences between men and women are principally physical and psychological. Where those differences have a significant effect on the capacities of individual women, the law will continue to recognize them, just as the law respects similar differences among men. But these differences should not serve, as they have, as a subterfuge for denying the human and civil rights that belong to all of us. Women, like their male counterparts, should be judged by the law as individuals, not as a class of inferior beings.

This is all the equal rights amendment would do. It would not take women out of the home. It would not downgrade the roles of mother and housewife. Indeed, it would give new dignity to these important roles. By confirming women's equality under the law, by upholding woman's right to choose her place in society, the equal rights amendment can only enhance the status of traditional women's occupations. For these would become positions accepted by women as equals, not roles imposed on them as inferiors.

Mr. Speaker, the women of America are not beating on the doors of Congress demanding passage of the equal rights amendment. But do not be misled. Women are as sensitive to their rights as men. And I cannot imagine that American women will welcome being repudiated by Congress—which is what defeat of this motion would mean.

On the merits of the issue—and on the politics of it, too—I urge the adoption of the motion.

The SPEAKER. The question is on the motion offered by the gentlewoman from Michigan (Mrs. GRIFFITHS) to discharge the Committee on the Judiciary from further consideration of House Joint Resolution 264.

Mr. CELLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—years 333, nays 22, not voting 74, as follows:

[Roll No. 262]

YEAS—333

Abbitt	Blackburn	Camp
Adair	Blanton	Carey
Albert	Blatnik	Casey
Alexander	Boland	Cederberg
Anderson, Calif.	Bolling	Chamberlain
Anderson, Ill.	Bow	Chisholm
Andrews, Ala.	Brademas	Clancy
Andrews, N. Dak.	Brasco	Clark
Annunzio	Brinkley	Clausen, Don H.
Arends	Broomfield	Clawson, Del
Ashley	Brotzman	Cleveland
Ayres	Brown, Calif.	Collier
Barrett	Brown, Ohio	Collins
Beall, Md.	Broyhill, N.C.	Conable
Belcher	Broyhill, Va.	Conte
Bell, Calif.	Burke, Fla.	Conyers
Bennett	Burke, Mass.	Corbett
Betts	Burlison, Mo.	Corman
Bevill	Burton, Calif.	Coughlin
Biester	Burton, Utah	Cowger
Bingham	Button	Crane
	Byrne, Pa.	Culver
	Cabell	Daniel, Va.
	Johnson, Calif.	Quillen
	Johnson, Pa.	Railsback
	Jonas	Randall
	Jones, Ala.	Rees
	Jones, N.C.	Reid, Ill.
	Jones, Tenn.	Reid, N.Y.
	Karth	Reuss
	Kastenmeier	Rhodes
	Kazen	Riegle
	Kee	Rivers
	Keith	Roberts
	Kluczynski	Rodino
	Koch	Roe
	Kuykendall	Rogers, Fla.
	Kyl	Rooney, Pa.
	Kyros	Rosenthal
	Landrum	Roth
	Langen	Roybal
	Latta	Ruth
	Leggett	St Germain
	Lennon	Satterfield
	Lloyd	Schadeberg
	Long, Md.	Scherle
	Lowenstein	Scheuer
	Lujan	Schneebeli
	McCarthy	Schwengel
	McClory	Scott
	McClure	Sebelius
	McDade	Shipley
	McDonald, Mich.	Shriver
	McEwen	Sikes
	McFall	Sisk
	McMillan	Skubitz
	Macdonald, Mass.	Slack
	Madden	Smith, Calif.
	Mahon	Smith, Iowa
	Marsh	Smith, N.Y.
	Martin	Snyder
	Mathias	Springer
	Matsunaga	Stafford
	May	Staggers
	Meeds	Stanton
	Melcher	Steed
	Michel	Steiger, Ariz.
	Mikva	Steiger, Wis.
	Miller, Calif.	Stephens
	Miller, Ohio	Stokes
	Mills	Stratton
	Minish	Stubblefield
	Mink	Stuckey
	Minshall	Taft
	Mize	Talcott
	Mizell	Taylor
	Mollohan	Teague, Tex.
	Montgomery	Thompson, Ga.
	Moorhead	Thompson, N.J.
	Morgan	Udall
	Morse	Ullman
	Morton	Van Deerlin
	Mosher	Vander Jagt
	Moss	Vanik
	Murphy, Ill.	Vigorito
	Myers	Waggonner
	Natcher	Waldie
	Nedzi	Wampler
	Nelsen	Watson
	Nichols	Watts
	Nix	Weicker
	Obey	Whalen
	O'Konski	Whalley
	Olsen	White
	O'Neill, Mass.	Whitehurst
	Ottinger	Whitten
	Patman	Widnall
	Patten	Williams
	Pelly	Wilson, Bob
	Pepper	Wilson, Charles H.
	Perkins	Winn
	Pettis	Wold
	Philbin	Wolff
	Pickle	Wyatt
	Pike	Wydler
	Pirnie	Wylie
	Preyer, N.C.	Wyman
	Price, Ill.	Yates
	Price, Tex.	Yatron
	Pryor, Ark.	Young
	Pucinski	Zablocki
	Quie	Zion

NAYS—22

Abernethy	Dennis	Poage
Ashbrook	Derwinski	Poff
Brooks	Dorn	Saylor
Byrnes, Wis.	Hutchinson	Schmitz
Celler	Landgrebe	Thomson, Wis.
Chappell	McCloskey	Wiggins
Colmer	McCulloch	
Davis, Wis.	Mayne	

NOT VOTING—74

Adams	Aspinall	Boggs
Addabbo	Baring	Bray
Anderson, Tenn.	Berry	Brock
	Biaggi	Brown, Mich.
	Buchanan	Giaimo
	Burleson, Tex.	Gilbert
	Bush	Goldwater
	Caffery	Hagan
	Carter	Hastings
	Clay	Hébert
	Cohelan	King
	Cramer	Kleppe
	Cunningham	Long, La.
	Daddario	Lukens
	Davis, Ga.	McKneally
	Dawson	MacGregor
	Dickinson	Mailliard
	Edwards, Ala.	Mann
	Edwards, La.	Meskill
	Evins, Tenn.	Monagan
	Fallon	Murphy, N.Y.
	Farbstein	O'Hara
	Fish	O'Neal, Ga.
	Flynt	Passman
	Gallagher	Podell
		Pollock
		Powell
		Purcell
		Rarick
		Reifel
		Robison
		Rogers, Colo.
		Rooney, N.Y.
		Rostenkowski
		Roudebush
		Rousselot
		Ruppe
		Ryan
		Sandman
		Sullivan
		Symington
		Teague, Calif.
		Tiernan
		Tunney
		Wright
		Zwach

So the motion to discharge was agreed to.

The result of the vote was announced as above recorded.

MOTION OFFERED BY MRS. GRIFFITHS

Mrs. GRIFFITHS. Mr. Speaker, pursuant to the provisions of clause 4, rule XXVII, I move that the House proceed to the immediate consideration of House Joint Resolution 264.

The SPEAKER. The question is on the motion offered by the gentlewoman from Michigan (Mrs. GRIFFITHS).

The motion was agreed to.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

H.J. RES. 264

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States.

"SEC. 3. This amendment shall take effect one year after the date of ratification."

The SPEAKER. The gentlewoman from Michigan is recognized for 1 hour.

Mrs. GRIFFITHS. Mr. Speaker, I yield myself such time as I may consume, and I ask that I be notified when 10 minutes have passed.

Mr. Speaker, this is not a battle between the sexes—nor a battle between this body and women. This body and State legislatures have supported women. This is a battle with the Supreme Court of the United States.

Mr. McCORMACK. Mr. Speaker, will the gentlewoman yield?

Mrs. GRIFFITHS. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Mr. Speaker, this is a resolution which is very historic. It is one that is aimed at an unintentional injustice on the part of most per-

sons. My friend, the gentleman from New York, said we cannot change nature. This resolution does not undertake to change nature, but certainly it changes conditions. Many years ago we had the fight for women's suffrage—and what a fight that was. This is simply another historic step in connection with a sound and virile America where the injustices, unintentional in most cases and in the minds of most persons, are removed by this amendment.

I am glad to join with the gentlewoman from Michigan in urging passage of this joint resolution.

Mrs. GRIFFITHS. Thank you, Mr. Speaker. You are the fairest Speaker we have ever had.

There never was a time when decisions of the Supreme Court could not have done everything we ask today. In 1872, the Supreme Court denied a woman the right to practice law in Illinois; and reaffirmed the decision in 1894, although the Court struck down the California ordinance and extended the protection of the 14th amendment to male alien Chinese laundrymen in 1886 and in 1948 ruled a State statute invalid which denied a Japanese resident, ineligible for citizenship, a commercial fishing license.

In invalidating an Arizona statute in 1915, and thus extending the protections of the 14th amendment to an alien Austrian cook, the Court said:

> It requires no argument to show that the right to work for a living in the common occupation of the country is the very essence of the personal freedom and opportunity that it was the purpose of the amendment to secure.

In 1938 the Court forced the admission of a Negro to the University of Missouri law school, and in 1960 refused the same protection to three Texas women who applied to the Texas A. & M. College for the purposes of studying floraculture, courses offered at no other school in the State of Texas.

In 1961, the Court ruled that the systematic exclusion of women from a jury was perfectly all right, although they had long ago decided that Negroes could not be excluded.

Fortunately, a three-judge Federal court in Alabama has recently held that the State law excluding women jurors was in violation of the 14th amendment. Let me repeat again and again that the States, their legislatures and frequently their courts or Federal district courts have shown more sense than the Supreme Court ever has.

Any stockholder can demand an accounting from a corporation; but a woman seeking a divorce in Louisiana in 1967, who asked an accounting of community property from her husband was denied it by the supreme court of Louisiana and the Supreme Court of the United States when they denied her the right to appeal on the basis that she was being deprived of her property without due process of law.

The Court has held for 98 years that women, as a class, are not entitled to equal protection of the laws. They are not "persons" within the meaning of the Constitution.

What will be the effect of the amendment?

The amendment would restrict only governmental action, and would not apply to purely private action. What constitutes "State action" would be the same as under the 14th amendment and as developed in 14th amendment litigation on other subjects. In 1964 Civil Rights Act granted far more rights to women and other minorities that this amendment ever dreamed of. That act applies against private industry. This amendment applies only against government.

Special restrictions on property rights of married women would be unconstitutional; married women could engage in business as freely as a member of the male sex; inheritance rights of widows would be same as for widowers.

Women would be equally subject to jury service and to military service, but women would not be required to serve—in the Armed Forces—where they are not fitted any more than men are required to so serve.

The real effect before this amendment is finally passed would probably be to permit both sexes to volunteer on an equal basis, which is not now the case.

Where the law confers a benefit, privilege or obligation of citizenship, such would be extended to the other sex, i.e., the effect of the amendment would be to strike the words of sex identification. Thus, such laws would not be rendered unconstitutional but would be extended to apply to both sexes by operation of the amendment. We have already gone through this in the 15th and 19th amendments.

Examples of such laws include: Minimum wage laws applying only to women; laws requiring lunch periods and rest periods only for women; laws which permit alimony to be awarded under certain circumstances to wives but not to husbands would permit the judge to determine who gets the alimony. Social security and other social benefits legislation which give greater benefits to one sex than the other would extend the benefits to the other sex.

Any expression of preference in the law for the mother in child custody cases would be extended to both parents—as against claims of third parties. Children are entitled to support from both parents under the existing laws of most States. Child support laws would be affected only if they discriminate on the basis of sex. The amendment would not prohibit the requiring of one parent to provide financial support for children who are in the custody of the other.

Where a law restricts or denies opportunities of women or men, as the case may be, the effect of the equal rights amendment would be to render such laws unconstitutional.

Examples are hours and weight lifting laws but four States have repealed "so-called" protective legislation which restricts women. Delaware has repealed all restrictive legislation in 1967, and there has never been a lawsuit. The idea that this would cause unlimited lawsuits is ridiculous. Georgia has repealed its hours law. Oregon and Vermont have repealed their hours laws. Fifteen States have declared such laws unenforceable either through action of their supreme court or by some official of the government: Arizona, District of Columbia, Maryland, Kansas, New Mexico, Michigan, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Dakota, North Dakota, Tennessee, Virginia, and Wyoming.

And let me say that there has never been an hours law which keeps a woman from working more than 40 hours a week. This is just not true. The law prohibits an employer from employing her. She can work 16 hours a day, and there is nobody that protects that woman—certainly not the AFL–CIO.

Separation of the sexes by law would be forbidden under the amendment except in situations where the separation is shown to be necessary because of an overriding and compelling public interest and does not deny individual rights and liberties.

For example, in our present culture the recognition of the right to privacy would justify separate restroom facilities in public buildings.

The amendment would not change the substance of existing laws, except that those which restrict and deny opportunities to women would be rendered unconstitutional. In all other cases, the laws presently on the books would simply be equalized, and this includes the entire body of family law. Moreover, this amendment does not restrict States from changing their laws. This law does not apply to criminal acts capable of commission by only one sex. It does not have anything to do with the law of rape or prostitution. You are not going to have to change those laws.

Forty-seven years ago the passage of this amendment would have been earth-shaking; but that was a different world. Today, we are fellow immigrants in a strange new world—30 million women are working. The census has shown that the poverty stricken families of men show upward mobility; but not the poverty stricken families headed by a woman.

It is past time that we consider these facts and that we begin the removal of any legal discrimination against women; as we are attempting to removal legal discriminations against all other minorities.

I urge you to vote for the previous question.

The SPEAKER pro tempore (Mr. HOLIFIELD). The gentlewoman from Michigan has consumed 12 minutes.

Mrs. GRIFFITHS. Mr. Speaker, at this moment I yield, for the purposes of debate only, 15 minutes to the gentleman from New York (Mr. CELLER).

Mr. CELLER. Mr. Speaker, I yield 7 minutes to the gentleman from Ohio (Mr. MCCULLOCH).

Mr. MCCULLOCH. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. WIGGINS).

Mr. GROSS. A point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman from Michigan has yielded 15 minutes to the gentleman from New York (Mr. CELLER). The gentleman from

New York has control of his 15 minutes. He may yield to the gentleman from Ohio, and the Chair will notify the gentleman from New York when the gentleman from Ohio has consumed 7 minutes.

The gentleman from New York must remain on his feet, and he may yield to whomever he wishes.

Mr. CELLER. That I will do, Mr. Speaker.

Mr. McCULLOCH. That I will do also, Mr. Speaker.

I now yield 5 minutes to the gentleman from California (Mr. WIGGINS).

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

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

Mr. GROSS. Mr. Speaker, my parliamentary inquiry is this: May the gentleman yield to a third party?

The SPEAKER pro tempore (Mr. HOLIFIELD). The Chair will state that he may do so only by unanimous consent.

Mr. GROSS. I thank the Speaker, and that is what I thought.

The SPEAKER pro tempore. Is there objection?

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

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

Mr. GERALD R. FORD. As I recollect, Mr. Speaker, the gentlewoman from Michigan (Mrs. GRIFFITHS) yielded to the gentleman from New York only for the purpose of debate.

The SPEAKER pro tempore (Mr. HOLIFIELD). That is right.

Mrs. GRIFFITHS. That is right.

Mr. GERALD R. FORD. Now, if the gentleman from New York yields time to any one or more Members, is he yielding solely on that basis as well?

The SPEAKER pro tempore (Mr. HOLIFIELD). The Chair will state that would be the situation.

Mr. GERALD R. FORD. In other words, the gentleman cannot yield for any other purpose except debate?

The SPEAKER pro tempore (Mr. HOLIFIELD). The Chair will state that that is a correct interpretation of the situation.

Mr. GERALD R. FORD. I thank the Speaker.

Mr. CELLER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. WIGGINS).

The SPEAKER pro tempore. The gentleman from California (Mr. WIGGINS) is recognized for 5 minutes.

Mr. WIGGINS. Mr. Speaker, the question is: Shall this House recommend to the States for their ratification an amendment to the U.S. Constitution providing, in essence, that—

> Equality of right . . . shall not be denied . . . on account of sex?

We are being asked, Mr. Speaker, to amend the Constitution and to do so after 60 minutes of controlled debate without the benefit of hearings before any committee of this House. In short, we are being asked to forgo our legislative responsibilities because it would be the gallant and gentlemanly thing to do.

It is possible to be for equality of rights under the law as between the sexes and still to resist the steamroller with which we are confronted today. I deeply regret that my committee has not held hearings on this measure, but its failure to do so should not be the excuse for compounding its error by hasty, ill-considered action today.

It is not too late to correct the mistakes of the past and I hope that the Members will avail themselves of that opportunity by recommitting this resolution to the Judiciary Committee with instructions that prompt hearings be held.

Are such hearings necessary? Of course they are.

The American Bar Association and distinguished constitutional scholars should be invited to testify. To date we have heard mostly from women's groups, whose objectivity on this issue may be suspect.

The attorneys general from the various States should be invited to testify concerning the impact of this amendment upon State laws, partilularly property laws and the laws governing decedents' estates. It takes no great imagination to believe that comprehensive estate plans based upon established property rights may be profoundly affected by this amendment.

The Justice Department should be required to detail the many—perhaps hundreds—of Federal laws which be affected by our actions.

Perhaps even sociologists should be invited to comment upon the change in our social structure which is implicit in this amendment.

And, finally, perhaps all of us should like the opportunity to reflect upon whether the continued recognition in appropriate cases that men are men and women are women remains in the national interest.

It is not necessary to adopt this amendment to reach economic discrimination which is the heart of the problem. I strongly urge my colleagues—of both sexes—not to insert blindly words into our Constitution without a full understanding of their import. The Members should support a responsible motion to recommit requiring prompt hearings.

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

Mr. WIGGINS. I yield to the gentleman.

Mr. DENNIS. It has been said that this amendment would make a profound social change, and I would just like to ask the gentleman if he does not agree that when we are considering an amendment, which according to the gentlewoman from Michigan will submit women to military draft, that that certainly entails possibilities of a very profound social change in this country.

Mr. WIGGINS. Indeed, it does and it is certainly not the kind of change that we are to acquiesce in on the basis of 60 minutes of debate.

Mr. McCULLOCH. Mr. Speaker, will the gentleman from California yield for a question to the chairman of the Committee on the Judiciary?

Mr. WIGGINS. I yield to the gentleman.

Mr. McCULLOCH. Could the chairman state his intention with respect to the scheduling and holding of hearings by the Committee on the Judiciary on this proposal?

Mr. CELLER. As I already announced, hearings before the full Committee on the Judiciary are scheduled to begin on September 16. Shortly thereafter the committee would report to the House.

Mr. WIGGINS. I will say in conclusion that the chairman of our full committee, the distinguished gentleman from New York, has personally promised me, and I am sure he would extend the same promise to every Member in this Chamber, that the Committee on the Judiciary will hold hearings and that at the conclusion of those hearings, which will be in this session of the Congress, the issue will be brought before the full committee for prompt disposition in a normal and orderly way.

Mr. CELLER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. McCULLOCH).

Mr. McCULLOCH. Mr. Speaker, never since I have been a Member of the Congress has a proposal to amend the Constitution of the United States been treated so cavalierly. Of course, I know there are strong forces for such consideration where the gentler sex is concerned. But, Mr. Speaker, I am fearful of the changes in basic property and human rights that a quick proposal to amend the Constitution across the board, as proposed in this legislation, might bring about.

Mr. Speaker, I do not rise in opposition to House Joint Resolution 264. My opposition is only to passage at the present time. To adopt this constitutional amendment without adequate hearings and debate would raise more questions than it would answer, and would be a most irresponsible act by this great legislative body. I would like to discuss just a few of the questions that this proposal presents.

The argument has been made that the equal rights amendment would add nothing to the equal protection clause of the 14th Amendment since the language of the two is substantially the same. In the past, courts have at times upheld laws which treated women differently on the theory that women, as a class, were different and that such distinctions were reasonable. In recent years, however, a variety of laws has been successfully challenged as working an arbitrary discrimination between the sexes.

For example, it has been held that a policewoman has a right to take the examination for the rank of sergeant, *Shpritzer* v. *Lang*, 17 N.Y.S. 2d 265 (1962)—dictum as to equal protection issue; that limits on the weight an employee may lift must be applied on an individual basis and not on the basis of sex, *Bowe et al.*, v. *Colgate Palmolive*

Company, 416 F. 2d 711 (7th Cir. 1969); that a State may not exclude women from jury service, *White* v. *Crook*, 251 F. Supp. 401 (M.D. Ala., 1966); and that a State law may not provide for longer prison terms for women than for men for the same crime, *Commonwealth* v. *Daniel*, 430 Pa. 642 (1968), *U.S. ex. rel. Robinson* v. *York*, 281 F. Supp. 8 (D. Conn., 1968).

While some argue that the amendment is little more than an unnecessary gesture, Professor Freund contends that it "would set up a constitutional yardstick of absolute equality between men and women in all legal relationships," the effect of which would be an inflexibility, rigidity and above all confusion in numerous areas of the law; 96 CONGRESSIONAL RECORD 865, 1950. If there is to be absolute equality of the sexes, our selective service law would have to be revised to accommodate lady draftees. The entire structure of our family and domestic relations law as developed by the 50 States, especially those provisions giving preferential treatment to women, would be thrown into turmoil.

In the area of employment, the States have over the past century built up a large body of law designed to protect women in areas such as minimum wages, hours of work, weightlifting limitations, and other employment practices. An example which shows how much these laws are rooted in history is the first enforceable law regulating the hours of employment of women, which became effective in Massachusetts in 1879. The equal rights amendment might well strike from the statute books many of these laws. In order to illustrate the broad sweep of the laws which might be affected I insert at the conclusion of my remarks an excerpt from the "1969 Handbook on Women Workers," prepared by the Women's Bureau of the Department of Labor, which indicates statistics and identifies the number of States which have labor legislation designed to protect women.

If the amendment is to be given this broad construction—a point by no means resolved—we will, in effect, be restructuring a very basic portion of the social fabric of this country. I would not attempt to say whether this would be wise or if wise, whether those changes affecting areas of essentially local concern such as family law should be effectuated at the Federal level. What I can say with certainty is that the matter merits more than the very brief debate available today.

Probably the area of greatest legitimate concern is that of discrimination by sex in employment. Yet the rulings of the Equal Employment Opportunity Commission under title VII of the 1964 Civil Rights Act have attacked the various discriminatory practices complained of. The real problem is that the EEOC has no enforcement powers. Perhaps what is needed, rather than the pious language of a constitutional amendment, is the grant of real power to the EEOC to protect the right of all Americans—regardless not only of sex, but of race, color, religion or national origin—to fair and equal treatment in securing employment.

Another problem is that the Equal Rights Amendment, if adopted, would be the first constitutional amendment to grant to the States, as well as to Congress, authority to implement the amendment by appropriate legislation. The situation is complicated by the doctrine of *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), that the Supreme Court will uphold any statute of Congress enacted to vindicate 14th Amendment rights if it can "perceive a basis" for such action by Congress. Presumably, the Court will have to uphold any State statute if it can "perceive a basis" by which such statute vindicates rights granted by the equal rights amendment. The questions which would be raised by this result concerning the supremacy clause and the notion of federalism are difficult to define, let alone answer.

If my remarks have demonstrated anything, Mr. Speaker, it is that House Joint Resolution 264 needs more detailed study. It is my hope that the House will not preclude such study by approving this resolution on a wave of emotion.

The material referred to follows:

STATE LABOR LAWS FOR WOMEN, JANUARY 1, 1969

During a century of development, the field of labor legislation for women has seen a tremendous increase in the number of laws and a notable improvement in the standards established. Today each of the 50 States, the District of Columbia, and Puerto Rico have laws relating to the employment of women. The principal subjects of regulation are: (1) minimum wage; (2) overtime compensation; (3) equal pay; (4) fair employment practices; (5) hours of work, including maximum daily and weekly hours, day of rest, meal and rest periods, and nightwork; (6) industrial homework; (7) employment before and after childbirth; (8) occupational limitations; and (9) other standards, such as seating provisions and weightlifting limitations.

Although legislation in one or more of these fields has been enacted in all of the States, the District of Columbia, and Puerto Rico, the standards established vary widely. In some jurisdictions different standards apply to different occupations or industries. Laws relating to minors are mentioned here only if they apply also to women.

MINIMUM WAGE

A total of 36 States, the District of Columbia, and Puerto Rico have minimum wage laws with minimum wage rates currently in effect. These laws apply to men as well as women in 29 States, the District of Columbia, and Puerto Rico. In 7 States the minimum wage laws apply only to women or to women and minors. An additional 3 States have minimum wage laws, applicable to females and/or minors, which are not in operation.

In general these laws are applicable to all industries and occupations except domestic service and agriculture, which are specifically exempt in most States.

The laws of 9 States—Arkansas, California, Colorado, Michigan, New Jersey, North Dakota, Utah, Washington, and Wisconsin—either set statutory minimum wage rates or permit a wage board to set minimum rates for both domestic service and agricultural workers. In Wisconsin wage orders cover both groups. The Michigan statutory rate applies to agricultural employees (except certain employees engaged in harvesting on a piecework basis) and domestic service workers, but is limited to employers of 4 or more. The Arkansas law is limited to employers of 5 or more and applies to agricultural workers, with some exceptions, whose employer used more than 500 man-days of agricultural labor in any 4 months of the preceding year. The New Jersey statutory rate applies to agricultural workers and excludes domestic service workers, but the law permits them to be covered by a wage order. California has a wage order applicable to agricultural workers, but has none for domestic service workers. The remaining 4 States—Colorado, North Dakota, Utah, and Washington—have no wage orders that apply to domestic service or agricultural workers.

The laws of 7 jurisdictions—the District of Columbia, Hawaii, Massachusetts, New Mexico, Oregon, Puerto Rico, and West Virginia—cover either domestic service or agricultural workers, but not both. West Virginia does not exclude domestic service workers as a group, but coverage is limited to employers of 6 or more. Some or all agricultural workers are covered under the minimum wage law or orders in the District of Columbia, Hawaii, Massachusetts, New Mexico, Oregon, and Puerto Rico.

Since the Federal Fair Labor Standards Act (FLSA) of 1938, as amended, establishes a minimum hourly rate for both men and women engaged in or producing goods for interstate commerce and for employees of most large retail firms and other specified establishments, as well as some workers in agriculture, the benefits of State minimum wage legislation apply chiefly to workers in local trade and service industries.

104. Historical Record of Minimum Wage Legislation: The history of minimum wage legislation began in 1912 with the passage of a minimum wage law in Massachusetts. At that time minimum wage legislation was designed for the protection of women and minors, and did much to raise their extremely low wages in manufacturing (now covered by the FLSA) and in trade and service industries. Between 1912 and 1923 laws were enacted in 15 States,[1] the District of Columbia, and Puerto Rico.

Legislative progress was interrupted by the 1923 decision of the U.S. Supreme Court declaring the District of Columbia law unconstitutional, and no new minimum wage laws were passed during the next 10 years.

The depression years of the 1930's brought a revival of interest in minimum wage legislation, and 13 additional States and Alaska enacted laws.

In 1937 the U.S. Supreme Court upheld the constitutionality of the minimum wage law in the State of Washington, expressly reversing its prior decision on the District of Columbia minimum wage law.

In 1941 Hawaii enacted a minimum wage law, bringing to 30 the number of jurisdictions with such legislation.

From 1941 through 1954 no State enacted a minimum wage law. However, there was a considerable amount of legislative activity in the States which already had minimum wage legislation on their statute books. In some States the laws were amended to extend coverage to men; in others, to establish or increase a statutory rate; and in still others, to strengthen the procedural provisions.

In the period 1955–66 the following actions occurred:

10 States—Delaware, Idaho, Indiana, Maryland, Michigan, New Mexico, North Carolina, Vermont, West Virginia, and Wyoming—enacted minimum wage laws for the first time, making a total of 40 jurisdictions with such laws.

7 States—Maine, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, and Washington—and the Distict of Columbia with wage board laws enacted statutory rate

[1] One of these laws was repealed in 1919 (Nebraska); another, in 1921 (Texas).

laws, retaining, with the exception of Maine and Oklahoma, the wage board provision. The enactments in 5 States—Maine, New Jersey, Oklahoma, Pennsylvania, and Washington—and the District of Columbia also extended coverage to men.

4 States—Kentucky, Nevada, North Dakota, and South Dakota—amended their laws to extend coverage to men.

16 States—Alaska, Connecticut, Hawaii, Idaho, Maine, Massachusetts, Nevada, New Hampshire, New Mexico, New York, North Carolina, Rhode Island, South Dakota, Vermont, Washington, and Wyoming—amended their laws one or more times to increase the statutory rates.

2 States—Massachusetts and New Jersey—and the District of Columbia amended their premium pay requirements. Massachusetts amended its minimum wage law to require the payment of not less than 1½ times an employee's regular rate for hours worked in excess of 40 a week, exempting a number of occupations and industries from the overtime provision. In New Jersey and the Dis- of Columbia new statutory rate laws were enacted which included overtime pay requirements covering most workers.

Other amendments in a number of jurisdictions affected coverage of the minimum wage laws, clarified specific provisions, or otherwise strengthened the laws.

In 1967:

1 State—Nebraska—enacted a minimum wage law for the first time, bringing to 41 the total number of jurisdictions having such laws. This law establishes a statutory rate applicable to men, women, and minors, and is limited to employers of 4 or more.

1 State—Oregon—with a wage board law applicable to women and minors enacted a statutory rate law applicable to men and women 18 years and over.

1 State—New Hampshire—made its wage board provisions applicable to men.

State—Maryland—extended coverage by eliminating the exemption for employers of less than 7.

12 States—Connecticut, Delaware, Idaho, Indiana, Maine, Maryland, New Hampshire, New Mexico, Rhode Island, Vermont, Washington, and Wyoming—amended their laws to increase their statutory rates.

2 States—New Mexico and Massachusetts—extended coverage to some or all agricultural workers.

2 States—California and Wisconsin—with wage board laws revised wage orders, setting a single rate for all occupations and industries.

1 State—Michigan—amended its minimum wage regulations to decrease allowable deductions and strengthen enforcement.

In 1968:

1 State—Arkansas—with a statutory rate law applicable to females enacted a new law establishing a statutory rate applicable to men, women, and minors, effective January 1, 1969.

1 State—Delaware—amended its law to set a minimum rate for employees receiving gratuities.

1 State—Pennsylvania—amended its law to increase the statutory rate and to require overtime pay.

105. Roster of Minimum Wage Jurisdictions: The 41 jurisdictions with minimum wage legislation* are:

Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Illinois,[2] Indiana, Kansas,[2] Kentucky.

Louisiana,[2] Maine, Maryanld, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota.

Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming.

Eight States, the District of Columbia, and Puerto Rico have laws that set a statutory rate and also provide for the establihsment of occupation or industry rates based on recommendations of wage boards. (Only those jurisdictions which can set rates higher than the statutory minimum or expand coverage are shown below.) Nineteen States have statutory rate laws only; that is, the rate is set by the legislature. Twelve States (including 3 with no minimum wage rates currently in effect) have laws that set no fixed rate but provide for minimum rates to be established on an occupation or industry basis by wage board action.

The following list shows, for the 41 jurisdictions, the type of law and employee covered:

1. Statutory rate and wage board law for:

Men, women, and minors: Connecticut, District of Columbia, Massachusetts, New Hampshire, New Jersey,[3] New York, Pennsylvania, Puerto Rico, Rhode Island, Washington.[3]

2. Statutory rate law only for:

Men, women, and minors: Alaska, Arkansas, Delaware, Hawaii, Idaho, Maine, Maryland, Nebraska, Nevada, New Mexico, North Carolina (16 to 65 years), South Dakota (14 years and over), Vermont, West Virginia.

Men and women: Indiana (18 years and over), Michigan (18 to 65 years), Oklahoma (18 to 65 years), Oregon (18 years and over), Wyoming (18 years and over).

3. Wage board law only for:

Men, women, and minors: Kentucky, North Dakota.

Women and minors: Arizona, California, Colorado, Illinois,[4] Kansas,[4] Minnesota, Ohio, Utah, Wisconsin.

Females: Louisiana.[4]

OVERTIME COMPENSATION

Sixteen States, the District of Columbia, and Puerto Rico have laws or regulations—usually part of the minimum wage program—that provide for overtime compensation. These generally require the payment of premium rates for hours worked in excess of a daily and/or weekly standard. Premium pay requirements are both a deterrent to excessive hours of work and an impetus to the equitable distribution of work.

106. Statutory Requirements: Statutes of 10 States and the District of Columbia require the payment of 1½ times the regular rate of pay after a specified number of daily and/or weekly hours. Generally these statutes are applicable to men, women, and minors. The following list of jurisdictions with statutory overtime rates shows the hours after which premium pay is required:

	Daily standard	Weekly standard
Alaska	8	40
Connecticut		42; *40
District of Columbia		40
Hawaii		40
Idaho [5]	8	48
Maine		48
Massachusetts		40
New Jersey		40
Pennsylvania		42; †40
Vermont		48
West Virginia		48

*July 1, 1969.

[5] The premium pay requirement is separate from the minimum wage program and is applicable to women only.

† Feb. 1, 1969.

*Since this publication was prepared, Texas enacted a minimum wage law, effective February 1, 1970, covering men, women, and minors.

[2] No minimum rates in effect.

[3] Wage orders applicable to women and minors only.

[4] No minimum rates in effect.

107. Wage Order Requirements: Wage orders issued as part of the minimum wage program in 6 States and Puerto Rico require the payment of premium rates for overtime. Generally the orders provide for payment of 1½ times, or double, either the minimum rate or the regular rate of pay for hours in excess of a daily and/or weekly standard. The following list of jurisdictions with wage orders that require overtime rates (for men, women and minors unless otherwise indicated) shows the premium rate established and the hours after which the premium is payable. Most of the jurisdictions have issued a number of wage orders with varying standards for different occupations. The one shown is the highest standard of general application.

Rate	Daily standard	Weekly standard
California: [6]		
1½ times the regular rate	8	40
Double the regular rate	12; 8 on 7th day	
Colorado: [6]		
1½ times the regular rate	8	40
Kentucky: [7]		
1½ times the minimum rate.		44
New York:		
1½ times basic minimum rate.		40
Oregon: [6]		
1½ times the minimum rate.	8	40
Rhode Island:		
1½ times the minimum rate.		45
Puerto Rico:		
Double the regular rate	8	44

[6] Applicable to women and minors only. In California minors under 18 are limited to 8 hours a day, 6 days a week.

[7] Since the issuance of wage orders applicable to women and minors, only, statutory coverage of the wage board program has been extended to men.

EQUAL PAY

Thirty-one States have equal pay laws applicable to private employment that prohibit discrimination in rate of pay based on sex. They establish the principle of payment of a wage rate based on the job and not on the sex of the worker. Five States with no equal pay law have fair employment practices laws and the District of Columbia, a regulation, that prohibit discrimination in rate of pay or compensation based on sex.

108. Historical Record of Equal Pay Legislation: Public attention was first sharply focused on equal pay for women during World War I when large numbers of women were employed in war industries on the same jobs as men, and the National War Labor Board enforced the policy of "no wage discrimination against women on the grounds of sex." In 1919, 2 States—Michigan and Montana—enacted equal pay legislation. For nearly 25 years these were the only States with such laws.

Progress in the equal pay field was made during World War II when again large numbers of women entered the labor force, many of them in jobs previously held by men. Government agencies, employers, unions, organizations, and the general public were concerned with the removal of wage differentials as a means of furthering the war effort.

During the period 1943–45 equal pay laws were enacted in 4 States—Illinois, Massachusetts, New York, and Washington.

In the next 4 years 6 States—California, Connecticut, Maine, New Hampshire, Pennsylvania, and Rhode Island—and Alaska passed equal pay laws.

New Jersey enacted an equal pay law in 1952. Arkansas, Colorado, and Oregon passed such legislation in 1955.

In 1957 California amended its equal pay law to strengthen existing legislation, and Nebraska adopted a resolution endorsing the policy of equal pay for equal work without

discrimination based on sex and urging the adoption of this policy by all employers in the State. Hawaii, Ohio, and Wyoming passed equal pay laws in 1959.

In 1961 Wisconsin amended its fair employment practices act to prohibit discrimination because of sex and to provide that a differential in pay between employees, when based in good faith on any factor other than sex, is not prohibited.

In 1963 Arizona passed an equal pay law, and Michigan amended its law (which previously covered only manufacture or production of any article) to extend coverage to any employer of labor employing both males and females.

During 1963 Missouri enacted an equal pay law, and Vermont passed a fair employment practices law which also prohibits discrimination in rates of pay by reason of sex.

Also in 1963 the Federal Equal Pay Act was passed as an amendment to the Fair Labor Standards Act.

In 1965, 3 States—North Dakota, Oklahoma, and West Virginia—enacted equal pay laws, and 3 States with no equal pay law—Maryland, Nebraska, and Utah—passed fair employment practices laws which prohibit discrimination in compensation based on sex. Amendments in California, Maine, New York, and Rhode Island strengthened existing equal pay laws.

In 1966, 4 States—Georgia, Kentucky, Maryland, and South Dakota—enacted equal pay laws. Massachusetts enacted a law that provides equal pay for certain civil service employees.

In 1967, 2 States—Indiana and Nebraska—enacted equal pay laws. Indiana included its equal pay provision as part of the amendments to its minimum wage law.

109. Roster of Equal Pay States: [8] The 31 States with equal pay laws* are:

Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Georgia, Hawaii, Illinois, Indiana,[9] Kentucky.

Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota.

Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Washington, West Virginia, Wyoming.

Equal pay laws in Colorado, Georgia, Indiana, Kentucky, Maryland, Montana, Nebraska, North Dakota, Oklahoma, Pennsylvania, and Washington are applicable to public as well as private employment. (A Massachusetts law contains an elective equal pay provision, applicable to employees of cities or towns who are in the classified civil service; and a Texas law requires equal pay for women in private employment.) In 21 States the laws apply to most types of private employment. In general those States specifying exemptions exclude agricultural labor and domestic service. The Illinois law applies only to manufacturing.

FAIR EMPLOYMENT PRACTICES

110. Roster of Fair Employment Practices States: Thirty-seven States, the District of Columbia, and Puerto Rico have fair employment practices laws, but only 15 of the States and the District of Columbia include a prohibition against discrimination in employment based on sex. Prior to the enactment of title VII of the Federal Civil Rights Act of 1964, the laws of only 2 States—Hawaii and Wisconsin—prohibited sex discrimination in employment.

The 39 jurisdictions with fair employment practices laws are:

Alaska, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas.

Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico.

New York, Ohio, Oklahoma (eff. 5/16/69), Oregon, Pennsylvania, Puerto Rico, Rhode Island, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming.

The 16 jurisdictions whose fair employment practices laws prohibit discrimination in employment based on sex * are:

Arizona, Connecticut, District of Columbia, Hawaii, Idaho, Maryland.

Massachusetts, Michigan, Missouri, Nebraska, Nevada, New York.

Oklahoma (eff. 5/16/69), Utah, Wisconsin, Wyoming.

In 2 additional States—Alaska and Vermont—the fair employment practices law prohibits discrimination based on sex, in wages only. In a third State—Colorado—the law prohibits discrimination based on sex only in apprenticeship, on-the-job training, or other occupational instruction, training, or retraining programs.

HOURS OF WORK

The first enforceable law regulating the hours of employment of women became effective in Massachusetts in 1879. Today 46 States, the District of Columbia, and Puerto Rico have established standards governing at least one aspect of women's hours of employment; that is, maximum daily or weekly hours, day of rest, meal and rest periods, and nightwork. Some of these standards have been established by statute; others, by minimum wage or industrial welfare order.

111. Maximum Daily and Weekly Hours: Forty-one States and the District of Columbia regulate the number of daily and/or weekly hours of employment for women in one or more industries. These limitations have been established either by statute or by order. Nine States—Alabama, Alaska, Delaware, Florida, Hawaii, Idaho, Indiana, Iowa, and West Virginia—and Puerto Rico do not have such laws; however, laws or wage orders in 5 of these jurisdictions—Alaska, Hawaii, Idaho, Puerto Rico, and West Virginia—require the payment of premium rates for time worked over specified hours.

Hours standards for 3 of the 41 States—Georgia, Montana, and South Carolina—are applicable to both men and women. In addition there are 3 States—New Mexico, North Carolina, and Washington—which cover men and women in some industries and women only in others.

The standard setting the fewest maximum hours which may be worked, in one or more industries, is shown for each of the 41 States and the District of Columbia.

	Maximum hours	
	Daily	Weekly
Arizona	8	48
Arkansas	8	(10)
California	8	48
Colorado	8	----
Connecticut	8	48
District of Columbia	8	48
Georgia	10	60
Illinois	8	48
Kansas [11]	8	48
Kentucky	10	60
Louisiana	8	48
Maine	9	50
Maryland	10	60
Massachusetts	9	48
Michigan	9	54
Minnesota	----	54
Mississippi	10	60
Missouri	9	54
Montana	8	48
Nebraska	9	54
Nevada	8	48
New Hampshire	10	48
New Jersey	10	54
New Mexico	8	48
New York	8	48
North Carolina	9	48
North Dakota	8½	48
Ohio	8	48
Oklahoma	9	54
Oregon [11]	8	40
Pennsylvania	10	48
Rhode Island	9	48
South Carolina	8	40
South Dakota	10	54
Tennessee	10	50
Texas	9	54
Utah	8	48
Vermont	9	50
Virginia	9	48
Washington	8	48
Wisconsin	9	50
Wyoming [12]	8	48

[10] A 6-day week limitation provides, in effect, for 48-hour workweek.

[11] Maximum hours standards set by Labor Commissioner under minimum wage program.

[12] If the 8 hours of work are spread over more than 12 hours in a day, time and one-half must be paid for each of the 8 hours worked after the 12-hour period.

As the table shows, in one or more industries:

2 States have a maximum of 8 hours a day, 40 hours a week.

23 States and the District of Columbia have set maximum hours of 8 a day, 48 a week, or both.

8 States have a maximum 9-hour day, 50- or 54-hour week. (This includes Michigan with an average 9-hour, maximum 10-hour, day.)

Minnesota has no daily hours limitation in its statute, but limits weekly hours to 54.

7 States have a maximum 10-hour day, 50- to 60-hour week.

However, many of these hours laws contain exemptions or exceptions from their limitations. For example:

Work is permitted in excess of the maximum hours limitation for at least some employees in 16 States if they receive overtime compensation: Arizona, Arkansas, California, Colorado, Kansas, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Texas, Virginia, Wisconsin, and Wyoming.

4 States—North Carolina, Oregon, South Carolina, and Virginia—exempt workers who are paid in accordance with the overtime requirements of, or who are subject to, the FLSA, the Federal minimum wage and hour law of most general application. Arizona exempts employers operating in compliance with the FLSA, provided 1½ times the regular rate is paid for hours over 8 a day. California permits airline and railroad personnel and women protected by the FLSA, with some industry exceptions, to work up to 10 hours a day and 58 hours a week if they are paid 1½ times their regular rate for hours over 8 a day and 40 a week. Kansas exempts most firms meeting the wage, overtime, and recordkeeping requirements of the FLSA or comparable standards set by collective bargaining agreements. New Mexico exempts employees in interstate commerce whose hours are regulated by acts of Congress.

1 State—Maryland—exempts employment subject to a bona fide collective bargaining agreement.

State agencies in Arkansas, Kansas, Massachusetts, Michigan, Minnesota, Oregon, Pennsylvania, and Wisconsin have broad authority to permit work in excess of the maximum hours limitations on a case-by-case basis; to

* Since this publication was prepared, 4 States—Florida, Idaho, Minnesota, and Nevada—enacted equal pay laws.

[8] Fair employment practices acts in 5 States with no equal pay law—Idaho, Nevada, Utah, Vermont, and Wisconsin—prohibit discrimination in rate of pay or compensation based on sex. In the District of Columbia, there is a regulation prohibiting discrimination based on sex.

[9] Indiana included an equal pay provision in its amendments to the minimum wage law.

*Since this publication was prepared, 6 States—Alaska, Colorado, Minnesota, New Mexico, Oregon, and Pennsylvania—enacted laws prohibiting discrimination in employment based on sex.

vary hours restrictions by industry or occupation; or to regulate hours by requiring premium pay for overtime: Pemium pay for overtime work is required by law or order regulating hours in Arkansas, Kansas, Oregon, and Wisconsin. The minimum wage laws or orders of Massachusetts, Oregon, and Pennsylvania require premium pay for overtime work (see secs. 106 and 107).

28 more States have specific exceptions to the hours restrictions for emergencies, seasonal peaks, national defense, and other reasons.

Some or all women employed in executive, administrative, and professional positions are exempt from hours laws limitations in 26 States and the District of Columbia.

Since 1963, 16 States—Arizona, California, Colorado, Illinois, Kansas, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New York, North Carolina, Oregon, Pennsylvania, Virginia, and Washington—and the District of Columbia have modified their maximum hours laws or orders one or more times to permit work beyond the limits established by the maximum hours laws under regulated conditions, to exempt additional groups of workers from hours restrictions, or to establish administrative procedures for varying hours limitations. One State—Delaware—eliminated hours restrictions altogether.

In Michigan the State Occupational Safety Standards Commission has promulgated a standard which removes the limitations on women's daily and weekly hours of work, effective February 15, 1969, subject to modification by the State legislature.*

112. Day of Rest: Twenty States, the District of Columbia, and Puerto Rico have established a 6-day maximum workweek for women employed in some or all industries. In 8 of these jurisdictions—California, Connecticut, Illinois, Massachusetts, New Hampshire, New York, Puerto Rico, and Wisconsin—this standard is applicable to both men and women. Jurisdiction that provide for a 6-day maximum workweek are:

Arizona, Arkansas, California, Connecticut, District of Columbia, Illinois, Kansas, and Louisiana.

Massachusetts, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, and Ohio.

Oregon, Pennsylvania, Puerto Rico, Utah, Washington, and Wisconsin.

Of the remaining 30 States, 20 have laws that prohibit specified employment or activities on Sunday:

Alabama, Florida, Georgia, Idaho, Indiana, Kentucky, and Maine.

Maryland, Mississippi, Missouri, New Mexico, Oklahoma, Rhode Island, and South Carolina.

South Dakota, Tennessee, Texas, Vermont, Virginia, and West Virginia.

113. Meal Period: Twenty-three States, the District of Columbia, and Puerto Rico provide that meal periods, varying from 20 minutes to 1 hour in duration, must be allowed women employed in some or all industries. In 3 States—Indiana, Nebraska, and New York—these provisions apply to men as well as women. The length of the meal period is provided by statute, order, or regulation in 25 jurisdictions:

Arkansas, California, Colorado, District of Columbia, Indiana, Kansas, Louisiana, Maine, Maryland.

Massachusetts, Nebraska, Nevada, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon.

Pennsylvania, Puerto Rico, Rhode Island, Utah, Washington, West Virginia, Wisconisn.

Combining rest period and meal period provisions, Kentucky requires that before and after the regularly scheduled lunch period (duration not specified) rest periods shall be granted females; and in Wyoming females employed in specified establishments who are required to be on their feet continuously must have two paid rest periods, one before and one after the lunch hour.

114. Rest Period: Twelve States and Puerto Rico[13] have provided for specific rest periods (as distinct from a meal period) for women workers. The statutes in Alaska, Kentucky, Nevada, and Wyoming cover a variety of industries (in Alaska and Wyoming, applicable only to women standing continuously); laws in New York and Pennsylvania apply to elevator operators not provided with seating facilities. Rest periods in one or more industries are required by wage orders in Arizona, California, Colorado, Oregon, Puerto Rico, Utah, and Washington. Most of the provisions are for a 10-minute rest period within each half day of work.

In addition, in Arkansas manufacturing establishments operating on a 24-hour schedule may, when necessary, be exempt from the meal period provision if females are granted 10 minutes for each of two paid rest periods and provision is made for them to eat at their work; and the North Dakota Manufacturing Order prohibits the employment of women for more than 2 hours without a rest period (duration not specified).

115. Nightwork: In 18 States and Puerto Rico nightwork for adult women is prohibited and/or regulated in certain industries or occupations.

Nine States and Puerto Rico prohibit nightwork for adult women in certain occupations or industries or under specified conditions: Connecticut, Kansas, Massachusetts, Nebraska, New Jersey, New York, North Dakota, Ohio, Puerto Rico, and Washington.

In North Dakota and Washington the prohibition applies only to elevator operators; in Ohio, only to taxicab drivers.

In 9 other States, as well as in several of the jurisdictions that prohibit nightwork in specified industries or occupations, the employment of adult women at night is regulated either by maximum hour provisions or by specified standards of working conditions. For example, in 1 State women and minors are limited to 8 hours a night: California, Illinois, New Hampshire, New Mexico, Oregon, Pennsylvania, Rhode Island, Utah, and Wisconsin.

Arizona and the District of Columbia prohibit the employment of females under 21 years of age in night messenger service; the Arizona law is applicable also to males under 21.

OTHER LABOR LEGISLATION

116. Industrial Homework: Nineteen States and Puerto Rico have industrial homework laws or regulations:

California, Connecticut, Hawaii, Illinois, Indiana, Maryland, Massachusetts.

Michigan, Missouri, New Jersey, New York, Ohio, Oregon, Pennsylvania.

Puerto Rico, Rhode Island, Tennessee, Texas, West Virginia, Wisconsin.

These regulations apply to all persons, except in Oregon, where the provisions apply to women and minors only.

In addition, the Alaska and Washington minimum wage and hour laws authorize the issuance of rules and regulations restricting or prohibiting industrial homework where necessary to safeguard minimum wage rates prescribed in the laws.

117. Employment Before and After Childbirth: Six States and Puerto Rico prohibit the employment of women in one or more industries or occupations immediately before and/or after childbirth. These standards are established by statute or by minimum wage or welfare orders. Women may not be employed in—

Connecticut: 4 weeks before and 4 weeks after childbirth.

Massachusetts: 4 weeks before and 4 weeks after childbirth.

Missouri: 3 weeks before and 3 weeks after childbirth.

New York: 4 weeks after childbirth.

Puerto Rico: 4 weeks before and 4 weeks after childbirth.

Vermont: 2 weeks before and 4 weeks after childbirth.

Washington[14]: 4 months before and 6 weeks after childbirth.

In addition to prohibiting employment, Puerto Rico requires the employer to pay the working mother one-half of her regular wage or salary during an 8-week period and provides for job security during the required absence.

Rhode Island's Temporary Disability Insurance Act provides that women workers covered by the act who are unemployed because of sickness resulting from pregnancy are entitled to cash benefits for maternity leave for a 14-week period beginning the sixth week prior to the week of expected childbirth, or the week childbirth occurs if it is more than 6 weeks prior to the expected birth.

In New Jersey the Temporary Disability Benefits Act provides that women workers to whom the act applies are entitled to cash payments for disability existing during the 4 weeks before and 4 weeks following childbirth.

Also, the Oregon Mercantile and Sanitation and Physical Welfare Orders recommend that an employer should not employ a female at any work during the 6 weeks preceding and the 4 weeks following the birth of her child, unless recommended by a licensed medical authority.

118. Occupational Limitations: Twenty-six States have laws or regulations that prohibit the employment of adult women in specified occupations or industries or under certain working conditions which are considered hazardous or injurious to health and safety. In 17 of these States the prohibition applies to women's employment in or about mines. Clerical or similar work is excepted from the prohibition in approximately half of these States. Nine States prohibit women from mixing, selling, or dispensing alcoholic beverages for on-premises consumption, and 1 State—Georgia—prohibits their employment in retail liquor stores. (In addition, a Florida statute authorizes the city of Tampa to prohibit females from soliciting customers to buy alcoholic beverages.)

The following States have occupational limitations applicable to—

Mines: Alabama, Arizona, Arkansas, Colorado, Illinois, Indiana, Maryland, Missouri, New York, Ohio, Oklahoma, Pennsylvania, Utah, Virginia, Washington, Wisconsin, Wyoming.

Establishments serving alcoholic beverages: Alaska, California, Connecticut, Illinois,[15] Indiana, Kentucky, Ohio, Pennsylvania, Rhode Island.

Eleven States prohibit the employment of women in other places or occupations, or under certain conditions:

Arizona—In occupations requiring constant standing.

Colorado—Working around coke ovens.

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* Since preparation of this publication, a court case brought about reinstatement of the limitations.

[13] Rest period provision in Puerto Rico applies also to men.

[14] Standard established by minimum wage orders. Some orders provide that a special permit may be granted for continued employment upon employer's request and with doctor's certificate.

[15] Illinois State law empowers city and county governments to prohibit by general ordinance of resolution.

Massachusetts—Working on cores more than 2 cubic feet or 60 pounds.

Michigan—Handling harmful substances; in foundries, except with approval of the Department of Labor.

Minnesota—Placing cores in or out of ovens; cleaning moving machinery.

Missouri—Cleaning or working between moving machinery.

New York—Coremaking, or in connection with coremaking, in a room in which the oven is in operation.

Ohio—As crossing watchman, section hand, express driver, metal molder, bellhop, gas- or electric-meter reader; in shoeshining parlors, bowling alleys as pinsetters, poolrooms; in delivery service on motor-propelled vehicles of over 1-ton capacity; in operating freight or baggage elevators if the doors are not automatically or semi-automatically controlled; in baggage and freight handling, by means of handtrucks, trucking and handling heavy materials of any kind; in blast furnaces, smelters, and quarries except in offices thereof.

Pennsylvania—In dangerous or injurious occupations.

Washington—As bellhop.

Wisconsin—In dangerous or injurious occupations.

The majority of the States with occupational limitations for adult women also have prohibitory legislation for persons under 21 years. In addition, 10 States have occupational limitations for persons under 21 years only. Most of these limitations apply to the serving of liquor and to the driving of taxicabs, schoolbuses, or public vehicles; others prohibit the employment of females under 21 years in jobs demanding constant standing or as messenger, bellhop, or caddy.

119. Seating and Weightlifting: A number of jurisdictions, through statutes, minimum wage orders, and other regulations, have established employment standards for women relating to plant facilities such as seats, lunchrooms, dressing and rest rooms, and toilet rooms, and to weightlifting. Only the seating and weightlifting provisions are included in this summary.

Seating.—Forty-five States, the District of Columbia, and Puerto Rico have seating laws or orders; all but 1—the Florida law—apply exclusively to women. Delaware, Hawaii, Illinois, Maryland, and Mississippi have no seating laws or orders.

Weightlifting.—Ten States and Puerto Rico have statutes, rules, regulations, and/or orders which specify the maximum weight women employees may lift, carry, or lift and carry. Following are the standards established for weightlifting and carrying in the 11 jurisdictions. Some States have standards varying by occupation or industry and are, therefore, listed more than once.

Any occupation: "excessive weight" in Oregon; 30 pounds lifting and 15 pounds carrying in Utah; 35 percent of body weight, or 25 pounds where repetitive lifting in Alaska; 25 in Ohio; 40 in Massachusetts; 44 in Puerto Rico; 50 pounds lifting and 10 pounds carrying up and down stairways in California.

Foundries and corerooms: 25 pounds in Maryland, Massachusetts, Minnesota, and New York.

Specified occupations or industries (by orders): 25 pounds in California; 25 to 50 in Oregon; 35 pounds and "excessive weight" in Washington.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman.

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to say that I am a strong supporter of this legislation for equal rights for men and women. As an early signer of the discharge petition to bring House Joint Resolution 264 to the House floor for immediate vote, I urge my colleagues to vote for this legislation, which is long overdue. I have cosponsored resolutions to give equal rights for women. I filed in the 86th Congress, House Joint Resolution 264, March 2, 1959—in the 87th Congress, I filed House Joint Resolution 331, March 23, 1961—in the 88th Congress, I filed House Joint Resolution 882, December 4, 1963—in the 90th Congress, I filed House Joint Resolution 477, March 22, 1967—and in this 91st Congress, I filed House Joint Resolution 263, as a cosponsor for House Joint Resolution 264 of Congresswoman GRIFFITHS of Michigan, that the House is now debating. I firmly believe that this legislation is necessary and right.

Equal rights means equal responsibility, job opportunity, pay, and chance for advancement. We Congressmen and legislators have found too many times that opposition to this amendment has been simply to preserve the status quo with many limitations on the actions and rights of women. Many previous acts and statutes have been passed by the U.S. Congress and State legislatures for a protection of women and, as a matter of fact, have been used as methods of discrimination against women in jobs, individual property holding, doing business joint property relationship between husband and wife—including real property and personal property—as well as discrimination in family rights in favor of the male members.

Because of my long interest in righting this unjustice to women under the U.S. Constitution and under our United States as well as States statutes and laws, and even county, city, borough, and township ordinances and regulations, I believe today is a wonderful occasion to remember as the turning point when the U.S. House of Representatives passes the resolution for the constitutional amendment guaranteeing that equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

This resolution itself provides an answer to those who claim that women by its enactment will lose the rights they now have. In section I of the resolution it is clearly stated:

> Congress and the several States shall have power, within their respective jurisdiction, to enforce this article by appropriate legislation.

Thus the U.S. Congress, as well as the State legislatures can, by proposing legislation under this constitutional amendment, guarantee that legitimate and humane social legislation can be maintained in full force, power, and effect for women, minors, veterans, and the underprivileged.

This resolution completes the requirement for the U.S. Congress to insure equal citizenship rights to every citizen of the United States. Upon the passage of this resolution, the U.S. House of Representatives has come to the position where we provide that the U.S. Government fully guarantees that there shall be no discrimination because of age, sex, color, creed, or national origin for any citizen.

This is the historic day. Let every Member stand up and vote for on the record for full rights and opportunities for women as U.S. citizens and oppose unjust discrimination in any form. What a privilege we present Members of Congress now have to show our strong support of the constitutional amendment guranteeing that equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex, by prompt passage of House Joint Resolution 264.

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

Mr. McCULLOCH. I yield to the gentleman.

Mr. DENNIS. Mr. Speaker, it ought to be clear that we are not debating today whether we believe in justice and equality for women—as I think we all do. We are debating whether we shall attempt to achieve those desirable objectives by particular legislative means—the adoption here today, without prior hearings, and almost without debate, of an amendment to the Constitution of the United States.

The Constitution of the United States is our fundamental legal document. It is not to be amended except after due deliberation, and then only in case of necessity; nor is the federal system for which the Constitution provides, and under which many important matters are left to the several States, to be lightly or casually whittled away, by assignment of greater power to the central government by means of constitutional amendment.

When we look at the laws of the several States we find that the greater number and, generally, the most important, of legal discriminations against women have long since been repealed; that many of those discriminations which remain are discriminations in favor of women, rather than against them; and that, under our system, nothing whatever prevents further changes in the laws of the States, wherever such changes may be required, and whenever the people of the several States may so demand.

In like manner the Congress may legislate, on the federal level, and I believe that these decisions as to what is to be regarded as "equality" properly belong with the representatives of the people, rather than being relegated, case by litigated case, to the court, as will be the case if we adopt this amendment.

We find, too, that it is altogether probable that anything which might be accomplished by reason of this proposed amendment, is already provided for and accomplished by the "due process" and "equal protection" clauses of the 14th amendment and the due process of the fifth amendment.

The chief vice of acting hastily here this morning is that no one of us really knows the effect, or the extent of the effect, of this proposed amendment which—however well intentioned—is likely to have very far-reaching legal, psychological, and social consequences.

To list quickly just a few probabilities:

In property law, if a women is granted the sole right to dispose of her separate property without her husband's consent, he too must be allowed to deed away his property, without the signature of his wife.

The dower rights of a widow in her husband's estate, and her right to elect to take against his will which attempts her disinheritance, must be abolished unless identical rights in his wife's estate are given to the husband.

Alimony must be abolished—or made a two-way street—and just how the latter is to be done, in fact, where the wife has no property or income of her own is a little difficult to envisage.

Any legal preference given to the woman in respect to child custody, upon divorce, must be abolished.

Labor laws designed to protect the health, safety, hours, or types of work permitted to women must go out the window.

To me, perhaps the most distasteful thing of all, is that, as long as we keep selective service on the books, or, if it is repealed, then at any time when we may reinstate it, women, along with men, must be equally subject to military conscription. Conscription is objectionable enough, many think, where men are concerned but I can think of no more far-reaching social change, nothing more likely to destroy the family unit, nothing so likely to threaten to transform us into a national socialistic type of state, than to conscript American women into the Armed Forces.

I wonder, indeed, whether anybody here really wants this. I wonder whether we have thought a lot of these things through.

I say, again, that fundamental legislation of this character, if adopted at all, requires testimony, hearings, and due thought and deliberation. Early hearings and consideration have been promised on the word of the distinguished chairman of the Committee on the Judiciary.

I submit, with all deference to my friends who disagree, that it is irresponsible, for political or for other transitory reasons, to vote sweeping changes such as this, under the conditions of slight consideration and minimal debate, with which we operate on this floor today.

Mr. CELLER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Speaker, I rise in support of equal rights for women, and special protections for women. Every State of this Nation, and many laws passed by this Congress and voted upon by you have built-in special protections which we wish to retain. They can be destroyed by this proposed amendment unless it is amended. Passage of this amendment would cause the worst legislative upheaval this country has known, for the laws across this Nation will have to be rewritten.

I have such an amendment which will clear up the problem. This amendment merely adds two words "of women" and deletes four words from the proposed amendment, "on account of sex." The one sentence I amend would then read as follows:

Equality of rights for women under the law shall not be denied or abridged by the United States or by any State.

It gives equality to women.

But we will not have the chance to correct this glaring deficiency unless we vote down the previous question. If we do vote down the previous question, then this proposed amendment can be amended. Remember that the judiciary committee did not have the opportunity to hold hearings on this amendment, and to change this amendment to do the least violence to the protections given to women in every State of this Nation—in your State. You may think that you are performing an act of chivalry by voting for this amendment, but I can tell you that the majority of women of this Nation will not be thanking you if you take away special privileges that have been enacted into law because of the different patterns of life between men and women.

If you pass this constitutional amendment as written, let me catalog just a few changes that must be made in the laws and which present laws would be successfully challenged in the courts. The amendment I propose I believe will avoid all these challenges.

Any draft law would have to apply equally to women as well as men.

Labor laws that give special privileges to women, such as for sanitary conditions and hours of employment would be stricken down.

Criminal laws in every State in the Nation that differ in the ages of responsibility and the penalties would be stricken as being unconstitutional.

Marriage laws in many States that differ in the age of consent, and which give any advantage to women for contractual purposes would be unconstitutional.

Criminal laws such as rape, seduction, certain types of assault that now apply only to men could be challenged.

Divorce laws, alimony laws, and most domestic relations laws would be in question.

One of the most severe reactions in most States of the Nation would be in the area of retirement benefits. Almost all of these programs are based on differences between men and women, and all that I know about give a special advantage to women. Even in the U.S. Congress most of us within the last few years voted for a retirement under social security for women at 62 whereas men can draw benefits at the age of 65.

We all support equal rights for women, but consider whether the women of your district also support laws that give them special consideration under the realities of life. We cannot totally ignore the vast body of established laws in your States that particularly help women.

Mr. CELLER. Mr. Speaker, I yield myself such time as I may require. I rise in opposition to House Joint Resolution 264.

Mr. Speaker, remember that the joint resolution would create equal rights for men as well as equal rights for women. If a right is accorded to a woman and not to a male, that male has a right to object to that woman's right as not accorded to him.

Where would that apply? It would apply to the State laws of alimony. Strangely, it may relate to State laws concerning rape, to military service, support of the family, domicile, age of consent, the bastardy laws, and a whole slew of other laws that time does not permit me to mention.

We have assiduously in the Congress avoided giving jurisdiction to the Federal Government in domestic relations, marital, and divorce matters. But we would be plunged into that cockpit by the adoption of this amendment, because one of the provisions of the amendment states that the Federal Government has the right to enforce the provisions of the amendment. The intrusion of the hand of the Federal Legislature and the Federal courts into the very delicate personal relationships of husband and wife and their relationship to their children, including custody and bastardy laws, as I said before, age of consent, and so forth, would bring grief untold.

Remember also that there is no time limit specified for ratification of the amendment. Examine House Joint Resolution 264 and you will see how loosely it has been drawn, how incompletely it has been conceived. This amendment could roam around State legislatures for 50 years. Customarily we provide that ratification must occur within 7 years of its submission to the States. But there is no provision of that sort in this resolution. There is unlimited time for the States to ratify it. Ultimately, the Congress will be confronted with the responsibility of determining the validity of State legislature approval.

Do you want to approve an amendment of that sort with such a loose end? Think carefully about that, ladies and gentlemen.

It has been said by the distinguished Speaker—and I have the highest regard for his opinion, but even a cat can look at a king—he says it is a historic step forward. I say it is a historic step backward. Labor spent years and years to get protective legislation for factory-workers and farmworkers.

At one fell swoop this amendment would wipe out all those protective laws that we, after arduous toil, sought to put on the statute books. And the feminists cavalierly, as I said before, would say, "we do not want protection, we want liberation." I say "Tell that to the Marines." Tell that to the female farmworkers. Tell that to the female factoryworkers. Then get your reply. They want these protections: protecton against arduous labor; protection against manual and heavy weight-lifting requirements; protection against night work; protection in reference to certain rest periods. These all would go by the board, because they are not accorded to men. Think about that before you vote for this amendment.

As I said, we would just dump the Congress into the cockpit of domestic and marital relations concerning alimony, divorce, domicile, and community property as well as child custody, support and maintenance. We have addressed ourselves over many years against specific wrong leveled against women. We have arrested many kinds of discriminations

against women. That has been done with the help of men. I have been in the forefront of that kind of battle. I struggled long and arduously for passage of title VII of the Civil Rights Act of 1967, giving equality to women in employment. We passed the equal pay law for equal work for women. We passed hundreds of statutes. Hundreds have been passed in the States and in the Federal Government.

That is the way to proceed in these matters and not by using this blunderbuss proposal that will wipe out all the good as well as the bad. I do not want to wipe out the good. This unfortunately would wipe out the good.

There are over 20 million married women who are nonworking fulltime homemakers. What about those homemakers? I am not speaking of the professional women who are in the forefront of this demand for this amendment. What about the homemakers? We do not hear from them, but they are vitally interested. Close to 60 percent of the women in the labor force are married and must depend upon their husbands for the majority of the family income. Thus, there are approximately 44 million who depend upon their husbands to provide the primary support for the family, and eminent authorities maintain that the equal rights amendment would abolish the common rule whereby a husband has the primary right to support his family.

Thus, I hope that the amendment will be voted down.

Mr. Speaker, I do not oppose this proposed amendment lightly; I have devoted many years of my life pursuing the goal of equality of opportunity for all people. Nor do I oppose the so-called equal rights amendment with the patronizing smugness of the male. Discriminations against women do exist as has been time and time again conclusively shown. The inequality in pay scales, the inequality to access to higher education, to high posts in business and Government, to cite but a few, cannot be justified or defended and the understandable passion to break these barriers to equality cannot be dismissed.

If the equal rights amendent supplied the remedy I would be among the first to rise in its support. It does not. It is, I am sorry to state, a deft, vague ear- and eye-catching slogan, deceiving in its simplicity and dangerous because of its very simplicity. It is an abstraction, the words of which are not susceptible to definition or to clarity of meaning. Even the proponents of the legislation disagree on intent. There are those supporting the amendment who believe that that which differentiates necessarily discriminates, that only identity of treatment can destroy discrimination. Other proponents declare that it will in no wise affect operation of law based on functional differences.

It interests me greatly that the Citizens' Advisory Council on the Status of Women, in a statement issued in March of 1970 in defense of the equal rights amendment, talks about the "probable meaning and effect" of that amendment. We are asked to throw a rock into a churning sea with only guesswork as to what the waves will bring to the shores. It states unequivocally:

> The amendment would restrict only governmental action and would not apply to purely private action.

Yet we know that the courts more and more have extended right of suits to private action. Quo vadis? Possibly into the private quarrels, private wishes, private adjustments of two joined in matrimony?

I read with amazement the following quotation taken directly from the aforesaid Citizens' Advisory Council on the Status of Women:

> 3. *Removal of Age Distinctions Based on Sex:* Some laws which apply to both sexes make an age distinction by sex and thereby discriminate as to persons between the ages specified for males and females. Under the foregoing analysis, the ages specified in such laws would be equalized by the amendment by extending the benefits, privileges or opportunities under the law to both sexes. This would mean that as to some such laws, the *lower* age would apply to both sexes. For example: a lower minimum age for marriage for women would apply to both sexes; a lower age for boys under child labor laws would apply to girls as well. In other words, the *privileges* of marrying or working would be *extended* and the sex discrimination removed.
>
> As to other laws, the *higher* age would apply to both sexes. For example: a higher cutoff age for the right to paternal support for boys would apply to girls as well; a higher age for girls for juvenile court jurisdiction would apply also to boys. In these cases, the *benefits* of paternal support or juvenile court jurisdiction would be *extended* to both sexes.
>
> Thus, the test in determining whether these laws are to be equalized by applying the lower age or by applying the higher age to both sexes is as follows:
>
> "If the age limitation restricts individual liberty and freedom the lower age applies; if the age limitation confers a right, benefit or privilege to the individuals concerned and does not limit individual freedom, the higher age applies."

I defy any legislator, any court, any man, any woman, to tell me not only the meaning of the paragraphs but how such assumptions were arrived at. How easily are the problems of the ages put to rest. Wars have been fought on differing interpretations of words and phrases like "individual freedom," "privileges," "rights," and "benefits."

There are proponents who admit that the fifth and 14th amendments to the Constitution are adequate to achieve the objective sought. Adding an additional constitutional amendment, albeit surplus, could not hurt. Well I wonder.

Let us turn, for a moment, to consider the area of domestic relations. There are over 28 million married women who are nonworking full-time homemakers. Close to 60 percent of the women in the labor force are married and must depend upon their husbands for a majority of the family income. Thus, there are approximately 44 million women who depend upon their husbands to provide the primary support for the family. Eminent authorities maintain that the equal rights amendment could abolish the common rule whereby a husband has the primary duty of support toward his family. In many jurisdictions, as I will show subsequently, failure to give such support is a ground for separation and divorce. Hence, we must keep clearly in mind that the concept of a primary duty does not lend itself easily to a rule of identity of treatment. Here I am reminded of what Anatole France once stated:

> The law in its majestic equality forbids the rich as well as the poor to sleep under bridges, to bet in the streets and to steal bread.

Putting it more colloquially, "Each man for himself. Lord help us all, cried the elephant as he danced among the chickens."

I am speaking for the 44 million homemakers. I am speaking for the widows; I am speaking for the children who, if this amendment is enacted, could be removed as beneficiaries of the protective legislation accorded them by State legislatures.

Most womens' lives, unlike that of men, can be divided into three phases: First, the preparation toward gainful employment; second, the functioning in the role of wife and mother as homemaker; and third, the return in many instances to some kind of gainful employment after the children have left the household. It is in the second and third phases of a woman's life when the protective measures of which I speak are paramount.

The equal rights amendment may require changes in the traditional roles of the husband as breadwinner and the wife as householder, but the manner in which it will do this leaves room for speculation. Any of several results may occur. First, failure to support may disappear as a ground for divorce. If the duty to support remains viable in domestic relations law, it may at least spread to both spouses equally, and as a result the courts will have to consider in each case the relative ability of each spouse to contribute his or her income to the support of the family. Thus, the duty to support may evolve into the duty to contribute, and failure of either spouse to contribute to a reasonable extent of his or her ability will either directly provide grounds for divorce to the other spouse, or result in a "constructive desertion," which would accomplish the same effect indirectly.

The other area of divorce grounds which may feel the most effect of the equal rights amendment is that which emerges from the husband's now generally acknowledged role as head of the household. In California, his role is expressed by statute; in Alaska, Colorado, and the District of Columbia, it is reflected by court decisions. Because the husband is head of the household, he has the right to choose and change the marital domicile, and refusal of the wife, without reasonable grounds, to accompany the husband makes her guilty of desertion. The courts may take either of two distinct tacks in dealing with this problem. First, they may overturn the cases and statutes recognizing the husband as head of the household, and thereby allocate the role in each marriage before them, or second, they may do away entirely with the concept of head of the household. In either case, the courts may become involved in new con-

siderations of unprecedented complexity. In the one instance, the courts will have to decide, on the basis of such considerations as comparative income and family responsibility, which spouse actually deserves the title of head of the household. In the other instance, the courts will have to assess the same considerations to determine who is deserting whom when one spouse desires to move the family domicile in pursuit of a different or better job, or a more healthful climate, and the other spouse refuses to move because of his or her own job, or own health.

The intrusion of the hand of government into the delicate personal relationship of husband and wife and their relationship to their children, including custody and bastardy laws, age of consent, and so forth, would bring grief untold. We are asked to put emotion and sentiment on a checkerboard, to be moved about by Federal and State governmental authorities.

Do we know, I ask, what we are doing in the area of divorce, separation, alimony, support, custody of minor children? So far as I can ascertain no definitive legal analysis has ever been undertaken which purports to examine in detail any of the ramifications of these problems. Do we use the hatchet when the scalpel will suffice?

I maintain that when the amendment was introduced some 47 years ago, it raised the same questions. No answers have been supplied. Yet we have seen how the specific remedy applied to the specific wrong has been made to work. We have the enactment of the equal pay law in 1963, title VII of the Civil Rights Act of 1964, the issuance of a series of Executive orders that prohibit discrimination on the basis of sex by Federal contractors, in Federal employment on federally assisted construction projects. Equal pay is now required by law in 35 States; 21 States and the District of Columbia have fair employment practices laws, which prohibit discrimination in employment on the basis of sex. There are now no restrictions on voting, holding of public office, jury service. There are no restrictions now with respect to property rights which apply to married women that do not also apply to married men, but discriminations do exist, as I said earlier. And to them we can and must apply the concrete remedy, a remedy clearly understood by all which would not throw out the baby with the bath.

There are bills before us; namely, H.R. 18278, introduced by the gentleman from Illinois (Mr. MIKVA); H.R. 18317, introduced by the gentlewoman from Michigan (Mrs. GRIFFITHS), and H.R. 18427, introduced by the gentleman from New York (Mr. RYAN), which by statutory law does carry out the recommendations of the Presidential Task Force on Womens' Rights and Responsibilities. Unlike the Equal Rights Amendment the proposal would not affect the status of women in the areas of domestic relations, and possibly military training. It would supply women with the legal leverage they rightfully seek. In attacking sex discrimination in the areas with which they are most concerned, such as equal job opportunity, equal pay and equal rights for education, it specifically attacks those areas of greatest discrimination while not involving itself in the delicate, intricate problems of adjudging a married woman's status as a wife and mother.

Furthermore, the bill would require the Secretary of Health, Education, and Welfare to make recommendations which would attempt to equalize the treatment of the sexes in such areas as taxation, social security, and the Family Assistance Act. Upon passage of such a bill six of the 10 proposals would be directly enacted into law without the uncertainty, vagueness, invitation to litigation and chaos that would attend the passage of the equal rights amendment. These are:

(a) Title VII of the Civil Rights Act of 1964 would be amended to:

1. Empower the Equal Employment Opportunity Commission to enforce bans against discrimination based on sex.

2. Extend the Act's coverage to state and local governments and teachers.

(b) Titles IV and IX of the Civil Rights Act will be amended to authorize the Attorney General to assist women in seeking equal access to public education facilities.

(c) Title II of the Civil Rights Act would be amended to prohibit discrimination because of sex in public accommodations.

(d) The Civil Rights Act of 1957 would be amended to extend the jurisdiction of the Civil Rights Commission to include denial of civil rights because of sex.

(e) The Fair Labor Standards Act would be amended to extend coverage of its equal pay provisions to executive, administrative, and professional employees.

(f) Legislation would be enacted which would authorize Federal grants on a matching basis for financing state commissions on the status of women.

I believe that Paul Freund, speaking for many eminent constitutional authorities, has put it most succinctly:

If anything about this proposed amendment is clear, it is that it would transform every provision of law concerning women into a constitutional issue to be ultimately resolved by the Supreme Court of the United States. Every statutory and common-law provision dealing with the manifold relation of women in society would be forced to run the gantlet of attack on constitutional grounds. The range of such potential litigation is too great to be readily foreseen, but it would certainly embrace such diverse legal provisions as those relating to a widow's allowance, the obligation of family support and grounds for divorce, the age of majority and the right of annulment of marriages, and the maximum hours of labor for women in protected industries.

I urge that this amendment be voted down. I urge that we resist the magic of catch phrases which could induce havoc rather than command rights. I urge that we seek equality for all with the precision all good law demands. I urge we do not open this Pandora's box.

Mrs. GRIFFITHS. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Speaker, first of all, may I pay my respects to the gentlewoman from Michigan for her courage and for her determination in bringing this amendment to the floor today, after years and years of neglect in the Judiciary Committee. I cannot express too strongly my admiration and my respect for her. She has already outlined to us the failure of the Supreme Court to act to bring full constitutional rights to women. May I suggest that her logic, her legal competence, her articulateness recommend her for a position on the highest court. There is nothing that would have pleased me more than had the previous administration appointed her as the first woman Justice to the U.S. Supreme Court.

Mr. Speaker, after listening to some of the debate, may I say it actually seems incredible to me that in the last quarter of the 20th century, we are still debating whether or not the majority of the American people have equal rights under the Constitution.

It has been said that if this amendment is passed it will create profound social changes. May I say to you, it is high time some profound social changes were made in our society. A bit later, I intend to suggest where some of these changes should occur. I hope that the debate today will not be based on "vive la difference" arguments, but rather with the words of Walt Whitman in mind: "That whatever degrades another degrades me, and whatever is said or done returns at last to me."

If we have the power and we do not act to remove the barriers that result in waste and injustice and frustration, then society is the loser, and any kind of discrimination is degrading to the individual and harmful to society as a whole.

Women know that there is no such thing as equality per se but only equal opportunity to—and this is what women want: equal rights and equal opportunity to make the best one can of one's life within one's capability and without fear of injustice or oppression or denial of those opportunities.

That is really what we are asking today.

Now what are the facts? Several years ago the Congress under the leadership of the gentleman from New York (Mr. CELLER) passed the civil rights bill including title VII which said that there should be no discrimination in employment based on race, color, creed, national origin, or sex. Congress, in passing that, did not state a preference of ending one kind of discrimination over the other. Any preference that has been made has been an administrative preference. The Equal Employment Opportunity Commission has referred many complaints to the Justice Department—Complaints about discrimination based on race and complaints about discrimination based on sex. The Justice Department has taken up many where discrimination because of race has occurred. But until last month the Justice Department had not instituted a single case where a complaint of discrimination because of sex was sent over from the Equal Employment Opportunity Commission.

How prevalent is discrimination based on sex? What impact does it have on our Nation socially and economically. The disproportion in employment has become the criterion by which discrimination against members of ethnic minorities stands confirmed.

It seems no less applicable as to discrimination against women. Let us look at Civil Service. In the Civil Service grades of 3, 4, 5, and 6 where the salaries are low there are many women employed. But what about the policy positions: grade levels 16, 17, and 18. In each one of these grade levels where the salaries are from $25,000 to $35,000, less than 1 percent of the positions are filled by women. Ninety-nine percent of the positions in each of these grade levels are filled by men.

Let us go to the other end of the financial spectrum, let us take the apprenticeship program which is under the jurisdiction of the Congress, I am advised that there are now 278,000 positions in the apprenticeship program nationwide. Only 1 percent of these are held by girls and 99 percent are held by boys.

Let us look at the Job Corps which was voted by this Congress. Some of us tried to get 50 percent of those positions made available to girls. On my own committee there was strong opposition to this and we could never get, by legislation or by administrative act, a program which would provide equal opportunities for girls and boys. This year girls have the highest percentage of positions that they have ever had in the history of the program. This year 29 percent of the Job Corps positions are filled by girls, 71 percent are held by boys. Members of the Education and Labor Committee of this Congress argued against making any more positions available to girls.

When we look at the need, when we look at the unemployment rate among 16- to 21-year-old youth, the highest unemployment rate in the Nation is among nonwhite girls between 16 and 21. In recent weeks we have heard about the economic impact in our society when there is 5 or 6 percent unemployment, but among nonwhite girls, looking for jobs, the unemployment rate is 37.7 percent. Boys not only have 99 percent of the apprenticeship program slots and 71 percent of the Job Corps positions but also this year and each of the preceding years the military has taken about 100,000 boys who are below standard for special training. The military will not take any girl who is not a high school graduate—or a high school equivalency—and also one who scores higher on the test than is required for the boys.

What kind of impact does this form of legal discrimination have? When we bar girls from the kind of training which will enable them to have employable skills such as apprenticeship and meaningful Job Corps programs or something similar, the result is disastrous. Studies by the Women's Bureau show that girls must literally go into prostitution or have a baby so they can get on welfare in order to physically survive and then society places the sordid stigma on these girls who have "gone wrong" when actually society has refused to give them the opportunity to receive training. When this condition exists I suggest it is not the girl so much who is sick but I suggest that it is society which is sick.

And what a sad commentary on our society today when various studies of fourth and fifth grade classes have been made, 99 percent of the boys are glad that they are boys, but 30 to 40 percent of the girls wish that they were boys because boys have greater opportunities. What does this say to a society that leaves that kind of an imprint on a girl so young? The search for identity and dignity is shared by each individual whichever his or her sex, whatever his or her race, whatever his or her national origin.

All of us, men and women, black and white, share not only a spiritual and moral involvement with mankind but an economically, socially, and politically dependent involvement which should make the action and fate of the least of us—of great consequence to the rest of us.

Discrimination is as corrosive and brutalizing to those who discriminate as it is to those who are its objects. In short we are all its victims—those who perpetuate it, those who tolerate it, those who bear its brunt.

My concern today and in past years is based not only on the documented need for brainpower of women, but, also, because I see in it a surrender on the part of young women to myths about themselves which have no relation to reality.

What about education? The lastest statistics which I have show that 53.1 percent of the female high school graduate get into college; 70.3 percent of the male high school graduate get into college. I am advised that only 6 years ago in Virginia 21,000 girl applicants for college were rejected. Not one single boy applicant was rejected. In many colleges we still find that a higher grade point average is required for a girl than for a young man. In one department of a prestigious school in the District of Columbia girls of the second level, academically, are admitted while boys are accepted on the basis of highest scores first. Why? A limited number of girls is admitted and they do not take the girls who have the highest scores.

The 1970 census shows that in full time year around employment, if you are an eighth grade graduate and male the average salary is $7,140. If you are an eighth grade graduate and female the average salary $3,970. If you are a high school graduate and male the average salary is $9,100. If you are a high school graduate and female the average salary is $5,280. If you are a college graduate and male—according to the 1970 census—the average salary is $13,320; if you are a college graduate and female the average salary is $7,930. Starting salaries are lower; promotions are fewer for women.

At the graduate level discrimination intensifies. According to the latest figures I have—which are 1966—two thirds of the master's degrees have gone to men and 88 percent of the Ph. D.s have gone to men. Arbitrary age limits have been placed on women for admission to graduate work. And in some cases women this age limit is 35. This works a particular hardship on women who have left the labor market to rear children and want to reenter at the age of 35 or 40 with 25 or 30 years of productive service from which society would benefit.

In the halls of academe, women are more welcome in lower paid jobs than at the higher paid jobs. The median salary for women full professors is $11,649 and the median salary for a male full professor is $12,768—a differential of over $1100. In order to get the equal pay for equal work bill passed in this Congress in 1963, we were forced to accept an exemption for equal pay for equal work for women who were in executive, administrative, or professional jobs. It is my hope that this year we will remove that exemption.

The proportion of women in the professions is lower in this country than in most industrialized countries throughout the world. Professionally, women in the United States constitute only 9 percent of all professions; 8 percent of all scientists; 3.5 percent of all lawyers, and 1 percent of all engineers. Women constitute only 6.7 percent of all physicians—an especially interesting percentage when one observes that over 60 percent of the doctors in the Soviet Union are women.

Several years ago a Rockefeller report stated:

> Ultimately—the source of the greatness of any nation is in the individuals who constitute the living substance of the nation—an undiscovered talent, a wasted skill, a misapplied ability is a threat to the capacity of a free people to survive.

Let me discuss briefly the economic conditions faced by the working women of this country. At issue is not whether women should work; at issue is not labor but economic reward and opportunities. The facts are that as of 1970, 31,293,000 women are working. I noticed that the labor unions are opposing this amendment today. For years union negotiators negotiated contracts where identical work was performed by men and by women and written into the contract was a provision paying women less than the men. Even today there are various kinds of polite subterfuges to get around the Equal Pay Act of 1963. Promotions have been far more difficult for women. In talking about full-time year around employees, a decade ago women's median salary was 64 percent of that of men. In 1968 women's median salary is 58 percent of that of men. While other parts of our society have improved their economic status—for women there has been a 6 percent decrease in comparison in this decade.

The evidence shows that 41 percent of the poor children in the United States are completely dependent on the earnings of women and even more than 41 percent would be if women were not willing to take these low-paying jobs. Numerically, discrimination based on sex affects far more individuals than does discrimination based on race. There are more white women in the United States in the lowest income brackets than all of the Negro men and Negro women combined in lowest income brackets. This has

tremendous implications for a society that talks about poverty and disadvantaged children. Equal efforts ought to be made to correct injustice whether it is discrimination because of sex or discrimination because of race.

The facts are that women—like men—work for compelling economic reasons. May I suggest that the female rebellion of these years has sound economic causes.

To fail to provide equal educational opportunities, to fail to apply equal economic rewards, and to fail to apply the creative, intellectual, and physical talents of women to the menagerie of ills of a great society can only bring profound regret when we mark the balance sheet for the American experiment at the turn of the century.

If we do succeed in beating our swords into plowshares—no hand dare lay idle at that plowshare if we are to seek a better tomorrow for our children.

Playwright Bernard Shaw wrote:

> The great secret, Eliza, is not having bad manners or good manners or any other particular sort of manners, but having the same manner for all human souls; in short, behaving as if you were in Heaven, where there are no third class carriages and where one soul is as good as another.

The secret in our democracy is not having certain rights for those whose color is white or those whose color is black, not having certain rights for males and others for females; not having certain rights for certain ones who are in power, but having equal rights and equal opportunities for all.

It has already been said that women have been working for the equal rights amendment for almost half a century.

Jane Addams wrote:

> It requires an unfaltering courage to act year after year in the belief that the hoary abominations of society can only be done away with through the steady impinging of fact on fact—of interest on interest—of will on will.

To my colleagues may I say that women's courage, women's hopes are beginning to falter when they realize that the "daily impinging of fact upon fact" has done little to persuade the men in the National legislative body and in the State legislatures to correct an injustice that has existed since our country was born. I suggest that the time is long since past when women should be required to be treated as second-class citizens and not entitled to the same equal rights under the Constitution as are the male members of our society.

The search for human identity and dignity is not uniquely any one person's. Every man and every woman pursues the search for his and her place in the sun where each may stand with a sense of self-respect and self-worth equal to that of all other human beings. No sex, no nationality, no race of people has a monopoly on this desire for full human fulfillment.

Mrs. GRIFFITHS. Mr. Speaker, I yield 5 minutes to the distinguished minority leader, Mr. GERALD R. FORD.

Mr. GERALD R. FORD. Mr. Speaker, let me make two points clear at the outset. The distinguished chairman of the Committee on the Judiciary complained about the fact that there is no time limit on the period for approval of this particular constitutional amendment. I agree that there probably ought to be one, but I do not think we ought to interfere with the consideration and approval of this proposed amendment today because one does not exist in the language of the proposed amendment. The gentleman from New York has had ample time to see that this amendment was drafted properly including this particular provision. It is my best recollection that he has been the chairman of the Committee on the Judiciary every year that I have been in the House of Representatives except for two, which means 20 years. If this amendment needed any revision or improvement, it could well have taken place during that span of time—some two decades.

Second, Mr. Speaker, let me say by inference or otherwise it has been alleged that all organized labor is in opposition to this proposed amendment to the Constitution. I received a telegram this morning from Leonard Woodcock, the newly appointed president or chairman or whatever his official title is of the United Automobile Workers. He, in the telegram to me, indicated his endorsement on behalf of his union for this proposed constitutional amendment. So it is not accurate to say that organized labor across the board is in opposition to this amendment. I might add Leonard Woodcock is a most able leader of organized labor and his judgment on such a matter should be respected.

Mr. Speaker, men are not generally speaking antiwomen; it simply appears to work out that way.

I, for one, do not plead guilty to the charge. In my own defense, I would note that I am very happy to confer all rights—and responsibilities—on my wife. In addition, I would point out that I had something to do with the fact that 15 of the last 16 House Members to sign the petition discharging the House Judiciary Committee from jurisdiction over House Joint Resolution 264, the Women's Equal Rights Amendment, were Republicans.

In all seriousness, I am delighted to have had a hand in bringing to the House floor the proposed Women's Equal Rights Amendment to the U.S. Constitution.

The purpose of the amendment is most laudable: To provide constitutional protection against laws and official practices that treat men and women differently.

The proposed amendment would provide that: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

This amendment would insure equal rights under the law for men and women and would secure the right of all persons to equal treatment under the laws and official practices without differentiation based on sex.

Adoption of the amendment would, of course, require a two-thirds vote of both Houses of Congress and ratification by three-fourths of the States. I hope the Congress will recognize the justice of this amendment and the clear and present need for it. I call upon this House to render its two-thirds approval.

We like to believe that we live in an enlightened age. How can any age and any Nation be termed enlightened if it continues discrimination against women? And we do, of course, still have discrimination against women simply because they are women.

This amendment has been pending before the House Judiciary Committee for 47 years—since 1923. You would almost think there had been a conspiracy. Under the circumstances it is almost silly to say it is time we did something about it. It is long past time.

The great French writer Victor Hugo said:

> Greater than the tread of mighty armies is an idea whose time has come.

There is no question that the Women's Equal Rights Amendment is just such an idea. Its time has come just as surely as did the 19th amendment to the Constitution 50 years ago, giving women the right to vote.

I think it is fitting that today, when the Women's Equal Rights Movement may well be crowned with success, the initiative to implement full equal rights for women comes in the House. After all, the House has remained quiescent or adamant on this score—take your choice—for 47 years while the Senate has twice passed a Women's Equal Rights Amendment, in 1950 and 1953. And we are passing the amendment free and clear of anything like the Senate's Hayden rider, which threw in a qualifier unacceptable to women.

It is also most fitting that the House should be the first to act today because the prime mover of this amendment in the Congress is my dear colleague from Michigan, Representative MARTHA GRIFFITHS. Passage of this amendment would be a monument to MARTHA.

Mr. Speaker, this amendment should really be unnecessary. But it clearly is mandatory because women today do not have equal rights. This amendment will give them those most valued of rights—the rights to a job, to a promotion, to a pension, to equal social security benefits, to all the fringe benefits of any job. There is no denying that these rights are different for women than for men.

It is, of course, easy to jest about this matter. For instance, I am sure our GI's will not complain if women are drafted into the Armed Forces in the same numbers as men. And I'm sure there are men who will welcome the awarding of alimony to husbands in divorce actions.

In any case, I know that men will look upon women as the fairer sex and will want to continue opening doors for them. This is not inequality, just "womanship."

Mr. Speaker, Mrs. GIFFITHS and others have made an excellent case for adoption of the Women's Equal Rights Amendment. I urge overwhelming House approval of House Joint Resolution 264.

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

Mr. GERALD R. FORD. I yield to the gentleman from South Carolina.

Mr. WATSON. Mr. Speaker, I rise to associate myself with the remarks made

by the gentleman from Michigan, and to applaud him for his forthright statement. As usual he stands up and speaks out for what is right.

Mr. Speaker, the constitutional amendment before us today is about 200 years overdue. While the women of this country have made remarkable progress in securing rights during the 20th century, it is obvious that in many areas women are still faced with discrimination because of sex.

I have long favored a constitutional amendment guaranteeing equal rights to women. I am proud to say that I introduced such a constitutional amendment in 1967, House Joint Resolution 808, in the 90th Congress and in the 91st Congress, I reintroduced the amendment.

Mr. Speaker, the chairman of the Judiciary Committee has used the argument that the amendment should not be enacted at this time because he has scheduled hearings on it in September. This is nothing but a delaying action. We have been trying to get the chairman to hold hearings on this legislation for years.

For too long, this measure has languished with the Judiciary Committee without one moment's thought or consideration, and I venture to say that were it not for the discharge petition, hearings would never have been scheduled. Besides, the likelihood of any hearings being concluded in time for action this session of Congress is remote at best.

It is strange indeed to hear some of our colleagues who so strongly fought for civil rights in other areas now opposing equal rights for women. We are living in an age in which the cry of civil rights has often been used as a smokescreen for what many of its advocates really intend as preferential treatment. As I have pointed out so often in the past, Congress has been badgered, harassed, and intimidated into enacting ill-conceived and illegal legislation in order to appease and accommodate vociferous militants whose concern is not equal rights but violence and disruption.

It is absolutely astounding that during the virtual avalanche of so-called civil rights legislation introduced and passed by the Congress, only tacit attention was being given by Congress to the plight of America's women who were being denied job opportunities because of sex. The mere fact that the House is going to vote on this constitutional amendment is an indicative that the American people want this Congress to re-establish its priorities. The day of capitulating to the likes of the Black Panthers is over. The time for rewarding loyal Americans is at hand.

In no country in the history of the world have its women made such a magnificent contribution to society as in America. American women have a pioneering spirit. In the early days of this country, they not only raised children and were the backbone of the American family, but so often they were forced to endure incredible hardship in order to carve a new Nation out of the wilderness. This Nation owes its very life to their indomitable spirit and determination, and yet it was not even until this century that American women had an opportunity to vote.

I am very hopeful that passage of this legislation will open a whole new vista for America's women, and it is certain that our Nation will be stronger for its passage.

Mr. REID of New York. Mr. Speaker will the gentleman yield?

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

Mr. REID of New York. Mr. Speaker, I commend the gentleman for his remarks, and note that, as the gentleman knows, my mother helped lead the woman's suffrage movement in New York in 1917 which led to success nationally 2 years later. Helen Rogers Reid believed that a woman was the equal of any man and that no woman should be denied rights or enjoy special privileges. She believed that what was at stake was the fundamental principle of equal rights for all women under the law and equal responsibilities.

I believe that the joint resolution is a major step forward and I strongly support it. The day is long since past when women should be denied equal pay for the same work or be confronted with restrictions on the ownership of property or businesses.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mrs. GRIFFITHS. Mr. Speaker, I yield 5 minutes to the distinguished majority leader, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, I thank the gentlewoman from Michigan for yielding, and I join with the other Members who have congratulated the gentlewoman from Michigan on the great leadership she has shown in this and in other areas of legislation that have come before the House of Representatives during the years of her magnificent service here.

Mr. Speaker, I find myself in agreement with the distinguished Speaker that this is a historic day in this Chamber, and I am also in complete agreement with the remarks of the distinguished majority leader that this is an idea whose time has long since come.

Mr. Speaker, I, of course, like all other Members of the House, admire immensely our distinguished dean, the gentleman from New York (Mr. CELLER). He has a great record of service in this House. I have served not only in the House with the gentleman, but I have served on the Democratic Committee on Platform and Resolutions with him, where he has always been one of the outstanding members due to his great knowledge and wisdom. However, I remind the distinguished gentleman that, if my memory does not serve me incorrectly, the platforms both of the Democratic and Republican Parties have for more than a generation been pledging these parties to the fulfillment of the mission which the gentlewoman from Michigan (Mrs. GRIFFITHS) has been trying to achieve for years and years.

Mr. Speaker, the amendment before us is tremendously significant, not just for the women of our land who constitute over half of our population, but it is important to America. This is an effort on the part of those who are proposing and supporting this legislation that we obtain the full benefit of the services of all our people, regardless of sex, in both private and Government jobs at every level.

There are few women in the United States who have not endured some type of injustice at some time in their lives because of their sex, and there are many who bear it today in the most blatant forms. Every schoolteacher who does not receive equal pay for equal work, every college graduate who can get only "women's" work, or ends up in a battle trying to get a promotion which goes only to a man, every civil servant who pays equally into the retirement fund but is unable to provide equally for her spouse in case of death, knows what I mean. The list is almost endless.

Mr. Speaker, we cannot change all of the prejudices by this amendment, but we can change that which is governed by law. Not until the law is on the side of right and justice, can serious work be started on the more deep-seated causes of injustice.

The 19th amendment was the first step in bringing the women of the United States into this society as persons in their own right. After 50 years it is time to take another step.

The men and women elected by the people of this Nation have slowly come to the point of responding to the aspirations of the whole electorate.

We have moved deliberately, we have moved too slowly, we are obligated to act now.

Mr. Speaker, I urge the adoption of the resolution.

Mrs. GRIFFITHS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. MORTON).

Mr. MORTON. Mr. Speaker, I would like to extend my appreciation to the very distinguished Representative from Michigan (Mrs. GRIFFITHS.)

I do not believe there is anyone in this Chamber, man or woman, who has not in the process of arriving here accumulated a great debt of gratitude to the women of his or her district. They have contributed in the great work in the victory that brought each Member to this Chamber.

I believe in the process of establishing government, the process which we have selected for ourselves in exercising the sovereignty of the people, we would not succeed unless a great share of that burden was carried out by the women who dedicate themselves to the proposition of self-government.

It seems to me this resolution is appropriate in the flow of civilization as it develops. If we are going in clear conscience to say that women should carry a lion's share of the burden of establishing government, it seems to me we should say that they have the opportunity and the right to participate fully in it.

Therefore, Mr. Speaker and my colleagues here, I stand in wholehearted support of this joint resolution. The party of which I am a member and of

which I am an officer has for some 25 or 30 years incorporated the proposition of equal rights for women in its basic platform.

Although this might not be the procedure that some would like, it seems to me that if this procedure does not take place no other more conventional methods of bringing legislation to this floor will take place.

Therefore, I say—let us get on with it.

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

Mr. MORTON. I yield to the gentleman.

Mr. GUDE. Mr. Speaker, I would like to commend my colleague, the gentleman from Maryland, for his very fine statement. I urge the unanimous support of the House for this amendment to the Constitution.

The President's Task Force on Women's Rights and Responsibilities has aptly pointed out that approval of the amendment "would impose upon women as many responsibilities as it would confer rights." The laws of property and marriage which presume and perpetuate a dependent status must be revised. Labor legislation to protect women as the "weaker sex," however well intentioned, now operates to bar women from jobs which many women have the ability and the desire to fill. Presidents Eisenhower, Kennedy, Johnson, and Nixon have all endorsed the equal rights amendment, to provide a firm legal framework for changes in laws arbitrarity discriminating against women.

It is hard to take seriously the argument that the equal rights amendment should not be approved without hearings. We have had almost half a century to get down to business. I signed the discharge petition initiated by the gentlewoman from Michigan because the time has come to act. I shall vote yes because I agree with the task force that equal opportunity for women is "a matter of simple justice."

Mr. MORTON. Mr. Speaker, I thank the gentleman for his contribution.

Mrs. GRIFFITHS. Mr. Speaker, at this time I ask unanimous consent to place in the RECORD a letter from Larry O'Brien supporting this amendment.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mrs. GRIFFITHS. Mr. Speaker, the letter from Larry O'Brien in support of this amendment is as follows:

DEMOCRATIC NATIONAL COMMITTEE,
Washington, D.C., July 30, 1970.

Hon. MARTHA W. GRIFFITHS,
Washington, D.C.

DEAR MARTHA: Hearty congratulations to you on clearing the first hurdles in the legislative battle for equal rights for women!

The Equal Rights Amendment is landmark legislation, and I was pleased to learn that you had achieved the needed 218 signatures to your discharge petition to bring it to a vote in the House. This is a tribute to your skillful strategy and power of persuasion.

I was also pleased, though not surprised, to note that 154 of the petition signers are Democrats—many of whom have sponsored equal rights bills in the House. I am sure that they and all their Democratic colleagues will make a special effort to be present and voting on August 10 in support of H.J. Res. 264.

If there is anything I can do to assist in this effort, you know you can count on me.

Sincerely,

LAWRENCE F. O'BRIEN,
Chairman.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Speaker, I would like to join with others in paying tribute to the leadership of the gentlewoman from Michigan (Mrs. GRIFFITHS) in giving the House the opportunity to consider this amendment. I want to make three quick points about the amendment.

First, a reading of the amendment indicates quite clearly what it is about. The amendment says there shall not be discrimination solely on account of sex in the laws of the United States or the various States. That is a very plain and direct statement. I have thought carefully about it and its application, and I can see no difficulty ahead for either the Congress or the State legislatures working under such a simple and direct mandate.

Second, it is clear that this is not the first time that this amendment has been given rather careful consideration.

There were hearings held in both the House and the Senate—in the House Committee on the Judiciary some years ago, more recently in the Senate Committee on the Judiciary—and the Senate several times has passed this amendment and sent it to the House. It is not as though this amendment is before us without hearings, without testimony, or without careful consideration.

Third, I want to make the point that this amendment does not bar legislation using reasonable classifications where the basis for the classification is related to the object of the legislation. This amendment offers no difficulty.

There are innumerable differences among the citizens of the United States. There are many differences that we seek to treat legislatively. We try to aid the handicapped; we try to protect minor children; we legislate all kinds of acts in the name of public welfare, based upon differentiation among citizens, based upon their circumstances, and this amendment will not impair that process. It simply states that you may not arbitrarily lay down a standard of sex and nothing more as a basis of classification in the legislative process. You need to define the purposes and to draw the circle which will include those for whom the legislation is intended. a reasonable classification relevant to the ends of that legislation. Thus it is that in the hearings and in the reports that have been made earlier on this amendment it has been suggested that with respect to selective service, the draft, this would be the application of this amendment:

Women would be equally subjected to military service, but they would not be required to serve in the Armed Forces where they are not fitted any more than men are required to serve where they are not fitted. Women already serve in the Armed Forces as volunteers.

Mr. Speaker, this amendment prohibits denial of equality of rights under law on account of sex. Today we must take the first step to write this principle explicitly into our fundamental charter.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mrs. GRIFFITHS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. ANDERSON), for purposes of debate.

Mr. ANDERSON of Illinois. Mr. Speaker, I listened a few minutes ago to the distinguished chairman of the Judiciary Committee with great respect, as I always do, in his opposition to this particular joint resolution. It seemed to me that his objections were more substantive than procedural.

"What does equality mean?" declaimed the dean of the House.

The language of the equal rights amendment is very simple. It simply means equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

But no one knows, the gentleman says, what equality means under this amendment. Some have even gone so far as to suggest that with its adoption we are going to consign women to the coal mines, to jettison the law of domestic relations, and any number of untoward consequences will result.

As one who for the last few years has supported equal rights regardless of race, color, or creed, I find it a little difficult to see what the insuperable obstacle and difficulty now is when we consider the subject of equality and equal rights within the context of the rights of women. I am unwilling to admit that in voting for equality for women, I have somehow introduced a new note of uncertainty into the law. It seems to me that any issue that has been around for 47 years has been tried in the court of public opinion, and no one is going to charge us with hasty or precipitous action if we finally act today.

I support this amendment fully recognizing that I am not following doctor's orders, or at least not the advice of one Dr. Edgar Berman. But when I considered that this same doctor had been advising both Hubert Humphrey and the Democratic National Committee, I felt no special compunction to put any faith in his diagnosis given the condition of those patients. In reading Dr. Berman's comments, I found it disturbingly ironic that in a nation which put three men on the moon, we should somehow be concerned with the mental aberrations of women because of the so-called lunar cycle. After all it was men who conceived and engineered the lunar landing and men who were selected to make the initial flight.

Let me refer to the point made by some that we will be engendering a vast amount of litigation if we adopt this amendment. Let me point out, as the President's Task Force on Women's Rights and Responsibilities has previously reported:

It is ironic that the basic rights women seek through this amendment are guaranteed all citizens under the Constitution. The applicability of the 5th and 14th amendments

in parallel cases involving racial bias has been repeatedly tested and sustained, a process which has taken years and has cost millions of dollars.

Do Members who oppose the equal rights of women amendment suggest that we should not have had those court cases; that we should not have spent those millions of dollars to test the validity of the fifth and 14th amendments? I would submit the mere fact that we may have some litigation should not deter us from today adopting the amendment for equal rights for women.

Mr. Speaker, as one among many in this body who has sponsored the equal rights amendment to the Constitution, I wish to express my enthusiastic support and urge adoption of the amendment. I want to commend all those who have worked so hard on behalf of this amendment both in the Congress and at the grassroots level, both Republicans and Democrats, men and women. I want to pay special tribute to the gentlewoman from Michigan (Mrs. GRIFFITHS), who has worked tirelessly and successfully to bring this resolution to the floor today.

There are those who complain with some justification that we have no women astronauts, and point to this as a prime example of sex discrimination. While there may be merit to their complaint, let me say that I am much more interested in the everyday, down-to-earth forms of sex discrimination which are of more immediate concern to the vast majority of our female citizenry. And there is ample evidence that discrimination on account of sex is still widespread in this country.

Last year marked the 50th anniversary of the ratification of the suffrage amendment to the Constitution, and yet in many instances women are still treated as second-class citizens. As the President's Task Force on Women's Rights and Responsibilities has pointed out:

The United States, as it approaches its 200th anniversary, lags behind other enlightened, and indeed some newly emerging, countries in the role ascribed to women.

In its letter of transmittal, dated December 15, 1969, the task force said:

Women do not seek special privileges. They do seek equal rights. They do wish to assume their full responsibilities. Equality for women is unalterably linked to many broader questions of social justice. Inequities within our society serve to restrict the contribution of both sexes.

And the task force went on to recommend, "a national commitment to basic changes that will bring women into the mainstream of American life. Such a commitment, we believe, is necessary to healthy psychological, social, and economic growth of our society."

One of the task force's specific recommendations was the passage of the equal rights amendment which we are now considering. In discussing the need for such an amendment, the task force observed that despite the applicability of the fifth and 14th amendments in parallel cases involving racial bias:

The Supreme Court . . . has thus far not accorded the protection of those amendments to female citizens. It has upheld or refused to review laws and practices making discriminatory distinctions based on sex.

The task force goes on to cite numerous examples of such discriminatory laws and practices which are still in force because the Supreme Court has either upheld them or refused to review them. And so, to those who would argue that this amendment is somehow superfluous to current constitutional and statutory guarantees, let me say that the facts do not support this argument. In the words of the task force report:

A constitutional amendment is needed to secure justice expeditiously and to avoid the time, expense, uncertainties, and practical difficulties of a case-by-case, State-by-State procedure.

And so, Mr. Speaker, I wholeheartedly endorse this amendment as a necessary final step in eliminating the last legal vestiges of discrimination in this country. I fully recognize that a disparity continues to exist between the equality guaranteed by law and the extent to which it is actually enjoyed by all our citizens. We must continue to move forward on all fronts to guarantee equal rights for all our citizens and thereby close the gap which exists between law and reality. That should apply with equal force to racial and ethnic minority groups as well as women. By passing this amendment we will hasten the day when that goal can be fully realized.

Mrs. GRIFFITHS. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Washington (Mrs. MAY).

Mrs. MAY. Mr. Speaker, I rise in enthusiastic and wholehearted support of this legislation to provide constitutional protection against laws and official practices that discriminate on the basis of sex. And, I would like to comment briefly within the time allotted to me. Much has already been said here today about the implications of this legislation—historically and sociologically and most important of all, of course, legally.

An earlier speaker during the debate stated that Members of this body were hearing only from women's groups in support of this amendment, and that their remarks would have to be regarded as suspect.

If the women's organizations are to be considered suspect, let it be on the right grounds. They certainly can be indicted and found guilty of spending years experiencing and studying the impact of discrimination, of doing all the spadework necessary to clearly prove the need for this equal rights amendment, and I congratulate them for their work.

It is because of their leadership, their carefully prepared legal briefs, their documented case histories, that every Member of this House has been provided the factual body of evidence upon which we base our case today.

I salute this suspect group which includes the initiators of the movement, the National Women's Party; the National Federation of Business and Professional Women's Clubs; the recently organized National Organization of Women, and many others.

As one who has been a sponsor of legislation proposing an amendment to the Constitution of the United States relative to equal rights for men and women since coming to Congress, I can only say that it is way past time for action to protect women's rights as citizens, as human beings, as persons. It is way past time to eliminate discrimination against women. It is way past time to recognize women's ability to contribute to the economic, social, and political life of this Nation.

The history of this Nation, the first government based upon the proposition that governments derive their just powers by consent of the governed, could not have been written without the contributions of women.

The fifth and 14th amendments have not provided equal rights for women—it took the 19th amendment to secure the right to vote.

When the 19th amendment was finally ratified, 50 years ago, it was hoped that there would follow a general revision of laws and practices so that legal discrimination against women would end. As you well know, though, as recently as 1964 we found it necessary to include in title VII of the Civil Rights Act a provision to prohibit discrimination on the basis of sex as well as race.

This proposed amendment, while not precluding the possibility of broader fifth and 14th amendment interpretations, would bolster those amendments.

This amendment is necessary to provide women with 100 percent protection under the Constitution. Women are given no special privilege—this amendment merely forbids discrimination on the basis of sex. It provides constitutional protection against laws and official practices that differentiate because of sex.

In all too many States, there are still vestiges of the English common law which treated women as inferiors. These laws are the reason the equal rights amendment has been introduced in Congress after Congress. These laws are the reason it must be adopted during this Congress.

Some say the Supreme Court ought simply take another look at the Constitution and declare that women are persons. Apparently this is not legally possible because it is the intent of the lawmakers that counts—and it was the intent of the writers of the Constitution to leave women out because they were writing it in the light of the old English common law wherein women were not considered to be persons.

So, this amendment is necessary.

I might also note that special laws may still be enacted for citizens in need of special laws. No one questions special laws for veterans, or for the blind, or for various segments of our society—it would certainly not be inconsistent to still have special laws for mothers or mothers-to-be.

Let me point out, though, that all over this country, so-called protective legislation is being used as a tool to circumvent title VII of the 1964 Civil Rights Act—and is being used today in arguing against this amendment. Protective legislation, in fact, protects women out of

the better paying jobs. Protective legislation, health laws, if you will, should apply to both sexes. No citizen, because of some sort of stereotyped thinking, should be arbitrarily denied rights and opportunities. Men and women do have obvious physiological differences. However, they also perform many of the same or overlapping roles.

Some State laws—those which deny rights or restrict freedoms of one sex—would be violative of the equal rights amendment and rendered unconstitutional. Laws which confer rights, benefits and privileges on one sex would have to apply to both sexes equally, but would not be rendered unconstitutional by this amendment.

In any event, the issue of nullification of special State protective labor laws for women, such as those governing limitations on hours of work, weightlifting on the job, and prohibitions against nightwork, for women employees only, are fast becoming moot. The Federal law—title VII of the Civil Rights Act of 1964—prohibits sex discrimination in employment and requires employers covered by the act to treat men and women equally. A number of States have already conceded that special restrictions on women may no longer be enforced. States would still have the power to enact laws regulating public health and safety using reasonable classifications. Likewise, employment requirements based on physical stamina and strength would be allowed. What would not be allowed to continue is arbitrary classification on the basis of sex. Adoption of the amendment would not mean a lowering of labor standards. It would mean that State legislatures would be able to raise work standards for men to meet those now set for women.

Let's be realistic. Not all women want to or are able to assume the historic mother role in a family. Look at all the statistics that are published today—there are more women than men in this country, men die younger, there are more divorces. So, we have many women who will never marry, others who are widows with families to provide for, yet others who are divorcees with families to provide for—women with much responsibility and little opportunity to achieve what they need to sustain their families.

In connection with divorces, I might note, both sexes would benefit—and so would the children. In divorce decrees, child custody and support decisions are based on predetermined judgments of who should undertake this responsibility. Under this equal rights amendment, this decision would be based on the child's welfare and who is best able to undertake this responsibility. Many States are already changing anyway—mothers and fathers are often both legally responsible for the support of their children in many States. And, more than one-third of the States now permit alimony to be awarded to either spouse—under this amendment, in States where the law now provides for alimony only for wives, courts could award alimony to husbands as well, under the same conditions as they apply with respect to wives.

We cannot in good conscience wait any longer. We have already waited too long to provide this basic right of equality for men and women. The growth of groups working to obtain enactment of this legislation speaks eloquently and sometimes stridently for itself. But the main thrust of this women's movement, regardless of its manifestations, is to obtain equal rights and protection under the law, acceptance as persons, recognition based on individual merit—in short, we want to make it possible for women to contribute to this land we love—and we need their contributions.

I want this measure passed by this House of Representatives and by this Senate and sent this year to the States for ratification. Let us bring historic distinction to this Congress during this, the 50th anniversary of the passage of the women's suffrage amendment.

Mrs. MAY. Mr. Speaker, I yield now to the gentlewoman from Illinois, my distinguished colleague (Mrs. REID).

Mrs. REID of Illinois. Mr. Speaker, as the sponsor of a companion resolution, I rise in support of House Joint Resolution 264, to provide for a constitutional amendment relative to equal rights for men and women.

Let me say at the outset that I personally do not feel discriminated against as a woman in the Congress, but I do know there are and have been many instances in all walks of life in which women have been unfairly denied their full constitutional and legal rights in this era when our Nation is dedicated to the principle of equal rights for all.

In my judgment, the majority of American women are not seeking special privilege but they do want equal opportunity, equal responsibility, and equal protection under the law. An abiding concern for home and children should not restrict their freedom to choose the role in society to which their interest, education, and training entitle and qualify them. But this legislation is more than an effort to insure equal rights for women for it would impose upon them as many responsibilities as it would confer rights. I believe this objective is desirable. For instance, while it would guarantee women and girls admission to publicly supported educational institutions under the same standards as men and boys, it would also require women to assume equal responsibility for alimony and child support within their means as is the standard applied to men. Women presently bear these responsibilities in some States, but not in all. It would also require that women not be given automatic preference for custody of children in divorce suits. The welfare of the child would become the primary criterion in determining custody.

Once the equal rights amendment has been passed and ratified, the burden of proving the reasonableness of disparate treatment on the basis of sex would shift to the Federal Government or the States, whereas presently the burden is on the aggrieved individuals to show unreasonableness. On the other hand, the mere passing of the amendment will not make unconstitutional any law which has as its basis a differential based on facts other than sex. It will, in the broad field of rights, eliminate discrimination in that it will make unconstitutional any legislation with disparate treatment based wholly or arbitrarily on sex.

The equal rights amendment has been debated more than 40 years. As Victor Hugo once said:

> Greater than the tread of mighty armies is an idea whose time has come.

And certainly this legislation is long overdue. It is my hope that it will receive the necessary two-thirds majority for approval by the House today and that it will be considered by the Senate and submitted to the States for ratification soon.

Mrs. HECKLER of Massachusetts. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, as a woman Member of this body, I wish to make it completely clear that I do not have any desire to become one of the boys, and I think that should be an irrelevant issue at this time.

The difference between the sexes certainly is not a legislative matter, nor is it something I wish to change. Nonetheless, as a Representative of the people from the factories and from the banks, in the professions and in Government itself, I must say we have seen discrimination against women in every walk of American life—although I will say not to my knowledge in this body.

In recent years we have seen the "credibility gap," and we have experienced the "generation gap." The problem discussed today relates to the "opportunity gap." Mr. Speaker, I wish to underscore the fact that the gap in opportunities for women is not a phenomenon of the 1960's and the 1970's alone.

Since 1923, the effort has been mounting to pass a consitutional amendment that would wipe clean the slate of prejudice against women that has become traditional in our American way of life. Fathers with daughters now enrolled in expensive colleges, take heed: A man with an eighth-grade education in 1968 earned an average of $6,580 per year, says the Department of Labor. Yet a woman with 4 years of college earned just $6,694—or $9.50 per month more—despite her 8 additional years of education. The typical male college graduate was meanwhile earning $11,795 per annum—almost double the yearly salary of the female graduate.

Thus we see the opportunity gap is augmented by the "earnings gap." The gap in pay between male and female employees performing equal work is growing. The Department of Commerce reveals that in 1967 a workingwoman earned 64 cents for every dollar earned by a male worker. Yet by 1968, wages for men had risen so that the female worker was earning only 58 cents for every dollar paid to him.

On the campus, in the marketplace, in the courts—women do not enjoy the full rights of men. Admission standards for women are higher at some universities and colleges although women usually

score higher on qualifying examinations. Many firms, despite the provisions of title VII of the Civil Rights Act of 1964, will not give equal consideration to men and women applying for positions in which both could perform equally well. In some States, women convicted of certain crimes serve longer sentences in prison than do males convicted of the same crimes. In some States, "passion killing" of a wife by her husband is permitted, although the reverse is considered murder by the courts. In several States, women may not without the husband's consent dispose of property or engage in business. Women are still the object of "protective legislation" in many States, although in essence the laws are primarily "restrictive" in nature. Such "protection" may prevent desirable job advancement for women and prohibit women from much sought and desperately needed overtime work and pay. The list of offenses against women is lengthy, and yet it is surprising to see how acceptable many of these injustices are in terms of an alleged chivalrous code of life.

The question of equal rights for women should be of primary concern to all those American families struggling to educate their daughters as well as their sons so that the talents of these young women will be motivated to their country's good. As a nation we must take full advantage of all the human resources our population has to offer. And when 51 percent of our people are denied equality of opportunity, then we are robbing ourselves of a great treasure of creative thinking.

It is readily admitted that women possess a certain sensitivity unique to the sex. Mr. Speaker, how can we as a Nation deny the application of that great wealth of human sensitivity and compassion in the enormous task of problem solving before us in this decade and beyond? A woman's sensitivity would be a substantial plus in any profession or means of service in the community today. It is imperative that we conserve this valuable and untapped aspect of our national human resources and put it to work immediately.

But the only expedient means of freeing womanpower to aid in the attack on our national ills and to work toward improving the quality of American life is to pass the equal rights amendment and thereby assure equality of opportunity for women in every walk of life. It is not special privilege that is sought by the American woman of today, but a fair share of opportunity and responsibility to contribute as a citizen interested in her world and the quality of life in her community. The American woman has a great deal to give. If we as a Nation are fearful of accepting the gift of her talent, we are selling ourselves short and denying our age-old claim as a truly civilized Nation of equality for all.

Mrs. MAY. Mr. Speaker, I thank the gentlewoman from Massachusetts.

Mrs. GRIFFITHS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. Moss) for debate only.

Mr. MOSS. Mr. Speaker, I should like to point out my great affection and admiration for the distinguished chairman of the Committee on the Judiciary. I first encountered his views on the issue of equal rights 18 years ago when I was in a drafting subcommittee of the Democratic National Convention and he and a distinguished gentlewoman by the name of Emma Guffy Miller engaged in a very spirited debate. The gentleman's views have not changed in the intervening years. I compliment him on his consistency.

Let me point out that the protective laws which have been conjured up here as a reason for not granting equality in our Constitution are themselves sometimes the most subtle types of discriminatory legislation encountered anywhere against any group or class of our citizens. I recall 21 years ago in California as a member of the State assembly being the author of legislation to give women in my State control of their paychecks. They did not have it.

It is unthinkable that in this 20th century, when we have learned of the capacity of women to undertake any assignment and to do it efficiently, we have not recognized in the basic laws of this Nation the simple fact of equality.

I believe no one demonstrates more effectively than the distinguished gentlewoman from Michigan (Mrs. GRIFFITHS), through her performance on the Committee of Ways and Means and through the leadership she has given here today, the fact of equality. It is merely a simple recognition by all of us that it does exist, that simple justice demands it no longer be delayed by legal contrivance.

I hope that the vote in this body today is an overwhelming endorsement of the position taken by both of the great national political parties in convention after convention, as bait to get votes, committing themselves to give that equality, to pass this amendment.

Now, finally, as the chairman of the Republican National Committee said, let us get on with the job. Let us give the vote here today for at least the first step, the adoption of this joint resolution.

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

Mr. MOSS. I am happy to yield to my colleague from California.

Mr. HOLIFIELD. I rise in support of the amendment that is before the House.

Mr. CRAMER. Mr. Speaker, for many years now, I have introduced in each Congress a resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women. As a matter of fact, I was the first Member to introduce this legislation during the current Congress. I reintroduced my resolution on the first day of the 91st Congress, the number being House Joint Resolution 17.

During an age when Americans are becoming increasingly concerned over the right of all people to be given the opportunity to utilize their capabilities, skills, and talents, it is essential that the equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. Upon ratification of this amendment by three-fourths of the State legislatures, this amendment would ultimately reinforce the "equal pay for equal work" principle which has far too long been overlooked or, perhaps, neglected.

The women of this Nation have earned their place in society and the professional business world. We owe them the assurance that the right to equal treatment and opportunities under the law will not be violated because of sex discrimination. And although a previous out-of-State commitment has made it impossible for me to be present today, I urge my colleagues to give their overwhelmingly support to House Joint Resolution 264, in order to meet our obligation to provide the women of this Nation with the opportunity to and assurance of equal rights.

Mr. WOLD. Mr. Speaker, I rise in support of House Joint Resolution 264, proposing an amendment to our Constitution to grant equal rights to women.

It is with great pride that I cast my vote in support of this constitutional amendment proposal. Wyoming, justifiably called the "equality State," gave birth to the women's suffrage movement in 1868 when our territorial legislature granted women the right to vote and to hold elective offices. This singular achievement is the direct result of the efforts of Wyoming's memorable Esther Hobart Morris, one of the great leaders of the women's movement in our Nation's history. Wyoming nearly paid the price of statehood for this act of justice when the Congress debated our statehood in 1890.

As Representative for the equality State, I am deeply committed to women's rights. The women's equality movement also has great personal meaning to me. My family has been vitally involved in the women's suffrage movement for over 50 years. Three of my aunts were active in this movement, and in 1917, two of them were arrested for picketing the White House for women's voting rights. Three years later, we achieved approval of the 19th amendment, giving women national suffrage.

One of the early bills I introduced, House Joint Resolution 706, is essentially identical to the measure we are voting today. I am gratified to have joined with fellow Members in signing the discharge petition of the Honorable MARTHA GRIFFITHS of Michigan which has made this vote possible today. We all have the greatest respect for the efforts and dedication of our esteemed lady colleague who initiated the discharge petition to bring this bill up for vote.

For too long the Nation has paid mere lipservice to the ideal of full equal rights for women. Progress has been made, but despite the 14th amendment and the 1964 Civil Rights Act, women still do not rate the "equal protection of the laws" guaranteed to all men by the 14th amendment. The facts are that repeated Supreme Court decisions even as late as 1961 have held that women are not persons in the legal sense.

Despite the recent favorable climate of court decisions and laws in this area, legislative enactments or court interpretations cannot take the place of the equal rights for women amendment—because

there is no durability in either. Statutes can be amended and court decisions reversed or invalidated by other interpretations.

This amendment proposed is vital to give women full protection and rights which we hold to be sacred in this country. It would bring women under the full protection of the Constitution, be a mandate to the States to bring laws into line making unconstitutional all laws discriminatory to women, and make it possible to enforce title 7 of the Civil Rights Act of 1964 which prohibits job discrimination on the grounds of race, color, religion, or sex.

We have come a long way today. This amendment has been before Congress for 47 years. We have been successful in bringing it to the House floor for vote. Our commitment cannot end here. We must in all justice pass this measure resoundingly today.

Mr. McCARTHY. Mr. Speaker, I join many of my colleagues today in voting for House Joint Resolution 264 proposing the approval of an amendment to the Constitution guaranteeing equal rights for women. This is not a new amendment. It has been introduced in every Congress since 1923 and has passed the Senate, in modified form, twice. This is the first opportunity that the House of Representatives has had to vote on the proposal. I joined with more than 218 Members in signing a discharge petition requiring that the proposal be brought to the floor of the House even though the House Judiciary Committee has taken no action. I also introduced House Joint Resolution 1343 embodying the proposed constitutional amendment to indicate my strong support for this measure.

The time is long past due for the bench to treat men and women equally. We still find many cases where our legal system discriminates against women. In our State, for example, a woman's wages can be claimed legally by her husband while his cannot. In four States a woman cannot dispose of her property or engage in an independent business without the consent of her husband. We all know of cases where women are paid lower wages for doing the same work done by men. There are no excuses for these inequalities and they should be remedied.

I vote today for the equal rights for women amendment because it recognizes the equal role that women play in our society. Not only must this role be a fact, it must also be recognized in our legal system. The floor manager in the House has indicated that she will entertain no amendments on the amendment as it is introduced. I do have some reservations concerning the amendment as it now stands in that it does not recognize the legitimate distinctions that should continue to be made. I would not want, for example, to see maternity leave discontinued under the provisions of this bill. I trust that these distinctions will be recognized in the legislation as it is finally passed by the Senate.

I commend my colleague from Michigan, Representative GRIFFITHS, for her able work in bringing this legislation to the floor.

Mr. MATSUNAGA. Mr. Speaker, I join my colleagues in commending the distinguished and gracious lady from Michigan (Mrs. GRIFFITHS) whose energy and preservance are evidenced today by the very fact that the House is considering House Joint Resolution 264.

Every woman in America, and all who cherish individual liberties and equality under law, have reason to be grateful to MARTHA GRIFFITHS. As the father of three precious daughters whose future will be made easier by her constitutional amendment, I, too, am grateful.

There is a tendency among too many of our well-meaning citizens to discuss women's rights only in a lighter vein. They fail to conceive that there is a real problem involved. Indeed, the instances of discrimination on the basis of sex are still too numerous to deny.

The laws of many States still prohibit women from working in certain occupations. Dual pay schedules remain common in schools and private business. Tuition to some State universities is higher for women than for men. Certain States restrict the rights of married women to own property or to establish businesses. Women continue to be denied basic legal rights in many States. These injustices are frequently perpetrated under the guise that they are intended "for the protection of women."

Mr. Speaker, discrimination in any form has no place in our society. Before the law we must all be equal if justice is our goal—regardless of skin color, religion, national origin, or sex.

In times as demanding as these, we cannot afford to waste the talents of any vast number of citizens. This we are doing by denying equal rights to women.

For the past quarter century, the platforms of both major political parties in this country have supported this amendment. It is time that we in Congress deliver on this pledge.

As a cosponsor of the joint resolution before us, as a signatory to the discharge petition, and as a strong believer in equal rights for all citizens, I urge a favorable vote on the pending resolution.

Mr. CHAPPELL. Mr. Speaker, we are considering today a so-called equal rights amendment. I feel this amendment will be absolutely detrimental to the welfare of the women in this country. I voted against the motion to discharge though I shall reluctantly vote for it on final passage. I feel we should at least consider House Joint Resolution 264 after full committee hearings.

The equal rights amendment of 1964 has provided equal pay for women performing work in equal positions. Other measures essentially provide for the other good portions which this amendment will cover.

The proponents view this measure as a great upgrading in the status of women. I view it as a terrible downgrading in the status of women.

Look how it downgrades the position of women:

In the home—as a parent and as a guiding fiber in the world, the woman is no longer considered essential. Instead, she is to be encouraged to leave the home and go into the labor market with the same status as men. She will not be entitled to survivor's benefits as she is now, unless many laws are rewritten to grant men the same benefits. As the National Federation of Business and Professional Women point out in their literature, such legislation might mean "eliminating special provisions for dependent wives" under the social security legislation.

Military service—this amendment will open affirmatively the selective service laws extended to women. Many of the people in my district have told me they are opposed to this action.

Maternity legislation—let me quote again from one of the sponsors of this legislation, the Business and Professional Women's Club, that "Maternity legislation would not be affected since it is based on function and special service, not on sex."

Labor laws, hour laws, and so forth—this amendment would mean equal treatment. It would also mean, according to BPWC, that "State laws on hours restrictions, night work restrictions, and weight lifting limitations no longer protect women workers," just to mention a few.

Another view expressed to me by a young woman lawyer is that the law will be good because it means that a woman will be just as liable to pay alimony to her husband, as men have made such payments in the past. This further removes proper and preferred protection for women.

The overwhelming majority of this Congress has voted to discharge this measure because they feel that the people of our country ought to have the right to determine whether or not it becomes law. I am voting for it with greatest reluctance and greatest concern and am so voting only as I make these remarks about my reservations.

Mr. Speaker, let us be ever mindful of whether we are upgrading or downgrading the position of women when this amendment goes into the States for their acceptance or rejection. I fear the downgrading of position far outstrips the upgrading of position when this measure has been thoroughly studied.

Again—I strongly favor equal rights for women in every way—I simply do not believe this is the best way to accomplish it. It is perhaps well that the people be given the right to determine whether this is indeed the proper method.

Mr. HALPERN. Mr. Speaker, this is historic legislation and I rise in ethusiastic support of it. I am proud to have been identified with the sponsorship of this constitutional amendment since I first came to this House in the 86th Congress.

Such an amendment to the Constitution is long overdue in order to insure equal rights for men and women. It is high time that women receive protection under the law from discrimination on the basis of sex and I commend the gentlewoman from Michigan (Mrs. GRIFFITHS) for taking the relentless initiative it took to bring this issue to a vote today. She and all of our colleagues who have joined in signing the discharge petition to make this vote possible, are to be complimented for expediting one of the most significant

moves taken in this country to guarantee equal justice and equal rights for all.

This body must take action because the courts have abrogated their responsibility and refused to act to enforce the due process and equal protection guarantees of the fifth and 14th amendments of the Constitution. It is shocking that today, State laws still exist which discriminate on the basis of sex in such vital areas as employment, education, and family affairs. This body must intervene to insure that justice will be guaranteed for all Americans, men and women alike.

The resolution wisely provides the Congress and the States with the power, within their respective jurisdictions, to pass appropriate legislation to enforce equal rights under the law for men and women. This means that the confusion and ambiguity surrounding these discriminatory laws and court decisions can be cleared up by legislation. This can only prove beneficial for all concerned.

When passed, and I am confident that our colleagues will vote overwhelmingly to insure the resolution's passage, the amendment must be ratified by the legislatures of three-fourths of the States. This will provide the States with an opportunity to have local discussion and consideration of the resolution. This will give concerned citizens, both men and women, the opportunity to engage in constructive discussion and make their views known.

It is distressing that it has become necessary for this body to insure that women's rights will be protected. As American citizens who have contributed enormously to make this country great, women must be guaranteed equal protection under the law.

Mr. PUCINSKI. Mr. Speaker, I rise in support of the discharge petition and wish to point out I was number seven on the list of those signing the discharge petition to make possible today's vote on this important constitutional amendment giving equal rights to women.

Mr. Speaker, many times in recent months I have listened to discussions about the amendment before us today. And I have been disturbed by the all too common reaction—particularly among males—to ask, "Who needs it?"

Men usually cite the 14th amendment to the Constitution and title VII of the Civil Rights Act as legal guarantees of equal protection under the law. I submit that they are making a serious error.

It is a popular myth in American society today that most women who work do so, not because they have to, but because they want to. More than 30 million women are employed throughout this Nation. The overwhelming majority work because they must work—to support their families or to help raise their family income above the poverty level.

A very small percentage work solely for personal fulfillment. And, of those who do, most have schooled themselves not to openly resent the almost inevitable wage differential.

Economic parity with men is perhaps the single greatest complaint of women in the labor force today.

Fifteen years ago, women's wages for full-time jobs were about 64 percent that of men. Today, women's salaries have slipped to about 58 percent that of men. To be more explicit, in 1969 white males earned an average of $7,870; black males earned about $5,314; while white females earned $4,580, and black females earned only $3,478.

Under existing legislation, this situation can be corrected only on a costly and time-consuming case-by-case, State-by-State level.

Education is no guarantee of equality, either. Female Ph. D.'s performing the same tasks as their male colleagues earn about a third less per year.

In a survey of 300,000 men and women in the National Register of Scientific and Technical Personnel, women were substantially behind in the pay scale, even when their scholastic credentials and years of experience were identical to that of men.

About 9 percent of America's scientists in 1970 are women. Their median annual income is about $10,000, considerably less than the $13,200 earned by their male colleagues in positions of equal responsibility and complexity.

At one of our most prestigious American universities, 24 percent of the doctorates awarded each year go to women. Yet in this same institution, the percentage of women with tenure on the faculty has remained steady at just over 2 percent since 1957. This hardly reflects credit on the academic impartiality of this university community. Even more disquieting is the knowledge that this situation is more representative than unique.

In a study of white collar jobs in a large northern city, male accounting clerks averaged $165 weekly in wages. Female accounting clerks with the same job classification averaged $115.50 weekly.

Essentially, the female office worker was penalized a full $49.50 each week—or $2,574 a year—because of her sex.

For women who must work to augment their family incomes, to support children, parents, or themselves, this persistent wage discrimination is an outrage.

Fifty percent of American mothers are currently employed, with more entering the labor market each week. The need for a comprehensive network of day care centers is obvious, yet until very recently this subject was considered of only marginal interest to a limited constituency.

When I am asked why such an amendment to our Constitution is needed, I point out the actual intent of the language of the original document. While it does indeed guarantee rights to persons and people without reference to sex, these individuals were indisputably male in accordance with the prevailing English common law tradition in the 18th century. The 19th amendment to the Constitution permitted women to vote. It is a sad mark in our history, that the United States was the last of the so-called enlightened governments in the world to recognize women as human beings fully entitled to participate in electing officials to public office.

The amendment before us today reads as follows:

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Mr. Speaker, this amendment to our Nation's most hallowed document gives full recognition to the achievement potential of more than half the population of the United States. It does not mean, as its detractors have scoffed, that women would be required in any way to do work for which they are unsuited.

This amendment is a positive expression of national policy. It gives explicit—not merely tacit—encouragement to American women to seek fulfillment as individually gifted people, not as helpmates, but as human beings.

I congratulate our colleague, the gentlewoman from Michigan, for her distinguished leadership in bringing this amendment before the House. Her courtesy and helpfulness have been of enormous benefit to all of us.

A noted philosopher and realist once commented:

> Learning is nothing without cultivated manners, but when the two are combined in a woman, you have one of the best products of civilization.

Mr. Speaker, that statement surely characterizes our distinguished colleague from Michigan.

I join her in urging prompt and overwhelming support for this amendment by the membership of the House on both sides of the aisle.

Mr. HOWARD. Mr. Speaker. As a cosponsor of the equal rights for men and women amendment to the Constitution, by reasons of my introduction of House Joint Resolution 153, I am pleased to see this important legislation come before the full House at long last.

I must in all conscience, however, say that I did not sign the discharge petition for this bill, because I felt that the House Committee on the Judiciary should have held hearings on this legislation in order to provide full answers to the very serious questions such an amendment would present to our legal system.

From a practical standpoint, it is clear that this is the only way in which this bill would ever come before the full House. Therefore, I will support passage of this legislation, but I would like to mention a few legal points which I hope the Senate committee will discuss fully before taking action on the bill.

There are 14 specific areas in which this legislation will have legal import. They include: minimum wage laws, restricted hours of work laws, restricted occupation laws, compulsory seating laws, regulation of industrial homework laws, night shift restriction laws, maternity laws, selective service regulations, guardianship laws, alimony laws, divorce laws, dower and courtesy laws, jury service laws, marriage age laws for boys and girls.

All of these laws will be affected by passage and ratification of this amendment. Many of the changes will be for the good of all citizens. Some, however, require serious consideration to deter-

mine whether in fact they will benefit the cause of women's equality, or be more harmful than beneficial, as it would seem on the surface.

One of the most obvious of these, of course, is whether or not our women will be eligible for the draft, assuming there is still a selective service law in effect.

Another serious question which will face the courts will be the effect of this law on child custody in divorce cases. Will this become a question of simple financial ability, rather than the emotional stability of the child? If this is to be the case, it would appear that most children might be awarded to the father, simply because the mother has not been a wage earner for some years. What standards will be used to determine who is best able to provide the best home for the nourishment, physically and spiritually, for a growing child?

An additional, and very important question arises in consideration of women's labor laws, which have been established in all our States. While I agree with the proponents of this legislation that many of these laws are outdated, and prohibitive rather than protective, I believe it has been demonstrated that many laws which are to the benefit of women, particularly those employed in industrial occupations, will be abolished.

A case in point is that action of the attorney general in Pennsylvania, who, in November 1969, held that the women's labor law provisions covering hours and conditions of work, rest periods, seating requirements, washrooms, dressing rooms and drinking water "accord preferential treatment and status to female employees." Rather than extend such preferential treatment to men, the attorney general declared it removed for women.

It would be unfortunate for all concerned should passage of this legislation develop a trend toward such "downward equalization" in our States. Further, it would seriously limit acceptance of this bill in most States across the country. Should we not consider this effect before putting this legislation before the States?

In view of the lack of attention given by the appropriate House committee to the legal ramifications of this bill, I sincerely hope that our colleagues in the Senate will provide full and open consideration of all aspects of equal rights. In this way, we may develop in the Conference Committee a more comprehensive bill, which will provide adequate guidelines for the States in their consideration of ratification, and also for our court system for their consideration of legal changes under this amendment.

Mr. FINDLEY. Mr. Speaker, I have cosponsored the resolution which would discharge the proposed equal rights amendment from committee jurisdiction.

As we are all aware, the United States will celebrate its bicentennial—an event in which every citizen can take pride. Yet, if we are to take a literal interpretation of history, we must assume that our country was built solely on manpower—that the thinking, the wisdom, all the hardships endured, and all the back-breaking toil which went into making this country great were performances solely by the male of the species. I believe, however, as do many others, that a great deal of womanpower went into the making of our country—that many a feminine shoulder was put to the wheel alongside the masculine ones.

Thus, in a country which was founded on the belief in equality, it, nevertheless, took a constitutional amendment, ratified in 1920, to give the descendants of the early women pioneers the right to vote. And 50 years later, their granddaughters still face legal discriminations of many types. We in the Congress now have an opportunity—indeed a duty—to eliminate the barriers which hamper women from accepting the full rights and responsibilities of citizenship. If ratified, the equal rights amendment will be one of the most important constitutional milestones in our country's history. It will accord women the rights to full citizenship and, as with all rights, enlarge the areas of women's responsibilities.

Some would have us believe that, in this time, there is no longer a need for such an amendment. However, lets look at the facts.

Consider, for instance, this year's female college graduates. The only thing she will be asked in many interviews is how fast she can type. After trudging from office to office, she will probably begin to ask if clerical jobs can lead to career opportunities, and begin in a job for which she is overtrained. It is a fact that 20 percent of the women with 4 years' college training can find employment only in clerical, sales, or factory jobs.

The average woman college graduate's annual earnings—$6,694—exceed by just a fraction the annual earnings of an average male educated only through the eighth grade—$6,580. An average male college graduate, however, may be expected to earn almost twice as much—$11,795—as the female.

Year after year, we, as a nation, consistently overlook their abilities for management and, for the most part, any intellectual challenge. I might also add that, since many universities and colleges require a higher admission standard for female applicants than for males, we are throwing away a disproportionately higher share of our national intellectual resources than might initially seem possible.

Less than 3 percent of the Nation's attorneys, only 1 percent of our engineers, about 7 percent of our doctors, and 9 percent of our scientists are women.

Not only do women find it tougher to get accepted for either college or into a graduate program, when they find a job they are often not paid equal wages for equal work.

Further, women comprise only 2 percent of the executive level in business.

There is only one woman Senator. No women sit in the highest councils of organized labor. Only two women have held cabinet rank. Only 1.5 percent of Federal civil service rank 16 were held by women in 1968.

In mentioning the fact that only 10 women are in the House of Representatives, I do not want to leave the impression that I am dissatisfied with the representation Illinois' 20th District now receives.

There is also evidence pointing to widespread discrimination against women in employment by State and local governments. In some places, there are even dual-pay schedules for men and women public school teachers. Special sex-based exemptions deprive women of normal jury service in some States. Social security and other social legislation often give preferential benefits to one sex over the other. Some State laws even require heavier criminal penalties for female offenders than for male offenders for the same crime.

Some businesses have gone the States one better in discrimination against women. In a recent Wall Street Journal article—August 5, 1970—a spokesman for Merrill Lynch, Pierce, Fenner & Smith, the Nation's largest securities firm and the self-styled champion of the "little man" on Wall Street, defended the company's policy of excluding female clients from trading in commodities futures by stating:

> Women are too emotional . . . they often get confused by the fast-paced game of trading in frozen pork bellies, soybean meal and Idaho potatoes.

These instances of discrimination are but a few of the problems our Nation's women face.

One thing remains clear. Women's rights are not clearly defined under the Constitution. The courts, despite their noble efforts, have still left us with an ambiguous situation for the 1970's.

The equal rights amendment would establish once and for all that women have equal rights and responsibilities with men under the Constitution. The amendment would not limit either the right or responsibilities of men but would, instead, extend those same privileges to women. Inequitable alimony, child support, and child custody laws would have to be changed. Thus, men would have something to gain as well by this amendment.

Most of all, the equal rights amendment is a signal to the rest of the world that this country, approaching its 200th birthday, is still a viable democracy, extending to all its citizens equal rights and responsibilities. It would be a sign that the noble experiment begun in 1776 has worked, has served its citizens well, and that it continues to grow.

The women of the United States have waited 47 years for this amendment. It is time that we adopted it.

Mr. McCLORY. Mr. Speaker, I wish to express support for the motion of the gentlewoman from Michigan (Mrs. GRIFFITHS), and in favor of recommending a proposed amendment to the Constitution relative to equal rights for men and women.

I have been a sponsor of the proposed constitutional amendment—and had hoped that hearings could be scheduled

before the Judiciary Committee on which I serve. This action would have been far preferable to the discharge petition route which is being followed today.

However, being in general support of this constitutional change, my vote in favor of discharging the Judiciary Committee from further consideration of the equal rights amendment—House Joint Resolution 264—appears to me to be entirely consistent.

It would have seemed to me that the 14th amendment to the Constitution guaranteeing "equal protection of the laws" would have provided adequate relief to American women. Even though this be so, the proposed change can serve to reiterate a determination to end discrimination against women in employment—and in the various other areas where women appear to be deprived of equal rights.

Mr. Speaker, it has come to my attention that the delegates to the Illinois constitutional convention who are meeting in our State capital of Springfield, Ill., have taken action within the last few days to recommend an amendment to the Illinois constitution consistent with the proposal which we are considering here today.

By voting for the motion to discharge—as well as for the proposed amendment—House Joint Resolution 264—I do not want my position to be interpreted as intending a denial of any protection of benefits to which women are entitled by reason of their physical and biological differences. Woman's health and her status under various conditions as mother, wife, divorcee, or widow are protected under Federal and State laws. It does not appear to me that the language of the proposed amendment should invalidate any of those Federal or State laws.

Mr. Speaker, in any event, our aim should be to end discrimination against women—and to the extent that it may exist—to prevent discrimination against men on the basis of their sex. There should be no reason why the intent of this proposed constitutional amendment should be misunderstood—or its purpose tortured or frustrated. My intent—in voting as I do today—is to remove the unfair, inequitable, and unnatural distinctions which deprive American women of the reasonable opportunities which are rightfully theirs. Women are entitled to equal protection of the laws—and to a specific constitutional provision that prohibits the denial or abridgement of their rights as full citizens of our Nation.

Mr. ROTH. Mr. Speaker, nearly 50 years have passed since the women of this Nation were awarded the right to choose candidates and register their opinions on matters of political importance. Yet, even though the 19th amendment assured American women the right to vote in 1920, the female citizens of this Nation have long suffered other injustices. Although 30 million American women make up 37 percent of the workforce, they represent more than their fair share of the lowest paid, least prestigious jobs. In 1968, the unemployment rate was 4.8 percent, twice that for men. The median income for women was just 58.2 percent of that for men, a figure which is all the more shocking when we realize that it represents a decline for women: In 1958, women earned a median which was 63 percent of that for men.

Mr. Speaker, this is a situation that should have been remedied long ago, at least as long ago as the first equal rights amendment to the Constitution was introduced, in 1923. Each session, this amendment has been introduced, and, more often than not, it has been ignored. On March 6, 1969, I introduced House Joint Resolution 527 proposing an amendment to the Constitution relative to equal rights for men and women, and similar to House Joint Resolution 264, which we are discussing today. I believe that it is time for us to act on this bill, to discharge it from the Judiciary Committee, to pass it, and to send it to the States for ratification.

I believe women are entitled to this protection, as they have been denied equal rights, despite their proven abilities. I believe most members of the Delaware General Assembly as well as Congress would agree that lady legislators, who are given equal treatment in legislative halls, are among the most able representatives.

I have seen career businesswomen, who are often the brains or right arms of their superiors, denied promotions or opportunities because of their sex. In my own congressional office, women have reflected great abilities in key administrative positions, such as executive and legislative assistants. As a lawyer, I can say without fear of contradiction—at least in my house—that women in the professions, such as my wife, who is a practicing attorney, are the equal of their male counterpart, notwithstanding the obstacles raised within their paths.

I am proud that my State of Delaware was one of the first to abrogate all discriminatory legislation in this field. I believe that justice demands that Congress act now to help insure full rights of women as U.S. citizens.

Mr. BROYHILL of Virginia. Mr. Speaker, for many years now I have been a cosponsor of the equal rights amendment we are considering today. I am pleased that the day has now arrived when the House of Representatives can and will act affirmatively with regard to equal rights for men and women under law.

While it is with some reluctance that I support a motion to discharge a committee of the Congress from further consideration of such an important amendment, I agree with the gentlewoman from Michigan that 47 years is long enough to consider any measure. Further, this amendment has been before the Congress every year since 1923 and hearings have been held in both Houses of Congress on more than one occasion. It is well past time, therefore, to take action.

Like many of our colleagues, I believe this amendment should not be necessary. I believe the Constitution already provides for equal rights under law, and that much of the discrimination which we must all acknowledge is suffered by American women, results more from male prejudice and pride than from law. Yet there are areas in law where distinctions based on sex still exist, and the constitutional amendment we propose here will serve either to invalidate these laws or to extend them equally to men and women.

In some States we have laws placing special restrictions on women with respect to hours of work and weightlifting on the job. In others women are prohibited from working in certain occupations. There are laws, including higher standards required for women applicants, which operate either to exclude women from State colleges and universities or severely limit their number. There are dual pay schedules for men and women public school teachers in some localities. There are State laws providing for alimony to be awarded to ex-wives but not ex-husbands; laws placing special restrictions on the legal capacity of married women or on their right to establish legal domiciles. In some States married women, but not married men, must obtain court approval before engaging in an independent business. There are laws providing special sex-based exemptions for women in jury service; there are heavier criminal penalties for women offenders than for men offenders committing the same crime. Social security and other social benefits give greater benefits to one sex than to the other; discriminatory preferences exist in child custody cases; and in many States there are different ages for males and females in child labor laws, age for marriage, cutoff of the right to parental support and juvenile court jurisdiction.

Perhaps these laws have evolved because we men have sought to protect our women from the rigors of the business and work-a-day world. We have felt that we were the providers and women were our mothers; our wives; our widows; our children. In the nearly 200 years since this Nation was formed, we have never legally acknowledged any other status for women than that of participants in such family units.

All of us know that today the working woman is the rule, not the exception. The rights of value to her are the same rights that are important to all of us, the rights to a job; to a promotion; to a pension; to social security; to all of the fringe benefits of any job. The working woman today may be a young woman not yet a part of a family unit, a married woman providing supplemental income for herself and her family, or a single woman or widow dependent only upon herself. But the laws we have passed in our desire to protect our mothers, our wives, our children, limit the hours she can work, the type of work she does, the pay she receives for her work, and, in effect, her ability to provide for herself and her dependents in the same way a man can.

A woman may graduate at the top of her class from a college or university,

only to return to campus as a professor at lesser salary than that commanded by a classmate of the opposite sex who was a mediocre student. She may spend her adult life paying into the social security system, but when she dies her widower receives nothing from her account, and if she lives with a husband to retirement she loses the benefit of the payments she has made throughout those years.

The Congress has not been insensitive to the need to equalize rights for women. A provision was included in the 1964 Civil Rights Act prohibiting such discrimination. But the first case tried under the new law, where Delta Air Lines had fired a stewardess for marrying, resulted in a ruling against the stewardess even though Delta admitted the only question in the case was whether being single was a bone fide occupational exception. A second case, now on appeal to the Supreme Court, brought a lower court decision that an employer who was willing to hire men with preschool children for a certain position but would not hire women with preschool children, did not violate the Civil Rights Act. The court, having determined that the defendant corporation hired other women, decided that they had a qualification other than sex for denying the woman the job.

The Equal Pay Act has recently been interpreted for the benefit of women in a few instances, but there are, as we all know, countless instances where women receive unequal pay for the same work done by men.

The executive branch has also attempted to reduce discrimination against women through comprehensive guidelines for Federal contractors and Federal agencies. Recently Attorney General Mitchell entered the case of Phillips against Martin-Marietta, the second case described above, in behalf of Mrs. Phillips.

And so, Mr. Speaker, if women waited long enough they might at some time in the distant future find that an amendment to guarantee them equal rights would be unnecessary. They waited 50 years to secure the adoption of the 19th amendment and the vote. They have already waited 47 years for guarantee of equal rights. I believe they have waited long enough, and I urge adoption of this resolution.

Mr. BROTZMAN. Mr. Speaker, I rise in support of House Joint Resolution 264. As the sponsor of an identical proposed constitutional amendment, I believe we are long past the time when the law should treat men and women differently merely because of their sex.

It has been estimated that there are over 1,000 State laws which discriminate against women as to property rights, inheritance rights, guardianship rights, management of earnings, and many others. These laws may or may not have been justified at the time of their enactment, but in either event, they have no place on the books today.

Rarely, Mr. Speaker, has the House considered a proposal whose time has so clearly come. Both major political parties have supported the equal rights for women amendment for many years. Presidents Eisenhower, Truman, Kennedy, and Johnson each supported this measure when they were in office. President Nixon has recently expressed the hope there would be widespread support for the amendment. The large number of Members of this body who have proposed the amendment indicates that this proposal is nonpartisan and nonideological.

I hope that House Joint Resolution 264 will receive an overwhelmingly affirmative vote today, and that it will then win speedy Senate approval and ratification by the States.

Mr. DADDARIO. Mr. Speaker, as the House takes up action to consider the equal rights amendment, one figure will be missing from Washington despite her long and valiant effort in its behalf.

I refer to the late Miss Elsie Hill of Norwalk, Conn., the daughter of former Congressman Ebenezer J. Hill, of Connecticut. Miss Hill died at age 86 on Thursday night at her home. Following passage of the 19th amendment by Congress, she became the first woman to vote in Connecticut in the 1920 elections. Subsequently, she became national chairman of the Woman's Party, a group that had fought for this amendment. She had noted that the original amendment gave women the right to vote, but maintained that it did not guarantee them equal rights.

She was a frequent appellant to Washington, despite her advanced years, and it is my recollection that one of the early telephone calls I received following my election to Congress, was from Miss Hill, urging my attention to this drive.

I am pleased that the resolution has now passed by a compelling margin. I had given this problem my earnest consideration for many years, and once I had become convinced that a piecemeal effort would not be enough, I became a sponsor of the legislation and looked forward to giving it my enthusiastic endorsement today.

Mr. THOMPSON of New Jersey. Mr. Speaker, as we prepare to vote today on the resolution proposing an "equal rights" amendment for women, I commend to those of my colleagues who may be undecided in their minds the following editorial from the Sunday Times Advertiser, a distinguished newspaper published in my home city of Trenton.

The editorial reads as follows:

AN IDEA'S TIME ARRIVES

Despite all the jokes about Women's Lib and the excessive amount of attention given to the bra-burning, Lysistrata wing of the movement, there is no avoiding the fundamental and un-funny fact: Women are and historically have been victims of discrimination. Women are unquestionably typecast in the minds of many males as an inferior species, entitled to a lesser range of choices as to what they can do with their lives and a lower scale of pay for those jobs which they are permitted to do.

That won't make it in this day and age, and the situation is changing. Scholarly works like Kate Millett's "Sexual Politics" are documenting the injustices. The "women's rights" section of the 1964 Civil Rights Act—inserted in the bill, ironically, as a diversionary tactic by segregationist Southern congressmen—is at last being invoked by the Justice Department, in the Martin-Marietta and Libbey-Owens-Ford cases, to combat job discrimination against females. Rep. Patsy Mink has been able to chase from the Democratic Party's Committee on National Priorities a doctor who had the misplaced candor to call women psychologically and physiologically inferior. And tomorrow, the U.S. House of Representatives for the first time, is scheduled to vote on a so-called "women's rights" amendment to the U.S. Constitution that has been introduced vainly in every Congress since 1923. The amendment was plucked from an unfriendly committee chairman and put on the House calendar by the rare device of the discharge petition—a request for a vote signed by 218 House members, or a majority.

The amendment would forbid federal or state governments to abridge the equality of rights because of sex. Supporters point out that it would enhance the rights of men, too—by making women equally vulnerable to jury duty, for instance, or by striking down alimony laws that favor women solely because of their sex. It would also eliminate laws restricting the legal capacity of married women, and restrictive work laws applying only to women. A 1962 Senate committee report said it would not affect laws granting maternity benefits or criminal laws governing sexual offenses, nor would it require equal treatment of men and women for purposes of military service any more than all men are treated equally in this respect (but women apparently would be equally subject to military conscription.)

There is legitimate argument over the need for the amendment. Some who are sympathetic with women's grievances—the President's Commission on the Status of Women, for instance—think the Fifth and Fourteenth Amendments already do the job, despite past Supreme Court rulings to the contrary, and that the present Supreme Court would quickly nullify those earlier rulings if a properly-presented case came before it. That argument, though plausible, is still only speculation; a new amendment, on the other hand, would make it certain. Other objectors believe working women still need the protection of labor laws that apply exclusively to them, although this argument is heard more frequently from the heavily-male hierarchy of organized labor than from the women themselves.

As we see it, discrimination is discrimination, whether because of race, age or sex, and all practical means to eliminate it should be pursued, including this amendment. Its passage would be testimony that Americans want equal rights not only for minorities but for a majority as well—the majority of American citizens who are female.

Mr. McKNEALLY. Mr. Speaker, in recent months the subject of women's rights has generated much controversy; not so much because of the issues involved, but rather because the subject has become so emotionally infused. The frenzy of passionate rhetoric has obfuscated the rationality of serious debate. Evulsions from the Women's Liberation Movement are more crude expressions of self-indulgence than words of dedication to a noble cause.

In light of the emotionalism which pervades the issue of women's rights, I believe it is time to take a sober account of House Joint Resolution 264. It is now that we must with seriousness of purpose consider the impact of the proposed constitutional amendment.

Is it necessary to adopt this resolution in order to combat the patronizing attitude with which women in this country are too often regarded? Will the pro-

posed legislation do this? I think not. The American males' condescending air toward the opposite sex is a psychological phenomenon which legislation alone cannot alter. His ego defensive superiority is too deeply rooted in his cultural heritage to be simply dismissed away by an act of Congress. I fear, Mr. Speaker, that the time-honored battle between the sexes cannot be legislated into history; it is not possible for the resolution before us today to do so.

We might also ask ourselves, Mr. Speaker, if it is necessary to pass House Joint Resolution 264 in light of the many accomplishments and achievements by women in recent years. The American female, whose role in years past was restricted to the home, has made meaningful and positive contributions to society. Today, the women of this country are more active, better informed, and their interests more diversified than their mothers' a generation ago. Today, in athletics we watch women compete in track and field events, tennis, golf, and even horseracing. In business and industry, top executive positions are held by women. In Government, today's women occupy positions of enormous responsibility. In statehouses across the Nation, in this Congress, in the Executive Offices of the President, the American woman plays an active role in shaping the future of her country. My predecessor, the Honorable Katharine St. George who represented the people of New York's 27th Congressional District for 18 years, from 1947 to 1965, distinguished herself as a dedicated public servant. Her service in the House of Representatives was a credit to the State of New York. Mrs. St. George labored arduously for the women's rights campaign; it was very close to her heart. It is outstanding women like Katharine St. George who have done the most to advance the women's rights movement.

Why, then, we might ask, is it necessary to adopt the proposed resolution? If the American woman is making such significant gains, if she is making such outstanding progress in exercising her civil rights why then is it necessary for Congress to act on her behalf?

Mr. Speaker, it is precisely for this reason that we must act to adopt House Joint Resolution 264. It is precisely because of these achievements that we must act—act not only to give them recognition, recognition long overdue, but act also to underscore these gains and to insure their continued success. It is precisely for this reason that I early signed the discharge petition of my distinguished colleague, MARTHA GRIFFITHS, to have the resolution passed out of committee. That the contemporary female has begun to surmount the barriers of prejudice and discrimination is encouraging. But, we must not forget that the successes of the women's rights campaign are relatively modest successes. Until the American female is fully accepted in whatever role she may choose to assume, the crusade will continue. It is our responsibility, it is our duty to secure by law her civil liberties.

Finally, Mr. Speaker, we must adopt House Joint Resolution 264 not only to insure the continued success of the equal rights movement, but also to strike out at the flagrant institutional, de jure discrimination against women; discrimination in the name of protective laws, discrimination in the name of welfare for the weaker sex, discrimination in the name of security and safety for our women. Let us not believe this is a moot issue—a red herring, if you please. The need for legislation to put an end to "legal" discrimination is real.

No woman litigant has ever stood before the Supreme Court and successfully argued that she is entitled to the "equal protection of the law's" clause of the 14th amendment.

Numerous Federal court decisions demonstrate that women are not protected against discrimination under the 1964 Civil Rights Act.

Though the Equal Pay Act has been interpreted recently by the courts in two or three instances for the benefit of women, there are literally millions of instances in this country where an unequal wage is paid to women for the same work.

Mr. Speaker, the time for action is now. We can do nothing and be content with the status quo—or we can take it upon ourselves to remedy a grave injustice. I choose the latter, Mr. Speaker, and I urge my colleagues to pass the equal rights resolution.

Mr. BROOMFIELD. Mr. Speaker, as a sponsor of a constitutional amendment to guarantee equal rights for women and as a signer of the discharge petition which brought this measure to the floor, I call upon my colleagues to recognize the clear and urgent need for this proposal and to render its two-thirds approval.

In an era when we are deeply concerned with insuring the rights of even the smallest minority, it seems implausible that we have not yet extended this basic guarantee to women.

Yet, this amendment has been pending before the House Judiciary Committee for 47 years—since 1923—without action. It took a special effort on the part of my dear colleague from Michigan, Representative MARTHA GRIFFITHS, to bring it to the floor this year.

In considering this measure, we must remember that women do not seek special privileges. They seek equal rights. They wish to assume their full responsibilities.

As the President's Task Force on Women's Rights and Responsibilities noted in its report last December:

> Equality for women is unalterably linked to many broader questions of social justice.
>
> Inequities within our society serve to restrict the contributions of both sexes. We have witnessed a decade of rebellion during which black Americans fought for true equality. The battle still rages. Nothing could demonstrate more dramatically the explosive potential for denying fulfillment as human beings to any segment of our society.

The proposed amendment provides that—

> Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

This amendment would insure equal rights under the law for men and women and would secure the right of all persons to equal treatment under the laws and official practices without differentiation based on sex.

There is no question that this is a statement of fundamental rights long overdue. Mr. Speaker, the gentlewoman from Michigan (Mrs. GRIFFITHS) and others have made an excellent case for the adoption of the women's equal rights amendment. I urge overwhelming House approval of House Joint Resolution 264.

Mr. DONOHUE. Mr. Speaker, as a sponsor and cosponsor of similar legislation I intend to vote and I urge the overwhelming support of this House in favor of the adoption of House Joint Resolution 264, proposing and providing for a constitutional amendment to grant equal right, under all our laws, to women.

In projecting our determination of this resolution it is pertinent to recall the history that has marked its development to this point. The amendment that is here proposed simply says:

> Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

The 14th amendment, ratified in 1868, very plainly proclaims that no State shall deny the equal protection of the law to any person within its jurisdiction. Nevertheless, when the women tried to register and vote in the 1872 presidential election they were not permitted to do so and the courts then held that the States could make such a "reasonable," exception to the law.

It took another constitutional amendment, the 19th, to give women the right to vote, after a 50-year wait.

It is now 47 years since this particular equal rights amendment proposal was first introduced, back in 1923. It has been introduced in each succeeding Congress, since that time, and it has passed the Senate on two occasions, once in 1950 and again in 1953.

Mr. Speaker, since the origin of this Nation we have continuously proclaimed it, before the world, as a democracy within which every person enjoyed "equality under the law." We have made substantial strides toward the fulfillment of this proud boast but, in reality, we have too often been too long delayed in making these forward strides and this delay has accounted for some of the domestic "turbulence" afflicting us today. But in any case we have an opportunity, right now to end an unustifiable delay that has extended over 47 years and I most earnestly hope and urge as a matter of simple equity, that this pending amendment will be resoundingly enacted by the very great majority of the House without any more prolonged deliberation.

Mrs. MINK. Mr. Speaker, the equal rights amendment enunciates a principle of absolute equality with which I agree wholeheartedly. It sets forth an undeniable truth against which no logical argument could be made. The equality of rights of all citizens, men and women, blacks and whites, is a fundamental principle. However, the fact remains that despite the declaration of these funda-

mental principles, women are still victims of discrimination, and blacks still suffer in untold ways from prejudice.

I believe that the rights of women to equal protection of the law, like those of black Americans, have already been guaranteed under the Constitution. The 14th amendment provides that—

> No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States . . . nor deny to any person within its jurisdiction the equal protection of the laws.

Under the due process clause of the fifth amendment this guarantee is given Federal sanction.

A hundred years of equality enunciated under the Constitution for black America has brought little progress. It took the passage of affirmative, specific legislation—the Civil Rights Act of 1964 and the Voting Rights Act of 1965 to force action to achieve this principle of equality. It took the passage of equal pay for equal work, the 19th amendment providing the right to vote, and the inclusion of sex in the Civil Rights Act of 1964 to force action to achieve equality for women in these specific areas of concern.

The default of our judicial system to assiduously guarantee equal protection of the laws to women is one of the reasons another constitutional amendment is now before us for consideration. Undeniably the courts have been at fault.

I therefore feel that there is need for another constitutional amendment to reinforce the 14th and fifth amendments of the Constitution.

The phrase "equality of rights" is broad. I am not a student of constitutional law, but I have read enough on this subject to believe that the passage of House Joint Resolution 264 will require prolonged litigation concerning the constitutionality of laws covering a wide range of subjects in the field of family law as well as labor standards.

The most troublesome area is laws, State and Federal, which now accord special rights, benefits, or exemptions only to women. I do not like the notion of special legislation for women only, because that does negate the principle of equality. But the fact remains that women have been descriminated against particularly in the field of employment. They have been exploited, they have been relegrated the lowest paying jobs, they have been forced to work in the most menial tasks. Recognizing this exploitation some States have passed labor standards covering only women and for justifiable reasons.

I will admit that some of these standards originally designed to protect women are now used to prevent their advancement, to prevent their earning overtime pay, and to prevent their promotion into supervisory positions. Where this is so, these laws ought to be removed. But this is not the case for all such laws. Thus my point is that because House Joint Resolution 264 seeks to state a principle, its very broadness could have the effect of repealing all laws, those which limit as well as those which confer a benefit with no mechanism to differentiate.

I believe there is clarifying language that can meet this objection. It would read as follows:

> *Provided,* That any State or Federal law which confers rights, benefits and privileges on one sex only shall be construed to apply to both sexes equally.

Added to House Joint Resolution 264 it would guarantee that all laws now in existence which give special rights, benefits or exemptions to women only will be automatically extended to men. If as in California there is a minimum wage law for women only, my amendment would require that this law be construed to include men. Thus the passage of my amendment will prevent the taking away of any rights from women. Neither will it preserve a special law for women only, rather it will broaden the special privilege to include men, and thus nullify the speciality. Some will argue that such language is not necessary. I want it clearly understood that my amendment is not the same as the Hayden amendment which preserves the odious protective legislation and as such nullifies the principle of equality. My amendment would not sacrifice this fundamental concept. It provides in effect a triggering mechanism to require inclusion of men in all special legislation which now only covers women, and vice versa to achieve this principle of equality.

The memorandum issued by the Citizens Advisory Council on the Status of Women, Washington, D.C., March 1970 which my distinguished colleague from Michigan inserted in the RECORD on March 25 states:

> Where the law confers a benefit, privilege or obligation of citizenship, such would be extended to the other sex, i.e., the effect of the amendment would be to strike the words of sex identification. Thus, such laws would not be rendered unconstitutional but would be extended to apply to both sexes by operation of the amendment. . . .
>
> Where the law restricts or denies opportunities of women or men, as the case may be, the effect of the equal rights amendment would be to render such laws unconstitutional.

Under this reasoning, however, both results could occur. For example, the minimum wage law for women only is a special benefit and under the first rationale would be extended to both sexes. But it is also a law which is discriminatory against men and thus could be held unconstitutional.

The procedure under which this House is considering this resolution will not allow my offering of this clarifying language which I believe will take care of those whose objections are based on the possible loss of benefits but who are fully in agreement that all laws which restrict and deny should be rendered illegal and unconstitutional.

My distinguished colleague from Michigan has stated that my concerns are unfounded, and that my amendment is not needed because it is implicit in the constitutional amendment as presented. For this reason, I shall vote for the amendment without my further suggested proviso. It would be my hope that the legislative record that is being made today will serve to give us this judicial construction which we intend.

Mr. BENNETT. Mr. Speaker, I rise in support of the proposal for a constitutional amendment to provide equal rights for women. I have introduced an amendment which I feel is superior to the one introduced here today, but the discussion on the present measure has made legislative history that I believe eliminates my reservations about the pending matter.

I have consistently supported equal rights for women and have always voted for measures which would provide equal pay and equal opportunity for them. I have had reservations only as to whether the present bill would partly destroy, rather than increase, the opportunities for women.

Perhaps the most important value of this amendment is to recognize what has always been true, that is that women are the equals of men, which was a fact apparently not widely accepted when the Constitution was adopted. Actually, women are characteristically in many ways superior to men; for they have usually a deep spiritual content in their lives, and do more to inspire others to higher standards and better goals in life. Moreover, they do the most important thing that human beings do and that is: to guide to maturity each succeeding generation.

Mrs. CHISHOLM. Mr. Speaker, House Joint Resolution 264, before us today, which provides for equality under the law for both men and women, represents one of the most clear-cut opportunities we are likely to have to declare our faith in the principles that shaped our Constitution. It provides a legal basis for attack on the most subtle, most pervasive and most institutionalized form of prejudice that exists. Discrimination against women, solely on the basis of their sex, is so widespread that it seems to many persons normal, natural and right. Legal expression of prejudice on the grounds of religious or political belief has become a minor problem in our society. Prejudice on the basis of race is, at least, under systematic attack. There is reason for optimism that it will start to die with the present older generation. It is time we act to assure full equality of opportunity to those citizens who, although in a majority, suffer the restrictions that are more commonly imposed on minorities, to women.

The argument that this amendment will not solve the problem of sex discrimination is not relevant. If the argument were used against a civil rights bill—as it has been used in the past—the prejudice that lies behind it would be embarrassing. Of course laws will not eliminate prejudice from the hearts of human beings. But that is no reason to allow prejudice to continue to be enshrined in our laws—to perpetuate injustice through inaction.

The amendment is necessary to clarify countless ambiguities and inconsistencies in our legal system. For instance, the Constitution guarantees due process of law, in the fifth and 14th amendments. But the applicability of due process to sex distinctions is not clear: Women are excluded from some State colleges and universities. In some States, restrictions are placed on a married woman who en-

gages in an independent business. Women may not be chosen for some juries. Women even receive heavier criminal penalties than men who commit the same crime.

What would the legal effects of the equal rights amendment really be? The equal rights amendment would govern only the relationship between the State and its citizens—not relationships between private citizens.

The amendment would be largely self-executing, that is, any Federal or State laws in conflict would be ineffective 1 year after date of ratification without further action by the Congress or State legislatures.

Opponents of the amendment claim its ratification would throw the law into a state of confusion and would result in much litigation to establish its meaning. This objection overlooks the influence of legislative history in determining intent and the recent activities of many groups preparing for legislative changes in this direction.

State labor laws applying only to women, such as those limiting hours of work and weights to be lifted, would become inoperative unless the legislature amended them to apply to men. As of early 1970 most States would have some laws that would be affected. However, changes are being made so rapidly as a result of title VII of the Civil Rights Act of 1964, it is likely that by the time the equal rights amendment would become effective, no conflicting State laws would remain.

In any event, there has for years been great controversy as to the usefulness to women of these State labor laws. There has never been any doubt that they worked a hardship on women who need or want to work overtime and on women who need or want better paying jobs, and there has been no persuasive evidence as to how many women benefit from the archaic policy of the laws. After the Delaware hours law was repealed in 1966, there were no complaints from women to any of the State agencies that might have been approached.

Jury service laws not making women equally liable for jury service would have to be revised.

The selective service law would have to include women, but women would not be required to serve in the Armed Forces where they are not fitted any more than men are required to serve. Military service, while a great responsibility, is not without benefits, particularly for young men with limited education or training. Since October 1966, 246,000 young men who did not meet the normal mental or physical requirements have been given opportunities for training and correcting physical problems. This opportunity is not open to their sisters. Only girls who have completed high school and meet high standards on the educational test can volunteer. Ratification of the amendment would not permit application of higher standards to women.

Survivorship benefits would be available to husbands of female workers on the same basis as to wives of male workers. The Social Security Act and the civil service and military service retirement acts are in conflict.

Public schools and universities could not be limited to one sex and could not apply different admission standards to men and women. Laws requiring longer prison sentences for women than men would be invalid, and equal opportunities for rehabilitation and vocational training would have to be provided in public correctional institutions.

Different ages of majority based on sex would have to be harmonized.

Federal, State, and other governmental bodies would be obligated to follow nondiscriminatory practices in all aspects of employment, including public school teachers and State university and college faculties.

What would be the economic effects of the equal rights amendment? Direct economic effects would be minor. If any labor laws applying only to women still remained, their amendment or repeal would provide opportunity for women in better-paying jobs in manufacturing. More opportunities in public vocational and graduate schools for women would also tend to open up opportunities in better jobs for women.

Indirect effects could be much greater. The focusing of public attention on the gross legal, economic, and social discrimination against women by hearings and debates in the Federal and State legislatures would result in changes in attitude of parents, educators, and employers that would bring about substantial economic changes in the long run.

Sex prejudice cuts both ways. Men are oppressed by the requirements of the Selective Service Act, by enforced legal guardianship of minors, and by alimony laws. Each sex, I believe, should be liable when necessary to serve and defend this country.

Each has a responsibility for the support of children.

There are objections raised to wiping out laws protecting women workers. No one would condone exploitation. But what does sex have to do with it? Working conditions and hours that are harmful to women are harmful to men; wages that are unfair for women are unfair for men. Laws setting employment limitations on the basis of sex are irrational, and the proof of this is their inconsistency from State to State. The physical characteristics of men and women are not fixed, but cover two wide spans that have a great deal of overlap. It is obvious, I think, that a robust woman could be more fit for physical labor than a weak man. The choice of occupation would be determined by individual capabilities, and the rewards for equal work should be equal.

This is what it comes down to: artificial distinctions between persons must be wiped out of the law. Legal discrimination between the sexes is, in almost every instance, founded on outmoded views of society and the prescientific beliefs about psychology and physiology. It is time to sweep away these relics of the past and set future generations free of them.

Federal agencies and institutions responsible for the enforcement of equal opportunity laws need the authority of a Constitutional amendment. The 1964 Civil Rights Act and the 1963 Equal Pay Act are not enough; they are limited in their coverage—for instance, one excludes teachers, and the other leaves out administrative and professional women. The Equal Employment Opportunity Commission has not proven to be an adequate device, with its powers limited to investigation, conciliation and recommendation to the Justice Department. In its cases involving sexual discrimination, it has failed in more than one-half. The Justice Department has been even less effective. It has intervened in only one case involving discrimination on the basis of sex, and this was on a procedural point. In a second case, in which both sexual and racial discrimination were alleged, the racial bias charge was given far greater weight.

Evidence of discrimination on the basis of sex should hardly have to be cited here. It is in the Labor Department's employment and salary figures for anyone who is still in doubt. Its elimination will involve so many changes in our State and Federal laws that, without the authority and impetus of this proposed amendment, it will perhaps take another 194 years. We cannot be parties to continuing a delay. The time is clearly now to put this House on record for the fullest expression of that equality of opportunity which our founding fathers professed.

They professed it, but they did not assure it to their daughters, as they tried to do for their sons.

The Constitution they wrote was designed to protect the rights of white, male citizens. As there were no black Founding Fathers, there were no founding mothers—a great pity, on both counts. It is not too late to complete the work they left undone. Today, here, we should start to do so.

In closing I would like to make one point. Social and psychological effects will be initially more important than legal or economic results. As Leo Kanowitz has pointed out:

> Rules of law that treat of the sexes per se inevitable produce far-reaching effects upon social, psychological and economic aspects of male-female relations beyond the limited confines of legislative chambers and courtrooms. As long as organized legal systems, at once the most respected and most feared of social institutions, continue to differentiate sharply, in treatment or in words, between men and women on the basis of irrelevant and artificially created distinctions, the likelihood of men and women coming to regard one another primarily as fellow human beings and only secondarily as representatives of another sex will continue to be remote. When men and women are prevented from recognizing one another's essential humanity by sexual prejudices, nourished by legal as well as social institutions, society as a whole remains less than it could otherwise become.

Mr. MORSE. Mr. Speaker, this day will go down in history as a great moment in the movement toward full equality for women—for it is the first time this body has deliberated the constitutional amendment designed to free women from discrimination. I think it fitting and most proper to call to the attention

of my colleagues the pertinent and comprehensive testimony on the equal rights amendment of the gentlewoman, MARGARET HECKLER, from Massachusetts before the Subcommittee on Constitutional Amendments of the Judiciary Committee in the other body. This testimony sheds light on the problem from the woman's point of view, and I am sure it will be a very persuasive argument to those Members who are unaware of the full problem of equal opportunity for women—especially in light of the challenges of the seventies.

Mrs. HECKLER's testimony follows:

STATEMENT OF REPRESENTATIVE MARGARET M. HECKLER IN SUPPORT OF THE EQUAL RIGHTS AMENDMENT, BEFORE THE SENATE JUDICIARY COMMITTEE, SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS, MAY 5, 1970

Mr. Chairman, distinguished members of the Subcommittee. It is assumed by many persons that women were granted equality with the passage of the 14th Amendment, ratified in 1868. Only 50 years later, however, was woman suffrage guaranteed by the ratification of the 19th Amendment. Half a century of waiting for the vote required a great deal of patience. In the temper of these turbulent times, I do not believe that total equality of opportunity for women can be further postponed.

Thus I speak out in support of the Equal Rights Amendment—a measure that has been before each Congress since 1923. The fast pace of life in the world today fosters impatience. And when much is promised, failure to deliver becomes a matter of critical importance.

I am sure that every woman who has been in the position of "job seeker" identifies in some small measure with the fundamental complaints that have generated the crusade for equality in employment for women. The 42% of working women who are heads of household take a serious economic interest in fair job opportunity, a basic goal in the cause for women's rights. And the women who have contributed their full share to social security, yet who receive the sum allotted widows, certainly have cause for contemplation.

The average woman in America has no seething desire to smoke cigars or to burn the bra—but she does seek equal recognition of her status as a citizen before the course of law, and she does seek fair and just recognition of her qualifications in the employment market. The American working woman does not want to be limited in advancement by virtue of her sex. She does not want to be prohibited from the job she desires or from the overtime work she needs by "protective" legislation.

These types of discrimination must be stopped, and the forthright means of halting discrimination against women is passage of the Equal Rights Amendment at the earliest possible time.

Unequal treatment of women is a way of life in the United States. Perhaps, as some say, it is derived from a protective inclination on the part of men. But women seek recognition as individual human beings with abilities useful to society—rather than shelter or protection from the real world.

John Gardner has said that our nation's most underdeveloped resource is womanpower. The old saying "you can't keep a good man down" might well serve as a warning. It is safe to say, I think, that women are unlikely to stay down and out of the field of competition for much longer.

Legal remedies are clearly in order, and the Equal Rights Amendment is especially timely. Although changes in social attitudes cannot be legislated, they are guided by the formulation of our federal laws. This Constitutional amendment must be passed so that discriminatory legislation will be overturned. That custom and attitude be subject to a faster pace of evolution is essential if we are to avoid revolution on the part of qualified women who seek equality in the employment world.

Time and again I have heard American men question the fact of discrimination against women in America. "American women," they say, "enjoy greater freedom than women of any other nation." This may be true with regard to freedom from kitchen labor—because the average American housewife enjoys a considerable degree of automation in her kitchen. But once she seeks to fill her leisure time gained from automated kitchen equipment by entering the male world of employment, the picture changes. Many countries we consider "underdeveloped" far surpass America in the quality and availability of child care available to working mothers, in enlightened attitudes about employment leave for pregnancy, and in guiding women into the professions.

Since World War II, nearly 14 million American women have joined the labor force—double the number of men. Forty per cent of our nation's labor force is now comprised of women. Yet less than 3% of our nation's attorneys are women, only about 7% of our doctors, and 9% of our scientists are women. Only a slightly higher percentage of our graduate students in these fields of study are women, despite the fact that women characteristically score better on entrance examinations. The average woman college graduate's annual earnings ($6,694) exceed by just a fraction the annual earnings of an average male educated only through the eighth grade ($6,580). An average male college graduate, however, may be expected to earn almost twice as much as the female—$11,795.

Twenty per cent of the women with four years of college training can find employment only in clerical, sales, or factory jobs. The equal pay provision of the Fair Labor Standards Act does not include administrative, executive, or professional positions—a loophole which permits the talents and training of highly qualified women to be obtained more cheaply than those of comparably qualified men.

Of the 7.5 million American college students enrolled in 1968, at least 40% were women. American parents are struggling to educate their daughters as well as their sons—and are sending them to the best colleges they can possibly afford. As many of these mothers attend commencement exercises this summer, their hearts will swell with pride as their daughters receive college degrees—and these mothers may realize their daughters will have aspirations far exceeding their own horizons.

Few of the fathers or mothers, enrolling their daughters in college several years ago, were at the time aware of the obstacles to opportunity their daughters would face. But today they are becoming aware that opportunity for their daughters is only half of that available to their sons. And they are justifiably indignant. Young women graduating with degrees in business administration take positions as clerks while their male counterparts become management trainees. Women graduating from law school are often forced to become legal secretaries, while male graduates from the same class survey a panorama of exciting possibilities.

To frustrate the aspirations of the competent young women graduating from our institutions of higher learning would be a dangerous and foolish thing. The youth of today are inspired with a passion to improve the quality of life around us—an admirable and essential goal, indeed. The job is a mammoth one, however; and it would be ill-advised to assume that the role of women in the crusade of the future will not be a significant one. To the contrary, never before has our nation and our world cried out for talent and creative energy with greater need. To deny full participation of the resources of women, who compose over half the population of our country, would be a serious form of neglect. The contributions of women have always been intrinsic in our national development. With the increasing complexity of our world, it becomes all the more essential to tap every conceivable resource at our command.

The time is thus ripe for passage of the Equal Rights Amendment. The women of America are demanding full rights and full responsibilities in developing their individual potential as human beings in relationship to the world as well as to the home and in contributing in an active way to the improvement of society.

In this day of the urban crisis, when we seem to be running out of clean air and water, when the quality of our rubbish defies our current disposal methods, when crime on the streets is rampant, when our world commitments seem at odds with our obligations here at home, when breaking the cycle of ongoing poverty requires new and innovative approaches, when increased lifespan generates a whole new series of gerontological problems—in these complicated and critical times, our nation needs the fully developed resources of all our citizens—both men and women—in order to meet the demands of society today.

Women are not requesting special privilege—but rather a full measure of responsibility, a fair share of the load in the effort to improve life in America. The upcoming generation is no longer asking for full opportunity to contribute, however—they are demanding this opportunity.

The Equal Rights Amendment is necessary to establish unequivocally the American commitment to full and equal recognition of the rights of all its citizens. Stop-gap measures and delays will no longer be acceptable—firm guarantees are now required. The seventies mark an era of great promise if the untapped resource of womanpower is brought forth into the open and allowed to flourish so that women may take their rightful place in the mainstream of American life. Both men and women have a great deal to gain.

Mr. RANDALL. Mr. Speaker, I support House Joint Resolution 264, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

In every one of the six Congresses in which I have served, beginning with the 86th Congress, I have introduced a resolution almost identical to that of the gentlewoman from Michigan. Each of my resolutions called for a constitutional amendment to provide full equality with respect to the rights of women.

In the 91st Congress, I introduced House Joint Resolution 592 on March 25, 1969. This was early in the first session of the 91st Congress. I had anticipated with some measure of assurance that the Judiciary Committee would hold hearings on this very important subject. Yet our committee has held no hearings, and we are considering this resolution today under what is described as a discharge petition, having earlier obtained the signatures of one-half the House to discharge the Judiciary Committee from further consideration of this resolution and to bring it to the floor of the House today for action.

It will always be difficult for a male

to make the assertion that he understands women. But whether we understand her or not, we all laud the American women's role as the helpmate and preserver of the family life, and we all know that the American women has an enormous influence over the industry, commerce, and business of this country because she is really the keeper of the family purse strings. Even as we attempt to enact this resolution today, the American woman is longer a second class citizen. She has made great progress in the attainment of equal status with men in her privileges and duties of citizenship, in the job market, in education, and almost everywhere.

This resolution will lead to a constitutional amendment if and when ratified by the legislatives of three-fourths of the States which will result in the removal of any possible unfair handicaps that might remain and to which women might be subjected. Let us not forget this constitutional amendment will have such a broad sweep as to provide not simply so-called equal rights between men and women, but to give women the assurance that from this amendment they can truly achieve full parity with men.

Some will argue that we will have to continue to discriminate against women in terms of employment and hours in order to safeguard the health of women. This argument ignores the fact that actuarial records show that women have managed to live longer than men even with all their household burdens and even before the modern labor-saving devices in the home, taking time out only for child bearing.

The Congress took a momentous step forward in 1964 when it banned job discrimination on the basis of race, color, religion, national origin, or sex. Since that enactment, about 7,500 of the 45,000 complaints filed with the Equal Employment Commission created by that act have involved complaints of discrimination against women. The result is that today we have female blacksmiths, female steamship yeomen, and even female jockeys. No, let us not worry about either the hours or the type of work because no pity is needed for today's working girl.

There have been almost a multitude of arguments advanced against this kind of an amendment. It has been said that this resolution contains no time by which it must be ratified. Some have said it is too vague and too general and thus will create more problems than it will solve. Others have argued that it is really not needed because of the 14th amendment and the fifth amendment; that women have protection under both of these amendments now. Opponents say that if this new constitutional amendment means to do more than these others then it is truly mischievous. It is even argued that this amendment will permit an intrusion in domestic relations matters, now wholly within the jurisdiction of the several States. It is suggested that Federal courts may become involved in support and desertion matters.

Well, those who are so concerned, overlook the fact that this amendment becomes effective only after it is ratified by three-quarters of the States. Each State will have the opportunity to evaluate whether this amendment will change their laws adversely. I submit, an ample safeguard exists against all the arguments I have heard through the ratification process.

One of the most unusual arguments against this amendment, and one that hardly deserves consideration, is the assertion that women are unknowingly and unwittingly giving up more than they will gain. It is contended equal rights will mean equal responsibility and equal demands. It is argued that no longer will deference be given to our ladies to let them proceed ahead of us or to continue to show them the many courtesies they have always expected and received in the past. Now that they are equal, they will have to expect to be treated just like men. There will be no need for a man to give them a seat. No man will any longer worry about their comfort or convenience. Let me say that those who prefer to believe such things may happen are entitled to their views, but for my part, I can never be brought to believe that the spirit of chivalry will so suddenly die and that the long-ingrained habits of the male in his concern for a lady will so suddenly be changed. None of us can ever forget so quickly the wisdom that our mothers pounded in our ears that we should show a measure of special respect to one who is a lady.

Forty-seven years is long enough to wait. As one proceeds to examine the arguments for and against this amendment there remains one proposition that cannot be rebutted and that is there is no longer any moral reason to justify withholding women's rights.

This resolution hails the service of our women in the home, the classroom, the office, and the plant. This amendment when adopted will truly signal a salute not only to the charm but also to the brains of our Nation's most precious asset—the American woman.

Mr. KOCH. Mr. Speaker, I rise in support of the equal rights amendment for men and women. It is a resolution which I have cosponsored and for which I signed a discharge petition offered by our distinguished colleague from Michigan (Mrs. GRIFFITHS). First introduced in 1923, and for too long ignored by the Congress, this amendment will insure for women and men constitutional equality and it will provide women, for the first time, with protection against laws and governmental practices that are discriminatory.

Mr. Speaker, it is important that this long overdue measure be passed by the Congress and quickly approved by the States. But, it is also important that the Congress consider the passage of the resolution only a beginning in the work that we must do to gain economic and legal equality for women. Much must be done, and for this reason I am cosponsoring with the gentleman from Illinois (Mr. MIKVA) H.R. 18278 which, through immediate statutory action, would carry out the recommendations of the Presidential Task Force on Women's Rights and Responsibilities. Specifically the bill would eliminate sex discrimination in all federally assisted programs, in State and Federal employment, in employment in educational institutions, and in the payment of wages for professional, executive, and administrative jobs. It would also ban sex discrimination in housing applications.

The need for this legislation is readily apparent, particularly when one compares the employment and wage statistics applicable to women with those applying to men. While more and more women are working today than in the past—women now make up 38 percent of the labor market—statistics released by the Labor Department show the wide differential between the salaries paid men and those paid women and the little progress being made to close the gap; in fact, that gap is widening. While in 1955, the woman's median wage was 63.9 percent of the man's, today it is reduced to 58.2 percent. And while 58.6 percent of workingmen earn $7,000 or more annually, only 13.8 percent of women workers are in this category, and only 0.4 percent of women have incomes over $15,000.

A woman's wage is often depressed, not because of a lack of skills or ability, but because women simply are not given the opportunity of filling top positions: in the universities they are less likely to be associate or full professors; they are kept in the lowest category of draftsmen; and they are generally denied upper management positions. And consequently, the Labor Department's statistics reveal that the median income of a woman with a master's degree is $45 less than a man who has only a high school diploma.

Discrimination against women is found even in our centers of learning that are supposed to be the towers of truth. While women make up 90 percent of the public elementary school teachers, we find that only 9 percent of the full professors are women. And in the law schools the situation is even worse: a survey of 36 prominent law schools show that approximately 2 percent of the faculty are women, and 25 percent of these are librarians.

The battle for equality for women is being fought not only in this Congress but in the cities and States of our country. Today, as we debate this resolution, the mayor of the city of New York is signing a local law prohibiting, for the first time, the barring of women from places of public accommodation. That bill was introduced by City Councilwoman Carol Greitzer, my successor in the city council, and remedied a defect in the local law which banned discrimination on grounds of race, color, or national origin. Hopefully, we in Congress will follow New York City's lead and immediately by legislation bar similar discriminations, throughout the width and breadth of the land.

During the past 2 months, our distinguished colleague from Oregon (Mrs. GREEN) has held hearings on legislation to amend the Civil Rights Act to remove the exemption presently existing in title VII of the Civil Rights Act with respect

to those in education. Appearing before Mrs. GREEN's Subcommitee on Education were representatives of the Women's Rights Committee of New York University School of Law. I would like at this time to insert in the RECORD, the very fine testimony offered:

TESTIMONY SUBMITTED BY THE WOMEN'S RIGHTS COMMITTEE OF NEW YORK UNIVERSITY SCHOOL OF LAW FOR HEARINGS CONDUCTED BY THE HOUSE SUBCOMMITTEE ON EDUCATION, JUNE 30, 1970

HIRING OF WOMEN FACULTY

New York University School of Law has never hired a fulltime, tenured woman professor. It has hired a few women in lesser positions. For the school year 1970–71, the women members of the faculty are as follows:

(1) an Assistant Professor in Research (a title newly created this year as that woman was appointed, and a nontenured position;

(2) a Research Associate Professor of Judicial Administration, another unique title held only by this woman in the entire history of the law school. This title is deceptive, for the position is actually a tenured one on the *library* staffline.

The latest NYU Bulletin lists 149 faculty members. 1.3% (2 out of 149) of the faculty are women and they are in the lowest ranking categories.

The situation is no better at other law schools. Harvard has 2 women professors out of 82; Yale, 2 out of 60; Columbia, 1 out of 63; Michigan, 1 out of 62; Stanford, 0 out of 36. A survey of 36 prominent law schools shows that out of a total of 1625 faculty members, only *35* are women, and 25% of those 35 are classified as Librarians. (See Table I attached.)

Compare these statistics with the following:

(1) Women are more than one-half of the nation's population;

(2) Women comprise almost 40% of the nation's work force;

(3) Women made up 15% of the J.D. candidates graduating from NYU Law School in 1969 and in 1970;

(4) 3.25% of the lawyers listed in the New York City *Martindale-Hubbell* are women;

(5) At least 3% of the lawyers in the nation, according to the last census, are women.

In the last one and a half years, the Law School administration and the Faculty Recruitment Committee, at the insistence of the Women's Rights Committee, have made a series of commitments to hire women faculty. We would like to report on the progress made, namely,

(1) One woman was hired to teach a course on "Women and the Law" at a salary of $500 for the semester;

(2) Last week the school made an offer to Eleanor Holmes Norton, Chairman of the New York City Commission on Human Rights, to teach a course on "Women and the Law" for one semester in the coming year;

(3) A female Instructor was promoted to Assistant Professor in Research;

(4) A subcommittee was formed to recruit women, and that committee has made a few phone calls to a few out of several women who submitted resumes.

This is what has been done in a year and a half! That is, *no* additions have been made to the full time faculty, while at least 5 men have been added.

We have been told repeatedly that "best efforts" are being made to recruit women for the faculty. During this year and a half, women law students have submitted memoranda, have appeared before the faculty subcommittee, have appeared before the faculty recruitment committee, have appeared before the full faculty, and have met with the Dean several times, and throughout we have suggested names of prominent women attorneys who might be interested in teaching.

In the last two weeks, and as recently as last night, the women law students met with the Dean and Chairman of the faculty recruitment committee. Again—promises to find qualified women. Yet, both administrators admitted frankly that "if a few good male candidates come along, we will take them." Since there are only a few faculty positions open at this time—we feel that their actions speak louder than their words—they haven't hired any women and they don't intend to.

Why has so little progress been made? We'd like to point out to the members present some of the reasons given:

(1) "There are no women attorneys who are qualified to teach," the administration tells us. Yet, we have given them on many occasions lists of women attorneys, and there are several thousands of women practicing law in New York city alone. In addition, over the past fifty years, several hundred women have graduated just from NYU Law School, many of whom were in the top of their class.

(2) "We've approached a few women for appointment to the faculty, but those women have turned us down," the administration tells us. What they mean is that they have approached a few women who are already teaching or have prominent positions in government or in private practice and, because of this, they have received offers from several law schools. The top 10 women, like the top 10 blacks, are in over-demand everywhere.

(2) "Hiring women would mean lowering our standards," the administration tells us. Yet the women who graduated from NYU at the top of their class were graded and ranked in law school by these very same faculty members who now claim they'd be lowering their standards to hire them.

We have discovered that a "Vicious-Cycle Syndrome" exists: The administration says that in hiring new faculty they generally look for certain credentials. The standards most often applied are graduation from a "prestige" law school, impressive clerkship experience, a position at a prominent Wall Street firm, top administrative positions in government and private industry, etc., etc., etc. . . .

But, women by and large have been excluded from all the above, so demanding these credentials of women applicants is completely unrealistic.

(1) It was not until 1954 that Harvard Law School even admitted women at all. The leading law schools as late as 1964 still had very restrictive admission policies for women.

(2) As for clerkships, there have been only two women U.S. Supreme Court clerks so far and one of them is now deceased. Many clerkships at the state and federal level are unavailable to women because many judges have openly stated to the law schools that they will not consider women law students for clerkship positions. Women judges who might hire women law clerks number 1% of the total number of judges in the country, 2.6% of the judges in New York State.

(3) As to Wall Street firms, out of the 20 leading firms on the Street, there are only 3 woman partners. The numbers of women associates who have been hired by these firms are so few that this is hardly a reasonable criterion to demand of women applicants.

(4) As to government work, we can count on the fingers of one hand the numbers who have attained high level administrative positions. For that matter, women have been *totally* excluded from some areas of government practice. The U.S. Attorneys Office for the Southern District of New York systematically, under its last administration, has refused outright to hire women for its Criminal Division.

So it's a vicious cycle: Women aren't hired because they don't have the proper qualifications; women can't get the proper qualifications because only men have access to those avenues and experiences which produce the proper qualifications; so women aren't hired by law schools. The final irony in the cycle is that the law school looks for candidates who have had teaching experience at other law schools! How can a woman acquire teaching experience if no law school will ever hire her.

The law schools simply cannot expect women appointees to the faculty to have been former Wall Street partners, clerks, Supreme Court clerks, judges, U.S. attorneys in the criminal division, members of many prominent law firms, graduates of the best law schools, top administrators in government, or present teachers on leading law school faculties.

The law schools cannot demand these credentials because women systematically have been denied the chance to acquire them. The vicious circle must be broken at some point, just as it has to be for blacks.

The final dishonesty is that these credentials do not necessarily qualify one to be a good teacher. Those of you who have attended law school must certainly remember that those professors with the greatest credentials were certainly not always the greatest teachers. Even the law school has as much as admitted this fact. For example, they have hired male faculty members to teach new areas of the law like poverty law. These men had experience in poverty law, though they lacked the traditional credentials. So the criteria *can* be changed. Yet the law school faculty and administration consistently resurrects these standards when it suits their purpose of barring women.

It is absolutely vital that women be incorporated into the educational sphere of the legal profession.

(1) Law schools have a unique responsibility to break down the discrimination in the legal profession.

(2) It is of great educative value to both male and female law students to be taught by women professors as well as men.

(3) It is imperative and long overdue that male professors learn to deal with women professionally as peers.

(4) It is most important for women who are presently in or considering entering law school to see women among the ranks of law school professors.

(5) It is imperative that practicing women lawyers see teaching as a professional career for them as well as for men.

(6) It is high time that law schools conform to the reality of the rising proportion of women in law. For example, 20% of the NYU Law School 1970 graduating class are women. And yet, as we pointed out before, the percentage of female faculty at NYU is only 1.3%.

Finally, we point out that teaching has always been considered "a woman's field." Forty-two percent of all professional working women are teachers; 70% of all public school teachers are women. But these figures pertain only to the elementary and secondary school level. The proportion of women teachers at the college and university level is only 22%, just slightly higher than their 20% proportion in 1910, and a far smaller proportion than their 28% in 1940. In the professional schools, notably law schools, women teachers are the exception rather than the rule. Many male lawyers have pointed out that women shouldn't go into law or cannot be successful in the field because (1) the long hours are too taxing for them, and (2) they can't devote long hours to the profession because of responsibility to home and family. Yet, they are excluded from teaching in law schools where the hours are shorter and more flexible, where the work week may be only 2 or 3 days, where research work can

be done at home as well as on the job. In other words, the professional demands of teaching do not present obstacles for women; if anything, the demands of time and place are very favorable—it is discrimination by male administration and faculty which keeps women out of teaching. Women attorneys constitute a vast reservoir of talent which is grossly underutilized in the legal teaching profession.

Our experience over the past two years with the NYU administration, which has been completely unproductive, and the dearth of women law professors at schools across the country have demonstrated to us that discrimination against women in the hiring of law school faculty is so deep-seated that any efforts to obtain women faculty members will fail unless federal legislation with appropriate enforcement provisions is passed. Therefore, we support the deletion of the exemption for educational institutions from application of Title VII of the 1964 Civil Rights Act.

OTHER POLICIES AND PRACTICES

Discrimination against women in hiring is simply one symptom of institutional prejudice against women. The institutionalization of sex discrimination is reflected in many concrete policies and practices in various areas. The admission of women to law schools is one such area. Women law students in schools throughout the U.S. have received persistent but off-the-record reports of quota systems and higher admission standards for women. At NYU, student members of the Admissions Committee, secretaries working in the Admissions offices, and even some professors have reported past quota systems and present-day imposition of higher standards on women. This cannot be documented statistically yet, because the law schools are not releasing the relevant information. NYU, for instance, agreed in December, 1968, to do a study comparing male and female applicants to the school to determine whether women both admitted and rejected had better qualifications than their male counterparts. More than one and a half years later, the school has yet to finish the study. One can only guess at the reason for this foot-dragging; it may reflect worry about the results, the low priority given to the "women's question", or both.

Similar incidents are reported at other schools. Women applying to Columbia have often been told, "We don't look too kindly on women here." A Harvard Law School alumna reported in the Harvard Law Record, November 14, 1969, that the Dean had explained to the class while she was in her first year (she is class of '67) that—

"Harvard Law had then reached enrollment for women of 5% for each class; that Harvard would probably not go above the 5% level since that was Yale Law School's percentage; and that, after all, there could never be a great influx of women into the school (read blacks, read Jews, read Catholics) because the policy was *never to give any man's place to a woman . . .*" (emphasis supplied)

If the best schools openly admit the existence of quota systems, do we have to doubt that there is an institutional decision to keep women out of the legal profession, and that this alone is one of the major explanations for the nation's shamefully low percentage of women lawyers. (In Russia, for example, women account for 36% of the total number of lawyers; 30% of the judges in Germany are women; 50% of the law students in Denmark are women. Remarks of Doris L. Sassower, Past President of the New York Women's Bar Association, at the Mid-year Meeting of the National Conference of Bar Presidents, Chicago, 1969)

A committee of the Association of American Law Schools is presently studying admissions policies for women law students nationwide. This indicates that there is beginning to be a slight awareness of the problem. But it is only slight. The National Conference of Law Women decided this Spring that it would like to start actively recruiting women law students. When NYU students approached our Dean of Admissions with this idea, his response was that we already have too many women and certainly don't need classes composed of 50% women. In other words, women should be flattered and honored to be allowed to go to a school that is 85% male, but men would be horrified and insulated to go to a school that is 50% female. (See attached affidavits)

We believe, however, that the law schools must commit themselves to an affirmative action program like the Philadelphia Plan which is being implemented to integrate the labor unions. In other words, they must work to get a 50% enrollment of women. Considering the fact that in 1967 women comprised over 40% of the total number of college and university graduates at the bachelor's degree level, it is inexcusable that women are only 5.9% of law school enrollments. The law schools have begun to actively recruit students from minority groups, and have even relaxed standards and set up special programs to correct past injustice to minorities. Yet women, who cetrainly are considered a minority group in law schools, are not actively recruited, but in many ways discouraged from applying and, rather than set up special programs for women, law schools raise standards, thus making their entrance even more difficult.

Another blantant example of discriminatory practices is law school scholarships. Until the Women's Rights Committee pressed for reform last year, NYU had totally excluded women, for more than 20 years, from the prestigious and lucrative Root-Tilden and Snow Scholarships. Twenty Root-Tilden Scholarships worth more than $10,000 each were awarded to male "future public leaders" each year. Women, of course, can't be public leaders, and NYU contributed its share to making that presumption a reality by its exclusionary policy. The law school, incidentally, was not *legally* bound by the conditions of the trust to exclude women, but the burden was on the women to discover this fact. Studies need to be done to discover the extent to which any financial aid is awarded on a discriminatory basis, and this situation should be remedied. Women report many suspicious practices in this area. One couple at NYU were both receiving financial aid before they married; after they married, their scholarships were reduced. The law school justified this by saying that its function was not that of supporting marriages.

Translated, this rationale probably means that the school prefers that one student of the couple quit to support the other's education. It doesn't require too much imagination to know which person (female) was supposed to work to put the other (male) through law school. In fact, NYU pays secretaries who are putting their husbands through law school a lower salary than they pay to other secretaries, reputedly because they view the wives' work as a form of financial aid to the male student. This is exploitation, pure and simple, and should be stopped.

Living accommodations and health services are another area reflecting institutionalized sex discrimination. Until protests were made by women last year, single rooms were denied to women at the NYU law school apartment complex, Hayden Hall. It was recently discovered that one woman had tried to get Hayden Hall opened up ten years ago, when the whole building—not just single rooms—was closed to women. She raised a complaint at a faculty meeting about this situation; blackballing letters written by faculty members were subsequently placed in her employment file at the law school without her knowledge. As for health services, Harvard women report that the wives of male law students are given maternity benefits in health insurance policies, but that such benefits are denied to female law students.

The placement office facilities at law schools complete the picture of institutional discrimination. At a recent meeting of a Committee of Placement Officers from seventeen of the most prominent eastern seaboard law schools, the Committee refused to adopt a proposal to deal effectively with discriminatory recruitment and hiring policies of law firms that interview on their campuses. Only four schools present, Duke, George Washington, NYU and Rutgers felt that the problem was serious enough to warrant remedial action. The total insensitivity of this Committee can be immediately recognized by the fact that they chose to hold their meeting at the Columbia University Club which discriminates against women in its membership policies and segregates women visitors in separate facilities. Three members of the National Conference of Law Women addressed this Committee requesting that Placement Officers develop standards and criteria for barring discriminating law firms from using school facilities for interviewing. These representatives were treated with contempt; they were told that although there was some problem of discrimination, it really wasn't very serious, that things were getting better for women every day, and that most of the Placement Officers have never received any complaints from their women students. After twenty minutes of discussion, the Committee curtly excused the women representatives. In conclusion, the Placement Officers at law schools, for the most part, have assumed the same attitude towards women that high school guidance officers have assumed towards blacks. That is, as blacks are told that it will be better for them to be mechanics rather than engineers, women are convinced that trusts and estates is the best area of the law for them.

This description of some of the discriminatory practices and policies that exist in admissions, scholarships and living quarters indicates that the low status of women in the legal profession is not accidental, but rather, part of an institutional structure designed to keep women down.

ATTITUDES

The institutional nature of sex discrimination in law schools also manifests itself in widespread attitudes toward women, which ultimately affect women adversely. Although many of these attitudes derive from society at large, others can be attributed to the fact that the law school is still a predominantly male institution. For instance, when the students on law journals are mostly men, who form close friendships with other men but not, in general, with the few women on such journals, it is only "natural" that they usually pick male editors.

This results not only from the general inability of men to form personal, intellectual friendships with women on a non-romantic basis, but also from the societal tendency to underrate the work of women. For instance, studies by psychologists have shown that students will consistently rate essays higher if told the authors are male, while the identical essays when attributed to female authorship are rated lower. This tendency to underrate has an obvious application to the case where a student choice of editors for the law journal is partly based on an evaluation of the quality of other students' written work.

The law school often shows the same unconscious tendency to underrate women. Of course, this reinforces the male students' own evaluation of women. Professors who would never call on blacks or jews on a "black's Day" or a "Jewish Day", feel no hesitation to call on women students only to recite on a "Ladies' Day". Needless to say, the

term "Ladies Day" as used in society in general does not convey an image of high intellect, and the professors' use of the phrase does nothing to convince men that their fellow women students are their intellectual equals in the law. The phrase "Ladies Day" connotes an attitude that is both protective and derogatory—an attitude which people assume towards others who are not their equals.

Another practice at NYU is to reward the "outstanding woman graduate" and the "outstanding male graduate" at graduation. Again, this fosters the idea that women and men think differently, are to be judged differently, and therefore can be treated differently. The practice also denies those women who are outstanding the distinction of being rewarded as the "outstanding law graduate". The difference between the meaning of "outstanding *law* graduate" and "outstanding *female law* graduate" to society in general does not need elaboration.

These attitudes described above in turn lead to very specific incidents. For instance, at NYU this year, several discriminatory incidents took place in connection with a Moot Court competition. Initially, two women competitors were told they could not apply for editorships on the Moot Court Board because they were not staff members of Moot Court.

Subsequently, two men competitors who were not staff members either, i.e., who were in exactly the same position as the two women, were allowed and encouraged to apply, and were voted in as editors of Moot Court. Both the students and faculty involved insisted this was not a discriminatory event, but merely a result of the lack of written procedures for the choice of editors. However, because of the incident, the Women's Rights Committee insisted that written guidelines be established for the scoring of the Moot Court competition and that women judges be included. Under those guidelines, the two women eventually won both competitive events; they were named as two of the 3-member NYU team for the national competition and were also selected as one of the two best law school teams, which would compete against each other for the law school championship. However, before they were named, members of the Moot Court Board, and the other competitors, attempted to use a scoring system contrary to the new written guidelines, under which the women would not have been named one of the two best law school teams. This effort was finally thwarted, and the guidelines were followed, but not without a tremendous struggle.

As a sequel to this sordid story, the one man invited to be on the NYU national team refused the invitation. In fact, all of the eligible men after him refused to serve on the national team as well. Apparently if the boys can't have an all-male, or at least, two men-one woman team, they would rather not play.

This immature approach was repeated in another incident during the student strike this Spring. One of the committees formed was to contact various business and corporation executives in order to raise funds for a lobbying effort. Its student coordinator (a man) told a woman law student that women could not visit corporations with men students because "women don't fit the corporate image." One can only speculate about the policies men such as these will formulate when they have positions of responsibility.

Another injurious attitude towards women is a demand that they meet higher standards than men. Obviously, this influences admissions and hiring practices. Less obviously, it influences men's judgment of how important it is to attract more women into the legal profession. For instance, many men go to law school with the expectation that even if they don't practice law, a law degree will be "a good background" for any future job. Women, in contrast, are told that in order to get a legal education, they *must* use it as lawyers, and if women don't conform to this expectation, their "failure" to practice law is used as an excuse for keeping women out of the profession.

In conclusion, male attitudes towards women in law school constitute an inevitable element of institutionalized sex discrimination.

LAW SCHOOL DISCRIMINATION AS A NATIONAL PROBLEM

At the first National Conference of Women Law Students held at NYU this Spring, women testified at length about discrimination. These women came from law schools across the country—from Hastings and Berkeley in California, from Duke in North Carolina, from Michigan and Minnesota, from Yale and Harvard, and many other schools. It would fill several weeks of testimony to describe and detail all of the examples of discrimination which were discussed and related at that Conference. The very fact that there was such an overwhelming response to our Committee's invitation to spend a weekend discussing discrimination against women, by so many women law students from so many different schools, is a sign of how serious and pervasive the problem of discrimination is.

The catalogue of discriminatory policies and practices and incidents which we have experienced at NYU and which we have described today, is virtually duplicated at every law school which was represented in the Conference. It is not too difficult to infer that the discrimination is duplicated on *every* law school campus.

The Association of American Law Schools is another illustration of the national scope of the problem of discrimination against women. The Articles of the AALS, which set forth policies and guidelines binding upon member law schools, contain, to date, not a single reference to or admonition against discrimination against women. This year the AALS created the Committee on Women in Legal Education to suggest some amendments to the Articles to deal with sex-based discrimination. While the Committee is now preparing certain proposals to present to the AALS Convention this Winter, Committee members have already expressed fears that policy positions barring discrimination against women will cause some member law schools to threaten to disaffiliate from the AALS, rather than to submit to such anti-discrimination pressures. This deep-seated resistance to breaking down the barriers against women further points up the need for federal legislation and enforcement. AALS guidelines and arguments of moral suasion will not prevent law schools which resent and resist the influx of women into law from using their institutional power to continue to discriminate against women.

TABLE I.—DISTRIBUTION OF WOMEN FACULTY AT LEADING AMERICAN LAW SCHOOLS

School	Number of women	Total number of faculty
Boston University	1	50
Columbia University	1	63
Cornell University	0	23
Duke University	0	19
Fordham University	0	31
Georgetown University	1	70
Goerge Washington University	2	88
Harvard	1	82
Indiana University:		
Bloomington	1	25
Indianapolis	1	21
Loyola University (California)	1	34
Marquette University	1	21
New York University	2	149
Ohio State	1	39
Rutgers (Camden and Newark)	4	43
St. John's University	0	37
Stanford University	0	36
Temple University	1	48
University of California, Berkeley	1	45
University of Chicago	1	39
University of Connecticut	0	41
University of Florida	2	37
University of Iowa	0	34
University of Maine	0	12
University of Maryland	0	30
University of Michigan	1	62
University of Minnesota	0	38
University of Missouri:		
Columbia	1	17
Kansas	2	23
University of North Carolina	0	26
University of Oregon	0	16
University of Pennsylvania	0	38
University of Southern California	3	53
University of Texas	1	52
University of Virginia	1	52
University of Wisconsin	1	40
Wayne State	1	31
Yale	2	60
Total	35	1,625

The following table is a breakdown of the number of women faculty (35) according to professorial title:

Assistant or associate professor	8
Instructor or lecturer	6
Librarian or librarian-assistant professor	9
Professor	7
Research assistant professor	1
Visiting associate professor	4
Total	35

All of the above statistics have been compiled from the Association of American Law Schools Directory of Law Teachers, 1968–70.

TABLE II.—FEMALE LAW SCHOOL ENROLLMENT AS OF FALL, 1969

School	Total enrollment	Female enrollment	Percent female students
Boston University	965	138	14
Brooklyn	1,048	75	7
University of California (Berkeley)	792	95	12
University of California (Hastings)	1,171	82	7
University of California (Los Angeles)	765	73	9
University of Chicago	459	71	15
Columbia University	989	99	10
Cornell University	400	17	4
Duke University	307	22	7
Fordham University	760	53	7
Georgetown University	1,300	110	8
George Washington University	1,659	145	8
Harvard University	1,649	124	7
Howard University	364	68	19
University of Illinois	637	35	5
Indiana University (Bloomington)	422	26	6
Indiana University (Indianapolis)	654	41	6
University of Iowa	429	23	5
University of Kansas	279	9	3
Loyola University (Chicago)	403	27	7
University of Maryland	535	43	8
University of Maine	138	8	6
University of Michigan	1,052	71	7
University of Minnesota	591	49	8
University of Mississippi	332	23	7
University of Missouri (Columbia)	362	11	3
University of Montana	122	2	2
University of Nebraska	330	8	2
University of New Mexico	182	16	9
New York University	2,094	239	11
State University of New York (Buffalo)	485	20	4
University of North Carolina	545	25	5
University of North Dakota	120	2	2
Northwestern University	516	53	10
University of Notre Dame	344	20	6
Ohio State University	450	22	5
University of Oregon	293	16	5
University of Pennsylvania	528	54	10
Rutgers (Camden)	223	10	5
Rutgers (Newark)	422	54	13
St. John's University	806	31	4
University of South Carolina	496	9	2
University of South Dakota	159	7	4

School	Total enrollment	Female enrollment	Percent female students
University of Southern California (Gould)	1,143	79	7
Stanford University	426	59	14
Syracuse University	388	14	4
University of Tennessee	357	16	4
University of Texas	1468	106	7
Vanderbilt University	363	12	3
University of Virginia	806	49	6
Wake Forest University	189	3	2
Washington and Lee University	178	0	0
University of Wisconsin	729	51	7
Yale University	588	74	13

The above statistics are taken from Law Schools and Bar Admission Requirements in the United States, published by the Section of Legal Education and Admissions to the Bar, Fall 1969.

Mr. DANIELS of New Jersey. Mr. Speaker, I rise in support of House Resolution 264 to grant equal rights to women. I am a cosponsor of the amendment and earnestly support its passage.

I noticed in this morning's Washington Post that Miss Alice Paul, who has been fighting for women's rights since 1917, observed that "this would be a much happier and stronger country if women were in equal positions of power."

I think that what Miss Paul is saying, is that the Nation will benefit by recognizing the natural differences of women from men. Robert Ardrey, a popular writer on anthropology and ethology, has observed that the female of most higher species tends to pay more attention to protecting the immediate home front, that is, the family or immediate group of families, rather than the outlying borders of the territory upon which the family might live.

If Mr. Ardrey is correct, and I suspect that he is, we humans have for too long biased our lawmaking institutions with the male viewpoint. We have been too long too concerned with border problems while too long neglectful of the state of affairs within our own "families."

I think that more attention would be paid to education and housing, health care—in short, people problems, if there were more women in positions of business and governmental power.

America was founded on the premise of freedom and liberty for all. The premise is an economic theory as much as a political one, since, by virtue of economic independence our Founding Fathers believed Americans could obtain not only the political freedoms of liberty and justice but freedom from economic want as well.

Yet for hundreds of years American women have been kept in a condition of economic and political servitude reminescent of a more barbaric but not so distant past. We have clung to the comfortable belief that a woman's exclusive and rightful place is in the home. While economic conditions, however, have allowed but sometimes forced her to go out to work, men in power have grudgingly permitted her to do so but have withheld equal pay and opportunities for advancement.

Hundreds of thousands of women have received the same education as men. Nevertheless, Department of Labor statistics from as recent as 1968 clearly show that in every major field in which men and women are employed, women consistently receive drastically lower salaries. For example, even among professional and technical personnel, women average almost $3,500 per year less than men. Among clerical workers, the average is $2,500 less; among service employees, almost $3,000, and among salesworkers over $5,000 less than men similarly employed.

Moreover, if women can find employment today, rarely can she find employment consistent with her education or talents at the same salary provided for men. Thus, women with advanced degrees often must settle for secretarial or clerical positions. If a good position is available she must often accept half the pay of the man next to her doing the same work.

Thus, as an increasing number of women are college educated or have the experience and talent to take on jobs hitherto performed exclusively by men, their average annual pay differences have not improved. In 1955, women's salaries were 36 percent lower than men's; in 1960, 30 percent; in 1965, 40 percent; and in 1968, 42 percent.

We decided long ago that this country would not continue to exploit any class or race in order to maintain our economy.

It is time again to guarantee in action that promise because this country will not and cannot thrive on the exploited labor of any group, whether the exploitation is by sex, by race, or by class.

Mr. PHILBIN. Mr. Speaker, I was very glad to sign the discharge petition for equal rights for women, and will strongly support this bill. For a long period of time, I have been urging that this bill be brought to the floor of the House, because I have been of the opinion that an overwhelming number of the women, and most of the people in the country want it, and the Members of the House almost unanimously supported it.

In this enlightened day, it is unthinkable to my mind that there should be legal discriminations against women. As a matter of fact, throughout the years, indeed throughout the centuries, women have played a tremendous part in developing our civilization and improving and strengthening all the instrumentalities which make our free system such a boon to our own citizens and mankind.

I will not at this time elaborate upon the great, indispensable contributions women have made to the development of the race, the welfare of the Nation, and the strength and power of all free institutions. I believe that long since we should have disposed of antiquated rules, laws and traditions that have militated against women enjoying the same legal rights that men enjoy. By taking this step, we shall not in any way be disturbing the conviction many of us feel that women are our superiors, not our equals, in the sense at least that they occupy the primary position in the homes of our Nation, in bringing up our children, and in providing the inspiration and driving force that moves not only the home, and the Nation, but also the world.

While I deeply respect the views of those who for one reason or another are opposed to this equal rights bill,, I must state that I am not concerned about the changes and modifications. It will provide women to share with us more of the fruits and rewards of our great society. The performances here for the outstanding women leaders who have graced this Chamber, past and present, illustrate more abundantly than words what outstanding contributions women are capable of making in the active public service, and to be sure, many parallels can be found in American life of the indispensable roles that they play in many wonderful activities that enrich and vitalize American life in so many different ways.

I have long supported the principles of this bill and am happy and proud to vote for it, and I have faith that it is a great step forward, not only for women but for men and for our country.

Mr. HOGAN. Mr. Speaker, I am pleased to say that I am a cosponsor of the women's equal rights amendment in the 91st Congress. Being a freshman, my sponsorship of this amendment does not date back through numerous Congresses as do those of many of my colleagues. Nevertheless, I have long advocated and supported equal rights for women.

Although various statutes ban discrimination based on sex, commissions, councils, and task forces have clearly documented the continued existence of legal discriminations based on sex. These range from laws prohibiting women from working in certain occupations and excluding women from certain colleges and universities and scholarship programs to laws restricting the rights of married women and which carry heavier penalties for women than for men.

The report of the President's Task Force on Women's Rights provides the most recent authoritative documentation of this problem. Women throughout the country do not need to read reports to learn of sexual discrimination, however, as they come face to face with it each and every day.

I share the feelings of other Members of this body that it is incredible that in the last quarter of the 20th century it is still highly debatable that the majority of American people have equal rights under the Constitution. Today, we have an opportunity to take the first step to put an end to such discrimination once and for all. I urge the Members to support this resolution.

Mrs. GRIFFITHS. Mr. Speaker, how much time is running?

The SPEAKER. The gentlewoman from Michigan has 3⅓ minutes remaining.

Mrs. GRIFFITHS. Mr. Speaker, I yield myself the time.

Mr. Speaker, I should like to thank those people who have spoken here today. I should like to point out that at only one time, I believe, in our history could any amendment have passed here with only one party voting for it. It is essential that this be a bipartisan amendment with bipartisan support, and I appreciate more than I can say the

help that has been given this amendment.

I should like also to point out that none of the horrors which have been conjured up will occur. In the one State where they have equality under the law there have been no suits.

I ask you now to vote with me on the previous question and against the motion to recommit and for the amendment.

GENERAL LEAVE TO EXTEND

Mr. Speaker, I ask unanimous consent that all Members who care to do so may have 5 legislative days in which to extend their remarks on this subject.

The SPEAKER. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. GRIFFITHS. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

MOTION TO RECOMMIT

Mr. McCULLOCH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. McCULLOCH. I am in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McCULLOCH moves that House Joint Resolution 264 be recommitted to the Committee on Judiciary with instructions that said committee shall promptly hold appropriate hearings thereon.

Mrs. GRIFFITHS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

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

Mr. McCULLOCH. 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 26, nays 344, not voting 59, as follows:

[Roll No. 263]

YEAS—26

Abernethy	Dingell	Poff
Ashbrook	Dorn	Saylor
Brooks	Hutchinson	Schmitz
Byrnes, Wis.	Landgrebe	Vander Jagt
Celler	McCloskey	Waldie
Chappell	McCulloch	White
Colmer	Mayne	Whitten
Davis, Wis.	Nedzi	Wiggins
Dennis	Poage	

NAYS—344

Abbitt	Fisher	Mahon
Adair	Flood	Mann
Adams	Flowers	Marsh
Addabbo	Foley	Martin
Albert	Ford, Gerald R.	Mathias
Alexander	Ford, William D.	Matsunaga
Anderson, Calif.	Foreman	May
Anderson, Ill.	Fountain	Meeds
Andrews, Ala.	Fraser	Melcher
Andrews, N. Dak.	Frelinghuysen	Michel
Annunzio	Frey	Mikva
Arends	Friedel	Miller, Calif.
Ashley	Fulton, Pa.	Miller, Ohio
Aspinall	Fulton, Tenn.	Mills
Ayres	Fuqua	Minish
Barrett	Galifianakis	Mink
Beall, Md.	Garmatz	Minshall
Belcher	Gaydos	Mize
Bell, Calif.	Gettys	Mizell
Bennett	Giaimo	Mollohan
Betts	Gibbons	Montgomery
Bevill	Gilbert	Moorhead
Biester	Gonzalez	Morgan
Bingham	Goodling	Morse
Blackburn	Gray	Morton
Blanton	Green, Oreg.	Mosher
Blatnik	Green, Pa.	Moss
Boggs	Griffin	Murphy, Ill.
Boland	Griffiths	Murphy, N.Y.
Bolling	Gross	Myers
Bow	Grover	Natcher
Brademas	Gubser	Nelsen
Brasco	Gude	Nichols
Brinkley	Haley	Nix
Broomfield	Hall	Obey
Brotzman	Halpern	O'Konski
Brown, Calif.	Hamilton	Olsen
Brown, Ohio	Hammer-schmidt	O'Neill, Mass.
Broyhill, N.C.	Hanley	Ottinger
Broyhill, Va.	Hanna	Patman
Buchanan	Hansen, Idaho	Patten
Burke, Fla.	Hansen, Wash.	Pelly
Burke, Mass.	Harrington	Pepper
Burlison, Mo.	Harsha	Perkins
Burton, Calif.	Harvey	Pettis
Burton, Utah	Hathaway	Philbin
Button	Hawkins	Pickle
Byrne, Pa.	Hays	Pike
Cabell	Hechler, W. Va.	Pirnie
Camp	Heckler, Mass.	Podell
Carey	Helstoski	Preyer, N.C.
Casey	Henderson	Price, Ill.
Cederberg	Hicks	Price, Tex.
Chamberlain	Hogan	Pryor, Ark.
Chisholm	Holifield	Pucinski
Clancy	Horton	Purcell
Clark	Howard	Quie
Clausen, Don H.	Hull	Quillen
Clawson, Del	Hungate	Railsback
Cleveland	Hunt	Randall
Cohelan	Ichord	Rees
Collier	Jacobs	Reid, Ill.
Collins	Jarman	Reid, N.Y.
Conable	Johnson, Calif.	Reuss
Conte	Johnson, Pa.	Rhodes
Conyers	Jonas	Riegle
Corbett	Jones, Ala.	Rivers
Corman	Jones, N.C.	Roberts
Coughlin	Jones, Tenn.	Robison
Cowger	Karth	Rodino
Crane	Kastenmeier	Roe
Culver	Kazen	Rogers, Fla.
Daniel, Va.	Kee	Rooney, Pa.
Daniels, N.J.	Keith	Rosenthal
de la Garza	Kluczynski	Roth
Delaney	Koch	Roybal
Dellenback	Kuykendall	Ruppe
Denney	Kyl	St Germain
Dent	Kyros	Sandman
Derwinski	Landrum	Satterfield
Devine	Langen	Schadeberg
Diggs	Latta	Scherle
Donohue	Leggett	Scheuer
Dowdy	Lennon	Schneebeli
Downing	Lloyd	Schwengel
Dulski	Long, Md.	Scott
Duncan	Lowenstein	Sebelius
Dwyer	Lujan	Shipley
Eckhardt	McCarthy	Shriver
Edmondson	McClory	Sikes
Edwards, Calif.	McClure	Sisk
Eilberg	McDade	Skubitz
Erlenborn	McDonald, Mich.	Slack
Esch	McEwen	Smith, Calif.
Eshleman	McFall	Smith, Iowa
Evans, Colo.	McMillan	Smith, N.Y.
Fascell	Macdonald, Mass.	Snyder
Feighan	Madden	Springer
Findley		Stafford
		Staggers
		Stanton
Steed	Udall	Wilson, Charles H.
Steiger, Ariz.	Ullman	Winn
Steiger, Wis.	Van Deerlin	Wold
Stephens	Vanik	Wolff
Stokes	Vigorito	Wyatt
Stratton	Waggonner	Wydler
Stubblefield	Wampler	Wylie
Stuckey	Watson	Wyman
Taft	Watts	Yates
Talcott	Weicker	Yatron
Taylor	Whalen	Young
Teague, Tex.	Whalley	Zablocki
Thompson, Ga.	Whitehurst	Zion
Thompson, N.J.	Widnall	
Thomson, Wis.	Williams	
Tiernan	Wilson, Bob	

NOT VOTING—59

Anderson, Tenn.	Edwards, La.	Monagan
Baring	Evins, Tenn.	O'Hara
Berry	Fallon	O'Neal, Ga.
Biaggi	Farbstein	Passman
Bray	Fish	Pollock
Brock	Flynt	Powell
Brown, Mich.	Gallagher	Rarick
Burleson, Tex.	Goldwater	Reifel
Bush	Hagan	Rogers, Colo.
Caffery	Hastings	Rooney, N.Y.
Carter	Hébert	Rostenkowski
Clay	Hosmer	Roudebush
Cramer	King	Rousselot
Cunningham	Kleppe	Ryan
Daddario	Long, La.	Sullivan
Davis, Ga.	Lukens	Symington
Dawson	McKneally	Teague, Calif.
Dickinson	MacGregor	Tunney
Edwards, Ala.	Mailliard	Wright
	Meskill	Zwach

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Bray.
Mr. Rooney of New York with Mr. Hastings.
Mr. Biaggi with Mr. Fish.
Mr. Burleson of Texas with Mr. Dickinson.
Mr. Daddario with Mr. Meskill.
Mr. Evins of Tennessee with Mr. Cramer.
Mr. O'Neal of Georgia with Mr. Carter.
Mr. Dawson with Mr. McKneally.
Mr. Wright with Mr. Cunningham.
Mr. Anderson of Tennessee with Mr. Edwards of Alabama.
Mr. Caffery with Mr. Berry.
Mr. O'Hara with Mr. Brown of Michigan.
Mr. Long of Louisiana with Mr. Bush.
Mr. Fallon with Mr. Hosmer.
Mr. Edwards of Louisiana with Mr. Brock.
Mr. Rostenkowski with Mr. King.
Mr. Rogers of Colorado with Mr. Goldwater.
Mrs. Sullivan with Mr. Kleppe.
Mr. Davis of Georgia with Mr. Lukens.
Mr. Flynt with Mr. MacGregor.
Mr. Gallagher with Mr. Mailliard.
Mr. Rarick with Mr. Pollock.
Mr. Baring with Mr. Reifel.
Mr. Passman with Mr. Roudebush.
Mr. Hagan with Mr. Rousselot.
Mr. Zwach with Mr. Teague of California.
Mr. Farbstein with Mr. Clay.
Mr. Symington with Mr. Powell.
Mr. Ryan with Mr. Tunney.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the joint resolution.

Mrs. GRIFFITHS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 352, nays 15, not voting 62, as follows:

[Roll No. 264]

YEAS—352

Abbitt	Anderson, Calif.	Annunzio
Adair	Anderson, Ill.	Arends
Adams	Andrews, Ala.	Ashbrook
Addabbo	Andrews, N. Dak.	Ashley
Albert		Aspinall
Alexander		Ayres

Barrett	Galifianakis	Montgomery
Beall, Md.	Garmatz	Moorhead
Belcher	Gaydos	Morgan
Bell, Calif.	Giaimo	Morse
Bennett	Gibbons	Morton
Betts	Gilbert	Mosher
Bevill	Gonzalez	Moss
Biester	Goodling	Murphy, Ill.
Bingham	Gray	Murphy, N.Y.
Blackburn	Green, Oreg.	Myers
Blanton	Green, Pa.	Natcher
Blatnik	Griffin	Nelsen
Boggs	Griffiths	Nichols
Boland	Gross	Nix
Bolling	Grover	Obey
Bow	Gubser	O'Konski
Brademas	Gude	Olsen
Brasco	Haley	O'Neill, Mass.
Brinkley	Hall	Ottinger
Brooks	Halpern	Patman
Broomfield	Hamilton	Patten
Brotzman	Hammer-schmidt	Pelly
Brown, Calif.	Hanley	Pepper
Brown, Ohio	Hanna	Perkins
Broyhill, N.C.	Hansen, Idaho	Pettis
Broyhill, Va.	Hansen, Wash.	Philbin
Buchanan	Harrington	Pickle
Burke, Fla.	Harsha	Pike
Burke, Mass.	Harvey	Pirnie
Burlison, Mo.	Hathaway	Podell
Burton, Calif.	Hawkins	Poff
Burton, Utah	Hays	Preyer, N.C.
Button	Hechler, W. Va.	Price, Ill.
Byrne, Pa.	Heckler, Mass.	Price, Tex.
Cabell	Helstoski	Pryor, Ark.
Camp	Henderson	Pucinski
Carey	Hicks	Purcell
Casey	Hogan	Quie
Cederberg	Holifield	Quillen
Chamberlain	Horton	Railsback
Chappell	Howard	Randall
Chisholm	Hull	Rees
Clancy	Hungate	Reid, Ill.
Clark	Hunt	Reid, N.Y.
Clausen, Don H.	Hutchinson	Reuss
Clawson, Del	Ichord	Rhodes
Cleveland	Jacobs	Riegle
Cohelan	Jarman	Rivers
Collier	Johnson, Calif.	Roberts
Collins	Johnson, Pa.	Robison
Colmer	Jonas	Rodino
Conable	Jones, Ala.	Roe
Conte	Jones, N.C.	Rogers, Fla.
Conyers	Jones, Tenn.	Rooney, Pa.
Corbett	Karth	Rosenthal
Corman	Kazen	Roth
Coughlin	Kee	Roybal
Cowger	Keith	Ruppe
Crane	Kluczynski	Ruth
Culver	Koch	St Germain
Daniel, Va.	Kuykendall	Sandman
Daniels, N.J.	Kyl	Satterfield
de la Garza	Kyros	Schadeberg
Delaney	Landrum	Scherle
Dellenback	Langen	Scheuer
Denney	Latta	Schneebeli
Dent	Leggett	Schwengel
Derwinski	Lennon	Scott
Devine	Lloyd	Sebelius
Diggs	Long, Md.	Shipley
Donohue	Lowenstein	Shriver
Dorn	Lujan	Sikes
Dowdy	McCarthy	Sisk
Downing	McClory	Skubitz
Dulski	McClure	Slack
Duncan	McDade	Smith, Calif.
Dwyer	McDonald, Mich.	Smith, Iowa
Eckhardt	McEwen	Smith, N.Y.
Edmondson	McFall	Snyder
Edwards, Calif.	McMillan	Springer
Eilberg	Macdonald, Mass.	Stafford
Erlenborn	Madden	Staggers
Esch	Mahon	Stanton
Eshleman	Mann	Steed
Evans, Colo.	Marsh	Steiger, Ariz.
Fascell	Martin	Steiger, Wis.
Feighan	Mathias	Stephens
Findley	Matsunaga	Stokes
Fisher	May	Stratton
Flood	Meeds	Stubblefield
Flowers	Melcher	Stuckey
Foley	Michel	Taft
Ford, Gerald R.	Mikva	Talcott
Ford, William D.	Miller, Calif.	Taylor
Foreman	Miller, Ohio	Teague, Tex.
Fountain	Mills	Thompson, Ga.
Fraser	Minish	Thompson, N.J.
Frelinghuysen	Mink	Thomson, Wis.
Frey	Minshall	Tiernan
Friedel	Mize	Udall
Fulton, Pa.	Mizell	Ullman
Fulton, Tenn.	Mollohan	Van Deerlin
Fuqua	Montgomery	Vander Jagt
Waggonner	Whitten	Vanik
Wampler	Widnall	Vigorito
Watson	Williams	Wyatt
Watts	Wilson, Bob	Wydler
Weicker	Wilson, Charles H.	Wylie
Whalen	Winn	Wyman
Whalley	Wold	Yates
White	Wolff	Yatron
Whitehurst		Young
		Zablocki
		Zion

NAYS—15

Abernethy	Dingell	Poage
Byrnes, Wis.	Landgrebe	Saylor
Celler	McCloskey	Schmitz
Davis, Wis.	McCulloch	Waldie
Dennis	Nedzi	Wiggins

NOT VOTING—62

Anderson, Tenn.	Evins, Tenn.	Meskill
Baring	Fallon	Monagan
Berry	Farbstein	O'Hara
Biaggi	Fish	O'Neal, Ga.
Bray	Flynt	Passman
Brock	Gallagher	Pollock
Brown, Mich.	Gettys	Powell
Burleson, Tex.	Goldwater	Rarick
Bush	Hagan	Reifel
Caffery	Hastings	Rogers, Colo.
Carter	Hébert	Rooney, N.Y.
Clay	Hosmer	Rostenkowski
Cramer	Kastenmeier	Roudebush
Cunningham	King	Rousselot
Daddario	Kleppe	Ryan
Davis, Ga.	Long, La.	Sullivan
Dawson	Lukens	Symington
Dickinson	McKneally	Teague, Calif.
Edwards, Ala.	MacGregor	Tunney
Edwards, La.	Mailliard	Wright
	Mayne	Zwach

So (two-thirds having voted in favor thereof) the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Teague of California.
Mr. Rooney of New York with Mr. Hastings.
Mr. Biaggi with Mr. Fish.
Mr. Burleson of Texas with Mr. Bush.
Mr. Daddario with Mr. Meskill.
Mr. Evins of Tennessee with Mr. Bray.
Mr. O'Neal of Georgia with Mr. Berry.
Mr. Gettys with Mr. Lukens.
Mr. Wright with Mr. Pollock.
Mr. Anderson of Tennessee with Mr. Brock.
Mr. Caffery with Mr. Carter.
Mr. O'Hara with Mr. Cunningham.
Mr. Long of Louisiana with Mr. Cramer.
Mr. Fallon with Mr. Hosmer.
Mr. Edwards of Louisiana with Mr. Dickinson.
Mr. Rostenkowski with Mr. Brown of Michigan.
Mrs. Sullivan with Mr. McKneally.
Mr. Davis of Georgia with Mr. MacGregor.
Mr. Flynt with Mr. Edwards of Alabama.
Mr. Gallagher with Mr. Mailliard.
Mr. Rarick with Mr. Goldwater.
Mr. Baring with Mr. King.
Mr. Passman with Mr. Mayne.
Mr. Hagan with Mr. Kleppe.
Mr. Farbstein with Mr. Clay.
Mr. Symington with Mr. Powell.
Mr. Ryan with Mr. Reifel.
Mr. McCarthy with Mr. Rousselot.
Mr. Kastenmeier with Mr. Dawson.
Mr. Tunney with Mr. Roudebush.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

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

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

There was no objection.

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM AUGUST 14, 1970, UNTIL SEPTEMBER 9, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 689) providing for an adjournment of the House from August 14, 1970, until September 9, 1970, or sooner if reassembled by the Speaker, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment as follows:

Page 1, line 7, after "first" insert ", and that when the Senate adjourns on Wednesday, September 2, 1970, it shall stand adjourned until 12 o'clock noon on Tuesday, September 8, 1970".

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING SECRETARY OF THE INTERIOR TO CONSTRUCT, OPERATE, AND MAINTAIN NARROWS UNIT, MISSOURI RIVER BASIN PROJECT, COLORADO

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3547) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none and appoints the following conferees: Messrs. ASPINALL, JOHNSON of California, HALEY, SAYLOR, and HOSMER.

PERSONAL EXPLANATION

Mr. KASTENMEIER. Mr. Speaker, on the rollcall just passed, rollcall No. 264, I was unavoidably detained on official business, and missed the vote. Had I been present I would like the RECORD to show that I would have voted in the affirmative.

NATION'S CONFIDENCE IN PRESIDENT NIXON IS ON INCREASE

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

Mr. POFF. Mr. Speaker, the Harris poll today reflects a growing confidence by the American people in the President and particularly his handling of the situation in South Vietnam.

Harris says 61 percent now feel the President was justified in going into Cambodia.

All of this must be disappointing to

those who have spent most of the time since the President's inauguration attempting to destroy his credibility in the eyes of the public and to thwart his efforts to bring about a just and honorable peace that will maintain America's credibility in the eyes of the world.

To those who seek peace at any price and a general abdication of America's responsibilities and obligations, the Harris poll says plainly:

The American people are not with you; the American people support the President.

Mr. Speaker, the Harris poll, coming on top of the equally favorable Gallup poll, shows the President is leading in directions the American people wish to go.

REPORT OF THE COUNCIL ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, referred to the Committee on Merchant Marine and Fisheries:

To the Congress of the United States:

This first report to the Congress on the state of the Nation's environment is an historic milestone. It represents the first time in the history of nations that a people has paused, consciously and systematically, to take comprehensive stock of the quality of its surroundings.

It comes not a moment too soon. The recent upsurge of public concern over environmental questions reflects a belated recognition that man has been too cavalier in his relations with nature. Unless we arrest the depredations that have been inflicted so carelessly on our natural systems—which exist in an intricate set of balances—we face the prospect of ecological disaster.

The hopeful side is that such a prospect *can* be avoided. Although recognition of the danger has come late, it has come forcefully. There still are large gaps in our environmental knowledge, but a great deal of what needs to be done can be identified. Much of this has already been begun, and much more can be started quickly if we act now.

SCOPE OF THE COUNCIL'S REPORT

The accompanying report by the Council on Environmental Quality seeks to describe the conditions of our environment, and to identify major trends, problems, actions under way and opportunities for the future. This first report by the Council is necessarily incomplete in some respects, especially in the identification of trends. The National Environmental Policy Act, which created the Council, became law only at the beginning of this year. Existing systems for measuring and monitoring environmental conditions and trends, and for developing indicators of environmental quality, are still inadequate. There also is a great deal yet to be learned about the significance of these facts for the human condition.

However, the report will, I think, be of great value to the Congress (and also to the Executive Branch) by assembling in one comprehensive document a wealth of facts, analyses and recommendations concerning a wide range of our most pressing environmental challenges. It should also serve a major educational purpose, by clarifying for a broad public what those challenges are and where the principal dangers and opportunities lie.

Substantively as well as historically, this first report is an important document. No one can read it and remain complacent about the environmental threats we confront, or about the need both to do more and to learn more about those threats.

GETTING AT THE ROOTS

"Environment" is not an abstract concern, or simply a matter of aesthetic, or of personal taste—although it can and should involve these as well. Man is shaped to a great extent by his surroundings. Our physical nature, our mental health, our culture and institutions, our opportunities for challenge and fulfillment, our very survival—all of these are directly related to and affected by the environment in which we live. They depend upon the continued healthy functioning of the natural systems of the Earth.

Environmental deterioration is not a new phenomenon. But both the rate of deterioration and its critical impact have risen sharply in the years since the Second World War. Rapid population increases here and abroad, urbanization, the technology explosion and the patterns of economic growth have all contributed to our environmental crisis. While growth has brought extraordinary benefits, it has not been accompanied by sufficiently foresighted efforts to guide its development.

At the same time, in many localities determined action has brought positive improvements in the quality of air or water—demonstrating that, if we have the will and make the effort, we can meet environmental goals. We also have made important beginnings in developing the institutions and processes upon which any fundamental, long-range environmental improvement must be based.

The basic causes of our environmental troubles are complex and deeply imbedded. They include: our past tendency to emphasize quantitative growth at the expense of qualitative growth; the failure of our economy to provide full accounting for the social costs of environmental pollution; the failure to take environmental factors into account as a normal and necessary part of our planning and decision-making; the inadequacy of our institutions for dealing with problems that cut across traditional political boundaries; our dependence on conveniences, without regard for their impact on the environment; and more fundamentally, our failure to perceive the environment as a totality and to understand and to recognize the fundamental interdependence of all its parts, including man himself.

It should be obvious that we cannot correct such deep-rooted causes overnight. Nor can we simply legislate them away. We need new knowledge, new perceptions, new attitudes—and these must extend to all levels of government and throughout the private sector as well: to industry; to the professions; to each individual citizen in his job and in his home. We must seek nothing less than a basic reform in the way our society looks at problems and makes decisions.

Our educational system has a key role to play in bringing about this reform. We must train professional environmental managers to deal with pollution, land planning, and all the other technical requirements of a high quality environment. It is also vital that our entire society develop a new understanding and a new awareness of man's relation to his environment—what might be called "environmental literacy." This will require the development and teaching of environmental concepts at every point in the educational process.

While education may provide ultimate answers to long-range environmental problems, however, we cannot afford to defer reforms which are needed now. We have already begun to provide the institutional framework for effective environmental improvement.

ORGANIZING FOR IMPROVEMENT

As my first official act of the decade, on January first I signed into law the National Environmental Policy Act. That Act established the Council on Environmental Quality. I have charged the Council with coordinating all environmental quality programs and with making a thorough review of all other Federal programs which affect the environment.

Federal agencies are now required to file with the Council and the public a statement setting out in detail the environmental implications of all proposals for legislation and for other major activities with a significant environmental impact. With the help of this provision, I intend to ensure that environmental considerations are taken into account at the earliest possible stage of the decision-making process.

On July 9 I sent to the Congress a reorganization plan which would establish an Environmental Protection Agency, consolidating the major environmental pollution responsibilities of the Federal Government. This reform is long overdue.

Responsibility for anti-pollution and related programs is now fragmented among several Departments and agencies, thus weakening our overall Federal effort. Air pollution, water pollution and solid wastes are different forms of a single problem, and it becomes increasingly evident that broad systems approaches are going to be needed to bring our pollution problems under control. The reorganization would give unified direction to our war on pollution and provide a stronger organizational base for our stepped-up effort.

The Council on Environmental Quality has begun the vital task of identifying indicators of environmental quality and determining the requirements for monitoring systems, in order to enable us to assess environmental trends. These systems are needed to give early warning of environmental problems. They will provide data for determining environ-

mental needs and establishing priorities, and for assessing the effectiveness of programs to improve the environment. The development of such monitoring systems is essential to effective environmental management.

There is also a need to develop new knowledge through research. We need to know far more, for example, about the effects of specific pollutants, about ecological relationships, and about human behavior in relation to environmental factors. The Environmental Protection Agency should develop an integrated research program aimed at pollution control. The Council on Environmental Quality will continue, in cooperation with the Office of Science and Technology, to review and coordinate our overall environmental research effort, as well as to undertake its own environmental studies and research.

These actions represent important additions to the institutional, procedural, and informational base for effective environmental management. They hold the promise of a real leap forward in the years to come. At the same time, we must move ahead now in those areas in which we already possess the knowledge and capability for effective action.

RECENT ACTIONS AND RECOMMENDATIONS

On February 10 of this year, I sent to the Congress a special message on the environment. This presented a 37-point action program, with special emphasis on strengthening our fight against water and air pollution.

In the field of water pollution, my major legislative recommendations included:

—Authorization of $4 billion to cover the Federal share of a $10 billion program to provide treatment facilities.

—Establishment of an Environmental Financing Authority to help finance the State and local share of treatment plants.

—Reform of the method by which funds are allocated under the treatment grant programs.

—Greatly strengthened enforcement authority, including provisions for fines of up to $10,000 a day for violations.

Among my major legislative recommendations for the control of air pollution were:

—More stringent procedures for reducing pollution from motor vehicles.

—Establishment of national air quality standards.

—Establishment of national emissions standards for extremely hazardous pollutants.

—A major strengthening of enforcement procedures, including extension of Federal air pollution control authority to both inter- and intra-state situations and provision for fines of up to $10,000 a day for violators.

Other legislative actions recommended in my February 10 message included:

—Appropriation in 1971 of the full $327 million authorized under the Land and Water Conservation Fund to provide additional parks and recreation areas, with increased emphasis on locating new recreation facilities in crowded urban areas.

—Establishment of new procedures to encourage and finance the relocation of Federal facilities now occupying land that could better be turned to public recreational use.

—Authorizing the transfer of surplus real property to State and local governments for park and recreational purposes at public benefit discounts of up to 100 percent.

In addition, the message spelled out 14 separate measures I was taking by administrative action or Executive Order. These included such wide-ranging initiatives as launching an extensive Federal research and development program in unconventionally-powered, low-pollution vehicles, requiring the development of comprehensive river basin plans for water pollution control, re-directing research on solid waste management to place greater emphasis on re-cycling and re-use, and the establishment of a Property Review Board to recommend specific Federal properties for conversion to recreational use.

I again urge the Congress to act soon and favorably on the legislative proposals contained in that message. They are vital to our growing effort to protect and improve our environment.

I consider the recommendations in my February 10 message only a beginning—although an important one. I said at the time that we must do much more and that we would do more as we gained experience and knowledge. Our Administration is living up to that commitment.

Previously, on February 4, I had issued an Executive Order directing a prompt clean-up of air and water pollution caused by Federal agencies. This task is well underway. As I said then, the Federal Government should set an example for the rest of the country. We are doing so.

On April 15, I sent legislation to the Congress that will, if enacted, bring to an end the dumping of dredged spoils into the Great Lakes as soon as disposal sites are available. At the same time, I directed the Council on Environmental Quality to make a study of ocean disposal of wastes and report to me by September 1.

On May 19, I proposed enactment of a special tax on lead additives in gasoline, to encourage industry to provide low or non-leaded gasoline.

On May 20, I sent to the Congress a special message dealing with oil pollution caused by marine transportation of oil. The comprehensive, 10-point program set out in the message included legislative proposals, the announcement of administrative actions, and the forwarding to the Senate of two international conventions and amendments to a third for ratification. The nations of the world must take aggressive action to end the growing pollution of the oceans.

On May 23, I announced that the United States would propose a new treaty placing the natural resources of the deep sea bed beyond the 200 meter depth under international regulation.

On June 4, a revised National Contingency Plan for dealing with oil spills was announced at my direction by the Chairman of the Council on Environmental Quality.

On June 11, I sent a message to the Congress requesting the enactment of legislation cancelling twenty Federal oil leases for off-shore drilling which had been granted in 1968 in the Santa Barbara Channel and creating a Marine Sanctuary.

As I mentioned above, on July 9 I sent to the Congress a reorganization plan to create a new Environmental Protection Agency. On the same date, I sent another reorganization plan to consolidate Federal marine resource management functions in a National Oceanic and Atmospheric Administration, within the Department of Commerce. This would provide better coordination and direction of our vital ocean resource programs.

TOWARD A LAND USE POLICY

Lately, our attention as a people has repeatedly and insistently been seized by urgent concerns and immediate crises: by the sudden blanketing of cities or even whole regions with dense clouds of smog, for example, or the discovery of mercury pollution in rivers. But as we take the longer view, we find another challenge looming large: the mounting pressures of population. Both the size and the distribution of our population have critical relevance to the quality of our environment and thus to the quality of our lives.

Population growth poses an urgent problem of global dimensions. If the United States is to have an effective voice in world population policies, it must demonstrate willingness to face its own population problems at home.

The particular impact of any given level of population growth depends in large measure on patterns of land use. Three quarters of our people now live in urban areas, and if present trends continue most of them in the future will live in a few mammoth urban concentrations. These concentrations put enormous pressure on transportation, sanitation and other public services. They sometimes create demands that exceed the resource capacity of the region, as in the case of water supply. They can aggravate pollution, overcrowd recreation facilities, limit open space, and make the restorative world of nature ever more remote from everyday life. Yet we would be blind not to recognize that for the most part the movement of people to the cities has been the result neither of perversity nor of happenstance, but rather of natural human aspirations for the better jobs, schools, medical services, cultural opportunities and excitement that have traditionally been associated with urban life.

If the aspirations which have drawn Americans to the city in the first instance and subsequently from the city core to the suburbs are often proving illusory, the solution does not lie in seeking escape from urban life. Our challenge is to find ways to promote the amenities of life in the midst of urban development: in short, to make urban life fulfilling rather than frustrating. Along with the essentials of

jobs and housing, we must also provide open spaces and outdoor recreation opportunities, maintain acceptable levels of air and water quality, reduce noise and litter, and develop cityscapes that delight the eye and uplift the spirit.

By the same token, it is essential that we also make rural life itself more attractive, thus encouraging orderly growth in rural areas. The creation of greater economic, social, cultural, and recreational opportunities in rural parts of the country will lead to the strengthening of small cities and towns, contributing to the establishment of new growth centers in the nation's heartland region.

Throughout the nation there is a critical need for more effective land use planning, and for better controls over use of the land and the living systems that depend on it. Throughout our history, our greatest resource has been our land—forests and plains, mountains and marshlands, rivers and lakes. Our land has sustained us. It has given us a love of freedom, a sense of security, and courage to test the unknown.

We have treated our land as if it were a limitless resource. Traditionally, Americans have felt that what they do with their own land is their own business. This attitude has been a natural outgrowth of the pioneer spirit. Today, we are coming to realize that our land is finite while our population is growing. The uses to which our generation puts the land can either expand or severely limit the choices our children will have. The time has come when we must accept the idea that none of us has a right to abuse the land, and that on the contrary society as a whole has a legitimate interest in proper land use. There is a national interest in effective land use planning all across the nation.

I believe that the problems of urbanization which I have described, of resource management, and of land and water use generally can only be met by comprehensive approaches which take into account the widest range of social, economic, and ecological concerns. I believe we must work toward development of a National Land Use Policy to be carried out by an effective partnership of Federal, State and local governments together, and, where appropriate, with new regional institutional arrangements.

RECYCLING OF WASTES

The prospect of increasing population density adds urgency to the need for greater emphasis on recycling of "waste" products. More people means greater consumption—and thus more rapid depletion—of scarce natural resources; greater consumption means more "waste" to dispose of—whether in the form of solid wastes, or of the pollutants that foul our air and water.

Yet much of this waste is unnecessary. Essentially, waste is a human invention: Natural systems are generally "closed" systems. Energy is transformed into vegetation, vegetation into animal life, and the latter returns to the air and soil to be recycled once again. Man, on the other hand, has developed "open" systems—ending all too often in an open sewer or an open dump.

We can no longer afford the indiscriminate waste of our natural resources; neither should we accept as inevitable the mounting costs of waste removal. We must move increasingly toward closed systems that recycle what now are considered wastes back into useful and productive purposes. This poses a major challenge—and a major opportunity—for private industry. The Council on Environmental Quality is working to foster development of such systems. Establishment of the proposed Environmental Protection Agency would greatly increase our ability to address this need systematically and creatively.

EVERYONE'S TASK

As our Government has moved ahead to improve our environmental management, it has been greatly heartening to me to see the extent and effectiveness of citizen concern and activity, and especially the commitment of young people to the task. The job of building a better environment is not one for government alone. It must engage the enthusiasm and commitment of our entire society. Citizen organizations have been in the forefront of action to support strengthened environmental programs. The Citizens Advisory Committee on Environmental Quality, under the chairmanship of Laurance S. Rockefeller, has provided an important link between the Federal Government's effort and this broad-ranging citizen activity.

Similarly, the active participation of the business community is essential. The government's regulation and enforcement activities will continue to be strengthened. Performance standards must be upgraded as rapidly as feasible. But regulation cannot do the whole job. Forward-looking initiatives by business itself are also vital—in research, in the development of new products and processes, in continuing and increased investment in pollution abatement equipment.

On the international front, the level of environmental concern and action has been rapidly rising. Many of our most pressing environmental problems know no political boundaries. Environmental monitoring and pollution of the seas are examples of major needs that require international cooperation, and that also provide an opportunity for the world's nations to work together for their common benefit.

In dealing with the environment we must learn not how to master nature but how to master ourselves, our institutions, and our technology. We must achieve a new awareness of our dependence on our surroundings and on the natural systems which support all life, but awareness must be coupled with a full realization of our enormous capability to alter these surroundings. Nowhere is this capability greater than in the United States, and this country must lead the way in showing that our human and technological resources can be devoted to a better life and an improved environment for ourselves and our inheritors on this planet.

Our environmental problems are very serious, indeed urgent, but they do not justify either panic or hysteria. The problems are highly complex, and their resolution will require rational, systematic approaches, hard work and patience. There must be a *national* commitment and a *rational* commitment.

The accompanying report by the Council describes the principal problems we face now and can expect to face in the future, and it provides us with perceptive guidelines for meeting them. These deserve the most careful consideration. They point the directions in which we must move as rapidly as circumstances permit.

The newly aroused concern with our natural environment embraces old and young alike, in all walks of life. For the young, it has a special urgency. They know that it involves not only our own lives now but the future of mankind. For their parents, it has a special poignancy—because ours is the first generation to feel the pangs of concern for the environmental legacy we leave to our children.

At the heart of this concern for the environment lies our concern for the human condition: for the welfare of man himself, now and in the future. As we look ahead to the end of this new decade of heightened environmental awareness, therefore, we should set ourselves a higher goal than merely remedying the damage wrought in decades past. We should strive for an environment that not only sustains life but enriches life, harmonizing the works of man and nature for the greater good of all.

RICHARD NIXON.

THE WHITE HOUSE, *August 10, 1970.*

ESTABLISHING NONVOTING DELEGATES FOR THE DISTRICT OF COLUMBIA TO THE SENATE AND TO THE HOUSE OF REPRESENTATIVES

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 18619) to establish the offices of delegate from the District of Columbia to the Senate and delegate to the House of Representatives, to amend the District of Columbia Election Act, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 18619

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

SHORT TITLE

SECTION 1. This Act may be cited as the "District of Columbia Delegates Act".

DELEGATE TO THE SENATE AND DELEGATE TO THE HOUSE OF REPRESENTATIVES

SEC. 2. (a)(1) The people of the District of Columbia shall be represented in the Senate by a Delegate, to be known as the "Delegate to the Senate from the District of Columbia", who shall be elected by the voters of the District of Columbia in accordance with the District of Columbia Election Act. The Delegate shall have a seat in the

Senate, with the right of debate, but not of voting, shall have all the privileges granted a Senator by section 6 of Article I of the Constitution, and shall be subject to the same restrictions and regulations as are imposed by law or rules on Senators. The term of office of the Delegate shall be six years, except that the term of office of the Delegate first elected to the Senate shall end at noon on January 3, 1977.

(2) No individual may hold the office of Delegate to the Senate from the District of Columbia unless on the date of his election—

(A) he is a qualified elector (as that term is defined in section 2(2) of the District of Columbia Election Act) of the District of Columbia;

(B) he is at least thirty years of age;

(C) he holds no other paid public office; and

(D) he has resided in the District of Columbia continuously since the beginning of the three-year period ending on such date. He shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

(b)(1) The people of the District of Columbia shall be represented in the House of Representatives by a Delegate, to be known as the "Delegate to the House of Representatives from the District of Columbia", who shall be elected by the voters of the District of Columbia in accordance with the District of Columbia Election Act. The Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting, shall have all the privileges granted a Representative by section 6 of Article I of the Constitution, and shall be subject to the same restrictions and regulations as are imposed by law or rules on Representatives. The Delegate shall be elected to serve during each Congress, except that the term of office of the Delegate first elected to the House of Representatives shall end at noon on January 3, 1973.

(2) No individual may hold the office of Delegate to the House of Representatives from the District of Columbia unless on the date of his election—

(A) he is a qualified elector (as that term is defined in section 2(2) of the District of Columbia Election Act) of the District of Columbia;

(B) he is at least twenty-five years of age;

(C) he holds no other paid public office; and

(D) he has resided in the District of Columbia continuously since the beginning of the three-year period ending on such date. He shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

AMENDMENTS TO THE DISTRICT OF COLUMBIA ELECTION ACT

SEC. 3. (a) Section 2 of the District of Columbia Election Act (D.C. Code, sec. 1–1102) is amended by adding at the end thereof the following new paragraph:

"(6) The term 'Delegate' means the Delegate to the Senate from the District of Columbia or the Delegate to the House of Representatives from the District of Columbia."

(b) Subsections (h), (i), (j), and (k) of section 8 of the District of Columbia Election Act (D.C. Code, sec. 1–1108) are redesignated as subsections (n), (o), (p), and (q), respectively, and the following new subsections are inserted after subsection (g):

"(h) The Delegates shall be elected by the people of the District of Columbia in a general election. The nomination and election of each Delegate and the candidates for each office of Delegate shall be governed by the provisions of this Act. Each candidate for each office of Delegate in any general election shall, except as otherwise provided in subsection (j) of this section and in section 10(d), have been elected as such a candidate by the next preceding primary or party runoff election. No political party shall be qualified to hold a primary election to select candidates for election to any office of Delegate in a general election unless, in the next preceding election year, at least seven thousand five hundred votes were cast in the general election for a candidate of such party for either office of Delegate or for its candidates for electors of President and Vice President.

"(i) Each candidate in a primary election for any office of Delegate shall be nominated for such office by a petition (1) filed with the Board not later than forty-five days before the date of such primary election; (2) signed by at least two thousand persons who are duly registered under section 7 and who are of the same political party as the nominee; and (3) accompanied by a filing fee of $100. Such fee may be refunded only in the event that the candidate withdraws his nomination by writing received by the Board not later than three days after the date on which nominations are closed under this subsection. A nominating petition for a candidate in a primary election for either office of Delegate may not be circulated for signature before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions and the posting and disposition of filing fees. The Board shall arrange the ballot of each political party in each such primary election so as to enable a voter of such party to vote for any one duly nominated candidate of that party for an office of Delegate.

"(j)(1) A duly qualified candidate for either office of Delegate may, subject to the provisions of this subsection, be nominated directly as such a candidate for election in the next succeeding general election for such office (including any such election to be held to fill a vacancy). Such person shall be nominated by a petition (A) filed with the Board not less than forty-five days before the date of such general election; (B) signed by duly registered voters equal in number to 2 per centum of the total number of registered voters of the District, as shown by the records of the Board as of ninety-nine days before the date of such election, or by five thousand persons duly registered under section 7, whichever is less; and (C) accompanied by a filing fee of $100. Such fee may be refunded only in the event that the candidate withdraws his nomination by writing received by the Board not later than three days after the date on which nominations are closed under this subsection. No signatures on such a petition may be counted which have been made on such petition more than ninety-nine days before the date of such election.

"(2) Nominations under this subsection for candidates for election in a general election of any office of Delegate shall be of no force and effect with respect to any person whose name has appeared on the ballot of a primary election for such office held within eight months before the date of such general election.

"(k) In each general election for each office of Delegate, the Board shall arrange the ballots so as to enable a voter to vote for any one of the candidates for such office who (1) has been duly elected by any political party in the next preceding primary or party runoff election for such office, (2) has been duly nominated to fill vacancies in such office pursuant to subsection (d) of section 10, or (3) has been nominated directly as a candidate under subsection (j) of this section.

"(l) The signature of a registered voter on any petition filed with the Board and nominating a candidate for election in a primary or general election to any office shall not be counted if, after receipt of a timely challenge to such effect, the Board determines such voter also signed any other valid petition, filed earlier with the Board, and nominating the same or any other candidate for the same office in the same election.

(m) Designations of offices of local party committees to be filled by election pursuant to clause (3) of the first section of this Act shall be effected by written communications filed with the Board not later than ninety days before the date of such election."

(c) Section 10 of the District of Columbia Election Act (D.C. Code, sec. 1–1110) is amended as follows:

(1) Subsection (a) of such section is amended by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (6), (7), (8), and (9) respectively, and by inserting after paragraph (2) the following new paragraphs:

"(3) Except as otherwise provided in the case of special elections—

"(A) primary elections of each political party for the office of Delegate to the Senate shall be held on May 4, 1976, and thereafter at six-year intervals on the first Tuesday in May; and general elections for such office shall be held on November 2, 1976, and thereafter at six-year intervals on the Tuesday next after the first Monday in November; and

"(B) primary elections of each political party for the office of Delegate to the House of Representatives shall be held on May 2, 1972, and thereafter on the first Tuesday in May of each even-numbered year; and general election for such office shall be held on November 7, 1972, and thereafter on the Tuesday next after the first Monday in November of each even-numbered year.

"(4) Runoff elections shall be held whenever, (A) in any primary election of a political party for candidates for an office of Delegate, no one candidate receives at least 40 per centum of the total votes cast in that election for all candidates of that party for that office, and (B) whenever in any general election for an office of Delegate, no one candidate receives at least 40 per centum of the total votes cast in that election for all candidates for that office. Any such runoff election shall be held not less than two weeks nor more than six weeks after the date on which the Board has determined the results of the preceding primary or general election, as the case may be. At the time of announcing any such determination, the Board shall establish and announce the date on which the runoff election will be held, if one is required. The candidates in any such runoff election shall be the two persons who received, respectively, the two highest numbers of votes in such preceding primary or general election; except that if any person withdraws his candidacy from such runoff election (under the rules and within the time limits prescribed by the Board), the person who received the next highest number of votes in such preceding primary or general election and who is not already a candidate in the runoff election shall automatically become such a candidate.

"(5) With respect to special elections required or authorized by this Act, the Board may establish the dates on which such special elections are to be held and prescribe such other terms and conditions as may in the Board's opinion be necessary or appropriate for the conduct of such elections in a manner comparable to that prescribed for other elections held pursuant to this Act."

(2) The last sentence of paragraph (9) of subsection (a) of such section (as so redesignated by paragraph (1) of this subsection) is amended by striking out "(5)" and inserting in lieu thereof "(8)".

(3) Subsection (b) of such section is

amended by inserting "each office of Delegate" after "general elections for".

(4) Subsection (c) of such section is amended (A) by striking out "a tie vote in" and inserting in lieu thereof "a tie vote, the resolution of which will affect the outcome of"; and (B) by striking out "ten days following the election" and inserting in lieu thereof "ten days following determination by the Board of the results of the election which require the resolution of such tie".

(5) Subsection (d) of such section is amended (A) by inserting "a Delegate or a winner of a primary election for an office of Delegate or" after "any official, other than"; and (B) by adding at the end thereof the following new sentence: "In the event that such a vacancy occurs in the office of a candidate for an office of Delegate who has been declared the winner in the preceding primary or party runoff election for such office, the vacancy may be filled not later than fifteen days prior to the next general election for such office, by nomination by the party committee of the party which nominated his predecessor, and by paying the filing fee required by section 8(i). In the event that such a vacancy occurs in an office of Delegate more than twelve months before the expiration of its term of office, the Board shall call special elections to fill such vacancy for the remainder of its term of office."

OTHER PROVISIONS AND AMENDMENTS RELATING TO THE ESTABLISHMENT OF DELEGATES TO THE SENATE AND TO THE HOUSE OF REPRESENTATIVES FROM THE DISTRICT OF COLUMBIA

SEC. 4. (a) The provisions of law which appear in—

(1) section 21 (relating to oath of office),

(2) section 31 (relating to compensation),

(3) section 33 (relating to payment of compensation),

(4) section 36 (relating to payment of compensation),

(5) section 36a (relating to payment of compensation),

(6) section 39 (relating to deductions for absence),

(7) section 40 (relating to deductions for withdrawal),

(8) section 40a (relating to deductions for delinquent indebtedness),

(9) section 41 (relating to prohibition on allowance for newspapers),

(10) section 42a (relating to postage allowance),

(11) section 46a (relating to stationery allowance),

(12) section 46a–1 (relating to stationery allowance),

(13) section 46a–3 (relating to stationery allowance),

(14) section 46d–4 (relating to telephone calls),

(15) section 46e (relating to telegram allowance),

(16) section 48 (relating to payment of compensation),

(17) section 52 (relating to office space in the District of Columbia),

(18) section 53 (relating to office expenses in the District of Columbia),

(19) section 61–1 (relating to compensation of employees),

(20) section 64 (relating to payment of compensation),

(21) section 65 (relating to payment of compensation),

(22) section 66 (relating to payment of compensation),

(23) section 67 (relating to appointment of clerical assistants),

(24) section 92e (relating to compensation of clerical assistants), and

(25) section 123b (relating to use of Senate Recording Studio),

of title 2 of the United States Code shall apply with respect to the Delegate from the District of Columbia in the same manner and to the same extent that they apply to a Senator. The Federal Corrupt Practices Act shall apply with respect to the Delegate from the District of Columbia in the same manner and to the same extent that it applies to a Senator.

(b) The provisions of law which appear in—

(1) section 25 (relating to oath of office),

(2) section 31 (relating to compensation),

(3) section 34 (relating to payment of compensation),

(4) section 35 (relating to payment of compensation),

(5) section 37 (relating to payment of compensation),

(6) section 38a (relating to compensation),

(7) section 39 (relating to deductions for absence),

(8) section 40 (relating to deductions for withdrawal),

(9) section 40a (relating to deductions for delinquent indebtedness),

(10) section 41 (relating to prohibition on allowance for newspapers),

(11) section 42c (relating to postage allowance),

(12) section 46b (relating to stationery allowance),

(13) section 46b–1 (relating to stationery allowance),

(14) section 46b–2 (relating to stationery allowance),

(15) section 46g (relating to telephone, telegraph, and radiotelegraph allowance),

(16) section 47 (relating to payment of compensation),

(17) section 48 (relating to payment of compensation),

(18) section 49 (relating to payment of compensation),

(19) section 50 (relating to payment of compensation),

(20) section 54 (relating to provision of United States Code Annotated or Federal Code Annotated),

(21) section 60g–1 (relating to clerk hire),

(22) section 60g–2(a) (relating to interns),

(23) section 80 (relating to payment of compensation),

(24) section 81 (relating to payment of compensation),

(25) section 82 (relating to payment of compensation),

(26) section 92 (relating to clerk hire),

(27) section 92b (relating to pay of clerical assistants),

(28) section 112e (relating to electrical and mechanical office equipment),

(29) section 122 (relating to office space in the District of Columbia),

(30) section 123b (relating to use of House Recording Studio),

of title 2 of the United States Code shall apply with respect to the Delegate to the House of Representatives from the District of Columbia in the same manner and to the same extent as they apply with respect to a Representative. The Federal Corrupt Practices Act and the Federal Contested Election Act shall apply with respect to the Delegate to the House of Representatives from the District of Columbia in the same manner and to the same extent as they apply with respect to a Representative.

(c) Section 2106 of title 5 of the United States Code is amended by inserting "a Delegate from the District of Columbia," immediately after "House of Representatives,".

(d) Sections 4342(a)(5), 6954(a)(5), and 9342(a)(5) of title 10 of the United States Code are each amended by striking out "by the Commissioner of that District" and inserting in lieu thereof "jointly by the Delegate to the Senate from the District of Columbia and the Delegate to the House of Representatives from the District of Columbia".

(e)(1) Section 201(a) of title 18 of the United States Code is amended by inserting "a Delegate from the District of Columbia," immediately after "Member of Congress,".

(2) Sections 203(a)(1) and 204 of title 18 of the United States Code are each amended by inserting "Delegate from the District of Columbia, Delegate Elect from the District of Columbia," immediately after "Member of Congress Elect,".

(3) Section 203(b) of title 18 of the United States Code is amended by inserting "Delegate," immediately after "Member,".

(4) The last undesignated paragraph of section 591 of title 18 of the United States Code is amended by inserting "the District of Columbia and" immediately after "includes".

(5) Section 594 of title 18 of the United States Code is amended (1) by striking out "or" immediately after "Senate,", and (2) by striking out "Delegates or Commissioners from the Territories and Possessions" and inserting in lieu thereof "Delegate from the District of Columbia, or Resident Commissioner".

(6) Section 595 of title 18 of the United States Code is amended by striking out "or Delegate or Resident Commissioner from any Territory or Possession" and inserting in lieu thereof "Delegates from the District of Columbia, or Resident Commissioner".

(f) Section 11(c) of the Voting Rights Act of 1965 (42 U.S.C. 1973i(c)) is amended by striking out "or Delegates or Commissioners from the territories or possessions" and inserting in lieu thereof "Delegate from the District of Columbia".

(g) The second sentence in the second paragraph of section 7 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25–107) is amended by striking out "the presidential election" and inserting in lieu thereof "any election".

MISCELLANEOUS AMENDMENTS OF DISTRICT OF COLUMBIA ELECTION ACT

SEC. 5. (a) Clause (A) of paragraph (2) of section 2 of the District of Columbia Election Act (D.C. Code, sec. 1–1102) is amended by inserting "or has been domiciled" after "has resided".

(b) Paragraph (2) of subsection (a) of section 8 of the District of Columbia Election Act (D.C. Code, sec. 1–1108) is amended by striking out "one hundred" and inserting in lieu thereof "two hundred".

(c) The first sentence of section 9(b) of the District of Columbia Election Act (D.C. Code, sec. 1–1109) is amended by striking out "The vote" and by inserting in lieu thereof "Except as otherwise provided by regulation of the Board, the vote".

(d) Section 9(f) of the District of Columbia Election Act is amended by striking out the first and second sentences and inserting in lieu thereof the following: "If a qualified elector is unable to record his vote by marking the ballot or operating the voting machine an official of the polling place shall, on the request of the voter, enter the voting booth and comply with the voter's directions with respect to recording his vote. Upon the request of any such voter, a second official of the polling place shall also enter the voting booth and witness the recordation of the voter's directions. The official or officials shall in no way influence or attempt to influence the voter's decisions, and shall tell no one how the voter voted."

(e)(1) The first section of the District of Columbia Election Act (D.C. Code, sec. 1–1101) is amended (A) by inserting after "Vice President of the United States" the following: ", the Delegate to the Senate and the Delegate to the House of Representatives"; (B) by inserting "and" after the

semicolon in clause (2); and (C) by striking out clause (3) and redesignating clause (4) as clause (3).

(2) Sections 8(a) and 10(a)(1) of the District of Columbia Election Act are each amended (A) by striking out "clauses (1), (2), and (3)" and inserting in lieu thereof "clauses (1) and (2)," and inserting in lieu thereof "clauses (1) and (2)," and (2) by striking out "clause (4)" and inserting in lieu thereof "clause (3)".

(f) Section 8(c) of the District of Columbia Election Act is amended (1) by striking out "The Board shall" and inserting in lieu thereof "Except as otherwise provided, the Board shall", and (2) by amending paragraph (1) to read as follows:

"(1) to vote, in any election of officials referred to in clauses (1) and (2) of the first section of this Act and of officials designated pursuant to clause (3) of such section, separately or by slates for the candidates duly qualified and nominated for election to each such office or group of offices by such party under subsections (a) and (b) of this section; and".

(g) Section 9(c) of the District of Columbia Election Act is amended to read as follows:

"(c) Any group of qualified electors interested in the outcome of an election may, not less than two weeks prior to such election, petition the Board for credentials authorizing watchers at one or more polling places at the next election during voting hours and until the count has been completed. The Board shall formulate rules and regulations not inconsistent with this Act to prescribe the form of watchers' credentials, to govern the conduct of such watchers, and to limit the number of watchers so that the conduct of the election will not be unreasonably obstructed. Subject to such rules and regulations, watchers may challenge prospective votes whom the watchers believe to be unqualified to vote."

(h) Section 9 of the District of Columbia Election Act is amended (1) by redesignating subsection (h) as subsection (i) and (2) by inserting after subsection (g) the following new subsection:

"(h) In the event that the total number of candidates of one party nominated to an office or group of offices of that party pursuant to section 8(a) or 8(i) of this Act does not exceed the number of such offices to be filled, the Board may, prior to election day and, notwithstanding the provisions of section 8(c) or 8(i) of this Act, declare the candidates so nominated to be elected without opposition, in which case the fact of their election pursuant to this paragraph shall appear for the information of the voters on any ballot prepared by the Board for their party for the election of other candidates in the same election."

(i) The first sentence of section 4(b) of the District of Columbia Election Act (D.C. Code, sec. 1–1104) is amended to read as follows: "Each member of the Board shall be paid compensation at the rate of $50 per day, with a limit of $2,500 per annum, while performing duties under this Act."

(j) Subsection (e) of section 13 of the District of Columbia Election Act (D.C. Code, sec. 1–1113) is amended by striking out "ten days" and inserting in lieu thereof "thirty days".

(k) Section 14 of the District of Columbia Election Act (D.C. Code, sec. 1–1114) is amended by striking out "his place of residence or his voting privilege in any other part of the United States" and inserting in lieu thereof "his qualifications for voting or for holding elective office, or be guilty of violating section 9, 12, or 13 of this Act".

(l) Subsection (g) of section 9 of the District of Columbia Election Act is amended to read as follows:

"(g) No person shall vote more than once in any election nor shall any person vote in a primary or party runoff election held by a political party other than that to which he has declared himself to be a member."

(m) Subsection (b) of section 13 of the District of Columbia Election Act is amended (1) by inserting after "Vice President," the following: "Delegate,"; (2) by inserting "or" after "committeewoman,"; and (3) by striking out "or alternate,".

(n) Subsection (d) of section 13 of the District of Columbia Election Act is amended (1) by inserting "Delegate," after "elector,"; (2) by inserting "or" after "committeewoman,"; and (3) by striking out ", or alternate".

FIRST ELECTIONS AND EFFECTIVE DATE

SEC. 6. (a) Before the expiration of the seven-calendar month period beginning on the first day of the first calendar month beginning on or after the date of the enactment of this Act, the Board of Elections of the District of Columbia shall—

(1) conduct such special elections as may be necessary to select candidates for the offices of Delegate to the House of Representatives from the District of Columbia and Delegate to the Senate from the District of Columbia;

(2) provide for the direct nomination by petition of candidates for such offices; and

(3) conduct such other special elections as may be necessary to select from such candidates the Delegate to the House of Representatives from the District of Columbia and the Delegate to the Senate from the District of Columbia.

The Board of Elections shall prescribe the date on which each election under paragraphs (1) and (2) shall be held, the dates for the circulation and filing of nominating petitions for such elections, and such other terms and conditions which it deems necessary for the conduct of such elections within the period prescribed by this subsection. Nominating petitions for an election under paragraph (1) shall meet the requirements of clauses (2) and (3) of section 8(i) of the District of Columbia Election Act and nominating petitions under paragraph (2) shall meet the requirements of clauses (B) and (C) of section 8(j)(1) of such Act.

(b) This Act and the amendments made by this Act shall take effect on the date of its enactment.

Mr. McMILLAN. Mr. Speaker, I move to strike out the requisite number of words.

The SPEAKER. The gentleman from South Carolina is recognized.

Mr. McMILLAN. Mr. Speaker, the Nelsen bill was reported to the floor of the House by the Committee on the District of Columbia, not by unanimous vote, but by a vote of 7, I believe, to 17. As Members know, the other body has been very generous to the House during the past 30 years. Almost every year they have sent a bill over to the House calling for a Delegate in the House. But they have not mentioned a Delegate in the Senate. The majority of the Members of the House District of Columbia Committee thought that if the House must have a Delegate, we should also have one in the other body. There the Delegate would have more freedom to talk. Personally, I am not too certain that the proposal is constitutional, since from all that I have read on the subject, the Constitution gives Delegates only to territories and not to any district or State. We know that the District government is an area where within a 10-mile square you also have the Federal Government. Certainly I feel that under the Constitution we should have a liaison officer take the place of any delegates to the Congress.

CREATION OF THE DISTRICT OF COLUMBIA

Basic to any consideration of legislation affecting the governing structure of the District of Columbia, is the constitutional provision specifying the role of the Congress in governing the District of Columbia.

The policy of the framers of our Constitution concerning the local government of the Nation's Capital, is set forth very clearly in article I, section 8, which provides that the Congress shall have power "to exercise exclusive legislation in all cases whatsoever, over such District—not exceeding 10 miles square—as may, by cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States."

The States of Maryland—in 1788—and Virginia—in 1789—made the cession for the area contemplated by this clause, and it was accepted by Congress. The original District of Columbia was 10 miles square, lying on both sides of the Potomac River at the head of navigation. Congress, on July 9, 1846, retroceded to Virginia that portion of the District of Columbia lying in that State and provided that the retrocession should not be effective until approved by a majority of the people of the town and county of Alexandria. The election held on this question resulted in a vote of 763 and 222 against retrocession. President Polk on September 7, 1846, issued a proclamation declaring Alexandria County retroceded to Virginia. The District now contains 70 square miles on the Maryland side of the Potomac River.

DELEGATE FROM THE DISTRICT OF COLUMBIA

As has been indicated heretofore, the Constitution of the United States made no mention of or made no provisions for any representation in any form to the Congress of the United States by a delegate from any territory or from the District of Columbia.

When the National Government formally located itself in the District of Columbia in 1800, attention was given to the problem of local government. The constitutional obligation of the Congress in reference to the seat of the National Government was "to exercise exclusive legislation in all cases whatsoever" at the seat of the National Government. The record indicates that the Congress took minimal action in connection with this constitutional duty, established boundaries within the District for what was termed the Federal city, wrote a charter for the government of the city of Washington, and permitted the other local governments within the District of Columbia to continue. As a result, instead of having a unified government for which the Congress exercised its authority in all cases whatsoever, there were three municipal jurisdictions, the city of Washington, Georgetown in the Maryland portion of the District and Alexandria in the Virginia portion of the District, the County of Alexandria and the County

of Virginia, making the total of five political jurisdictions, and operating under three different systems of law, namely, the charter for the city of Washington, the laws of Maryland and the laws of Virginia.

Although changes were made by Congress in the local governments and the Virginia portion of the District was retroceded, the conflict between local and Federal interests in the District did not reach a point of sufficient stress to require a resolution by the Congress until about 1870. As a result of accumulating problems and contradictions, the Congress undertook to draft provisions for a new local government at the Capital of the Nation.

This history of the legislation leading to the formation of the District of Columbia government of 1871 indicates that those members directly interested in the legislation drafted proposals which were essentially parallel to the provisions of law for the establishment of territorial governments. In fact, the early drafts of the legislation for the District carried many similarities to the territorial form of government. However, as the legislation progressed through the Congress, it became obvious to the Members of the House and the Senate that although the District of Columbia was a part of the territory of the United States, it was not a territory of the United States. A territory could become a State but the District cannot. Therefore the authority of Congress for the District of Columbia government was not derived from article 4, section 3 of the Constitution which provided for establishing governments in the territories of the United States. References to territorial government were struck from the bill by amendment and the enacting clause was changed to refer to the government of the District of Columbia as a body corporate for municipal purposes rather than a territorial government.

One provision of the proposed legislation, originating solely in law applying to the territories of the United States, was carried over into the act creating the 1871 District of Columbia government. That provision was for a delegate from the District to be elected and seated in the House of Representatives with the same powers as delegates from the territories. Such a delegate was duly elected and admitted to the House of Representatives and served the terms for which such delegate was elected prior to the bankruptcy and abolition of the new local government of 1874.

Following the debacle of the 1871 local government for the District of Columbia, the Congress spent 4 years investigating the problems of the District of Columbia and developing a new format for the government of the Nation's Capital. This resulted in the three-commissioner form of government which gave the District of Columbia a stable and effective government for a period of nearly 90 years until the government was changed under Executive Reorganization Order in 1967. While there is no data indicating that a District government with a delegate in Congress resulted in as good or better government for the District than the many years of non-delegate government, there has been a persistent request from the District of Columbia for some representation by delegate or otherwise, in the Congress of the United States. There appears to be no constitutional bar to representation by a delegate whose actions would not involve any legislative functions, which are solely the responsibility of the Members of the Congress under the Constitution.

Mr. NELSEN. Mr. Speaker, I move to strike the requisite number of words.

The bill now before us is called the Cabell bill. But I want to bring to the attention of the House of Representatives a little of the history of the situation in which we now find ourselves. You will recall that the President of the United States recommended to the Congress a nonvoting Delegate in the House. He also recommended a charter commission. The administration has also recently endorsed the Little Hoover Commission bill which is a bill designed to examine the city government as presently constituted with the idea of improvement, which certainly the city government itself should welcome. I introduced the nonvoting delegate bill in the House of Representatives on behalf of the administration and asked for a hearing, and it has been in committee for over a year.

Finally the hearing came about, but my colleague, the gentleman from Mississippi (Mr. ABERNETHY), had introduced a bill that would place a Delegate in the Senate. So a number of bills came before Subcommittee No. 3 and as a result of the executive sessions there, the Abernethy bill was added as an amendment to my bill, H.R. 11216, but in doing so the gentleman from Texas (Mr. CABELL), asked for a clean bill that would provide a Delegate in the House and a delegate in the Senate. I did not add my name as author to this clean bill, because, in my judgment, this was quite possibly the deathknell to a delegate in the House of Representatives.

I might say I have no objection if we pass legislation providing a delegate in the Senate, but I was hopeful that my bill providing a delegate in the House would not have to carry the burden of a Senate nonvoting delegate. Such a combined bill, I believed, was an indirect route to Boot Hill, which has been somewhat the history of legislation dealing with the matter up to this point.

We then had in the full committee consideration of the legislation reported out of Subcommittee No. 3 which included my Little Hoover Commission bill, H.R. 14715. I found heavy and good support for the Little Hoover Commission, because it seems the residents, the city government, and the Congress have need of it. It will be helpful to have a reexamination of the functions of the District government. There are things that can be done with the city government that I think this Little Hoover Commission could accomplish for the good of all. Many committee members have complained about the structure of the city government and the increasing costs that have occurred in its operation. Therefore, some kind of vehicle was necessary to examine the District government to make it more responsive and efficient.

But I found, of course, I could not have these issues met as they ought to have been met—each individual item, the Hoover Commission and the nonvoting delegate and the Senate nonvoting delegate, each as a separate package. The attempt was made to latch onto my bill in Subcommittee No. 3. I then offered an amendment in the full committee that would add a nonvoting delegate to my Little Hoover Commission bill. The committee sustained my position of introducing a clean bill that would provide a Little Hoover Commission in title I and a nonvoting delegate in the House in title II.

The bill was voted out of full committee, 17 to 7, in support of my omnibus bill proposition. I call this very substantial support of the committee to the attention of the House for its information and review.

I have no objection to the Cabell bill. I will vote for it. But I want to remind the Members this may well be the route to Boot Hill.

But after we do finally vote for the Cabell bill, I hope this House will then give support to my bill—H.R. 18725—and send it to the Senate intact as reported. I am convinced my bill can go all the way, but I am also convinced the other bill may have the same end most bills have had dealing with provisions unacceptable to the Senate, and this has tended to be the way to kill any representation in the House in the past.

I intend to have more to say about the nonvoting delegate and why I think it is important, but I realize the 5 minutes will not give me the time I would like to have, and I will ask for further time when my bill comes up for consideration.

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

Mr. NELSEN. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. Do I understand that, even though the Senate voted to place a Delegate in the House, it would not vote to put a Delegate in the Senate?

Mr. NELSEN. That is my understanding. This has been the historical and legal precedent as I understand it, though I am not a lawyer. This has been the way they have acted on such bills in the past.

Mr. ABERNETHY. Will the gentleman cite one instance when that has happened? I do not recall when we have had a bill here or in the Senate when we have taken a vote on having a Delegate over there.

Mr. NELSEN. I am perfectly willing to take a vote on it now and see.

Mr. ABERNETHY. The gentleman says this has happened before.

Mr. NELSEN. It was a pattern in the Judiciary Committee when two States were added, when the Senate considered a constitutional amendment.

Mr. ABERNETHY. That was a constitutional amendment. That was direct representation.

Mr. NELSEN. Right.

Mr. ABERNETHY. But the Senate has already gone on record and subscribed to the idea of having a Delegate in this body, but it has not actually taken action on a Delegate in that body. Inasmuch as they feel rather strongly about a Delegate, does not the gentleman feel they would be willing to go so far as to have a free-talking nonvoting Delegate sitting over there with them?

Mr. NELSEN. I do not have any objection if they do, but I do feel these issues should be settled on their own merits without tying the questionable to the attainable. If the gentleman is really in sympathy with a Delegate, why should he want to tie them together?

Mr. ABERNETHY. I am trying to find out why the gentleman feels they will kill it?

Mr. NELSEN. Time will tell.

Mr. ABERNETHY. Is the gentleman willing to try, to see what they do?

Mr. NELSEN. I am willing to press this bill if the House wishes to do it. I would also strongly urge the House to give consideration to my bill, H.R. 18725, and pass it.

Mr. ABERNETHY. The Senate felt very strongly about having a Delegate in the House. Does the gentleman feel just as strongly about having a Delegate in the Senate?

Mr. NELSEN. I would answer the question only in this way: It is my feeling, as I have said before, that the chances of this happening are not good.

Mr. ABERNETHY. I respectfully submit, the gentleman did not answer my question. I said the Senate felt very strongly about there being a Delegate in the House; does the gentleman feel just as strongly about having a Delegate in the Senate?

Mr. NELSEN. There is no precedent, in my judgment, for having a Delegate there.

Mr. ABERNETHY. I know there is no precedent, but there is no precedent that I know of for having a District Delegate in the House.

Mr. NELSEN. There is abundant precedent for a Delegate from the territories in the House, and when the Congress itself acts there can be a Delegate from the District. There is nothing that bars a Delegate in the House, and there is a precedent for a Delegate in the House of Representatives, there having been one here from 1871 to 1874.

Mr. Speaker, today we take up two bills reported out of the House District Committee. H.R. 18725 is my bill that provides for a little Hoover Commission in title I and a nonvoting delegate in the House in title II.

We also have before us H.R. 18619 which the chairman has called up for your consideration first.

It may be helpful to you if you have a little background on both of these bills inasmuch as there may be further reference to both bills in the discussions, as there has been heretofore.

President Nixon on April 28, 1969, forwarded a message to Congress urging the Congress to adopt two measures both of which I subsequently introduced with a large number of cosponsors, that is H.R. 11215, to establish a Charter Commission for the District of Columbia, and H.R. 11216, to provide for a nonvoting delegate in the House of Representatives for the District of Columbia. President Nixon was emphatic in his support of both of these measures especially with regard to the nonvoting Delegate which is embodied in title II of H.R. 18725, which is before you today for consideration.

On November 6, 1969, I also introduced a measure in which I had had an interest for some time, H.R. 14715, a bill that would establish a little Hoover Commission for the District of Columbia. That Commission would investigate and review the current operations of the local government to determine how they could be improved and how duplication and expenditures could be reduced.

My original bill, H.R. 11216, was amended in subcommittee and reported out as a clean bill, H.R. 18619. This bill provides a nonvoting Delegate not only in the House of Representatives but in the Senate as well. I had no objection, and, in fact, encouraged that both measures be reported out of full committee; that is, H.R. 18619 and H.R. 18725 as long as both measures could be taken up on the floor and debated on their merits. It was my considered opinion that my Little Hoover Commission bill should be taken up first on the floor because it was the first bill considered and reported out by Subcommittee No. 3 and because it was the first bill considered and voted upon in the full committee where it carried by an overwhelming majority of the votes, 18 to 7. I believe that H.R. 18725 constitutes the embodiment of the majority will of that committee body as much as any bill we have reported out over a long period of time.

I am the principal architect, along with a number of other Members of the House District Committee, 13 to be exact, of this omnibus bill that provides for a little Hoover Commission and a nonvoting Delegate for the District. This approach was used because we believe and we submit most of the Members of the House must realize that if the District of Columbia is to be given a nonvoting Delegate, it must be voted out in the form in which we have placed it in this bill. H.R. 18725 is an attainable, realizable, and effective means of giving to the District of Columbia the very minimum in voting representation in the Congress while at the same time providing for a little Hoover Commission that would study ways and means of improving the local government and making it more effective and responsive to its citizens, to the Congress, and to the Nation as a whole.

It seems to me that the very least we can do for the 850,000 residents of the District of Columbia is to give them a nonvoting Delegate in the House of Representatives. To tie a nonvoting Delegate in the House of Representatives with a nonvoting Delegate in the Senate and throw the measure into conference is to effectively doom that legislation to nonenactment by this Congress, I believe. I have been in the Congress for 12 years and I believe legislation providing for a Senate Delegate will invariably mean the defeat of that legislation. Those Members of this body who have been here longer than that can undoubtedly point to a number of instances that legislation providing for some form of representation to the District in the House of Representatives has been defeated by similar moves.

The principal purposes of the bill, H.R. 18725, are twofold:

First, to establish a commission on the organization of the government of the District of Columbia—a little Hoover Commission—so as to effect the policy of Congress in the promotion of economy, efficiency, and improved service in the transaction of the public business in the departments, bureaus, agencies, boards, commissions, offices, independent establishments, and instrumentalities of the District of Columbia; and

Second, to create an elected but nonvoting Delegate to the U.S. House of Representatives from the District of Columbia and also amend the District of Columbia Election Act of 1955 so as to expedite and simplify the election of a House nonvoting Delegate.

The little Hoover Commission would be given the duties of studying and investigating the present organization and methods of operation of all departments, offices, and so forth, of the District of Columbia government to determine what changes, if any, are necessary to accomplish the following congressional aims:

First, limiting expenditures of the District of Columbia government to the lowest amount consistent with the efficient performance of essential services, activities, and functions;

Second, eliminating duplication and overlapping of services, activities, and functions;

Third, consolidating services, activities, and functions of a similar nature;

Fourth, abolishing services, activities and functions not necessary to the efficient conduct of government;

Fifth, eliminating nonessential services, functions, and activities which are competitive with private enterprise;

Sixth, defining responsibilities of officials; and

Seventh, relocating agencies now responsible directly to the Commissioner of the District of Columbia in departments or other agencies.

The bill provides for the prompt formation of the Commission membership in that members are to be appointed within 30 days of enactment of the bill. The membership of the Commission shall be 12 in number, appointed as follows:

First, four members appointed by the President—two members from the Federal or district governments and two from private life;

Second, four members appointed jointly by the President of the Senate, the chairman of the Senate District of Columbia Committee, and the chairman of the subcommittee of the Senate Appropriations Committee which has jurisdiction over appropriations for the District of Columbia—two members from the Senate and two from private life; and

Third, four members appointed by the

Speaker of the House of Representatives on the advice of the House District Committee chairman and the chairman of the Appropriations Committee subcommittee which has jurisdiction over the appropriations for the District of Columbia—two members from the House of Representatives and two from private life.

The Commission is to make an interim report of its findings and recommendations within 6 months after the date of enactment of the bill and its final report not later than 12 months after date of enactment. The Commission may propose such legislative enactments and administrative actions as it deems necessary to carry out its recommendations.

It is contemplated by the committee that the Commission would generally be comprised of individuals who are experts in their respective fields such as public administration, fiscal management, government reorganization, budgeting and accounting, resources management, and so forth. It is also anticipated that the staff of the Commission will be comprised of individuals who have considerable expertise in all areas necessary to permit the little Hoover Commission to carry out the tasks set forth in this bill.

The Commission has the authority to hold hearings, issue subpenas, examine books, witnesses, correpondence, documents, and so forth as may be necessary to the effective performance of its mission. In addition, the Commission may secure from offices within the District of Columbia such information, statistics, and so forth as it may deem necessary to perform its tasks.

It is the considered judgment of the committee that the establishment of this Commission, and the study, survey, and investigation provided for in this bill will result in savings which can and may run into millions of dollars annually. The committee also wishes to point out that the establishment of the little Hoover Commission is in no way intended to supersede or interfere with the functions and work of any congressional committee, or with the rights and prerogatives of the President to reorganize the District of Columbia government under the provisions of the Reorganization Act. Rather the findings and recommendations of the Commission will be of great benefit and aid to the Congress and its committees as well as to the President, the Mayor-Commissioner, and the City Council.

Title II of the bill provides for the creation of "Delegate to the House of Representatives from the District of Columbia" who is to be elected by the voters of the District of Columbia in accordance with the District of Columbia Election Act. The term of the Delegate is to correspond to the terms of the other Members of the House of Representatives.

The nonvoting Delegate for the District shall be chosen in a partisan general election followed by a nomination procedure by political party affiliation in a party primary or in the alternative following the submission of a nominating petition signed by at least 5,000 registered voters or 2 percent of the total number of registered voters who are of the same political party as the nominee. The general criteria for age qualification as Delegate is the same as that for other Members of the House, that is, 25 years of age at date of election. There is also a qualification that the candidate must have been a resident of the District of Columbia for a 3-year period preceding his election. There are also provisions for runoff elections and special elections in the event the need for such elections arise in the future.

In addition H.R. 18725 provides those technical amendments to the District of Columbia Election Act and the United States Code which are essential to the selection of the delegate and the function of his office as created.

Title II of the bill contains a provision in title II that would establish an office of Delegate to the House of Representatives from the District of Columbia.

There is another bill, H.R. 18619, reported concurrently with H.R. 18725, which provides for a nonvoting Delegate in the Senate as well as the House. This provision to provide for a Senate nonvoting Delegate was added in subcommittee to H.R. 11216, a bill that I introduced on behalf of the administration on May 13, 1969 and which would provide a nonvoting delegate in the House. I refused to introduce or cosponsor the clean bill—H.R. 18619—because I believe this amendment was a clear attempt to force such a bill into conference with the Senate where, in the dying days of this Congress, voting representation would again be denied the District because of inaction or because of a deadlock on the bill in such conference.

A vote for H.R. 18725 intact will in my opinion give a realistic alternative for the Senate to consider that it is generally agreed may be acceptable to that body so that legislation can be enacted in this session providing a nonvoting Delegate for residents of the District.

H.R. 18725, as reported out of Committee, has solid bipartisan support. President Nixon, in a letter to Congressman GERALD R. FORD, the minority leader, dated August 6, 1970, wrote:

As I indicated in my message to Congress of April 28, 1969, voting representation for the District of Columbia is my goal. Recently reported out of the House District Committee is Congressman Nelsen's bill, H.R. 18725, which provides for a non-voting delegate in the House of Representatives for the District of Columbia and a commission to study the organization and efficiency of the District government and recommend improvements.

It is my position that H.R. 18725 is a realizable and effective interim measure to give representation in Congress to residents of the District, and I strongly urge you to press for its passage.

Congressman GERALD R. FORD, in a letter to the Members of the House dated August 6, 1970, wrote in pertinent part:

I am writing you to urge your support of H.R. 18725, a bill to establish a Commission on the Organization of the District of Columbia (a little Hoover Commission) and to provide for a delegate to the House of Representatives from the District of Columbia, which is scheduled for floor action on District Day, August 10, 1970.

* * * * *

There is general agreement that Mr. Nelsen's clean bill, H.R. 18725, providing both a little Hoover Commission and a Non-Voting Delegate for the District of Columbia will be well received in the Senate and stands an excellent chance of enactment into law this Session.

* * * * *

I join with President Nixon in the earnest hope that you will support H.R. 18725.

It is my understanding that Congressman CARL ALBERT, majority leader of the House, is also writing a letter to the Members of Congress urging support for H.R. 18725.

Obviously, President Nixon and the leaders of both the Republican and Democrat parties in the House support the form and content of H.R. 18725, and are fully satisfied that no matter how the vote on H.R. 18619 is resolved, H.R. 18725 must be passed intact if there is to be any possibility of a nonvoting Delegate from the District of Columbia.

However, the Members of the House, the residents of the District and the residents of the Nation as a whole should not be deceived into thinking that a move to pass only a bill to provide a nonvoting delegate in the House and the Senate is anything more than a move to totally defeat nonvoting representation of any kind for the District of Columbia. On the other hand, a vote for H.R. 18725, as reported, will permit this bill to stand a better, if not an excellent chance of enactment into law in this session.

The following list of individuals or groups appearing before Subcommittee No. 3 of the House District Committee, or forwarding material for insertion in the record, supported House nonvoting Delegate legislation—Home Rule, Hearings before Subcommittee No. 3, 91st Congress, second session:

LIST OF WITNESSES

American University Park Citizens Association, Alfred S. Trask, President.

Arlington County (Va.) Democratic Committee, Robert L. Weinberg, Chairman.

Bar Association of the District of Columbia, District of Columbia Affairs Section, Richard K. Lyon, Chairman, and Craig Bamberger, Chairman, Suffrage Committee.

Camalier, Hon. Renah F., Former District of Columbia Commissioner.

Churches: Monsignor Ralph Kuehner, Executive Director, Office of Urban Affairs of the Archdiocese of Washington, Representing Interreligious Committee on Race Relations, Jewish Community Council of Greater Washington, Council of Churches of Greater Washington, and the Catholic Archdiocese of Washington.

D.C. Federation of Civic Associations, Simon L. Cain, President.

Democratic Central Committee, Bruce J. Terris, Chairman.

District of Columbia Republican Committee, Henry A. Berliner.

Gude, Hon. Gilbert, Representative in Congress, from the State of Maryland.

Hechinger, John W., Former Chairman, District of Columbia Council.

Horton, Hon. Frank, Representative in Congress from State of New York.

Metropolitan Washington Board of Trade, Elwood Davis, Past President.

Metropolitan Washington Urban Coalition, Frank H. Rich, President.

National Association for the Advancement of Colored People, Political Actions Committee, Eugene Kinlow, Chairman.

National Capital Area Civil Liberties Union, Steven J. Pollak, and James H. Heller, Legislative Chairman.

National Council of Negro Women, Inc., Washington Section, Mrs. Catherine Harrod Bruce, Chairman, Legislative Committee.

Nelson, Hon. Ancher, Representative in Congress from the State of Minnesota.

Nevius, John, former member, District of Columbia Council.

Ripon Society, Frank E. Samuel, Jr., President.

Spencer, Hon. Samuel, Former District of Columbia Commissioner.

V.O.I.C.E., Grayson McGuire, Hr. Chairman, and Richard K. Lyons, Chairman D.C. Affairs, Committee.

Warner, Sturgis, Esquire.

Washington Home Rule Committee, David Carliner, President.

Young Women's Christian Association of the National Capital Area, Mrs. James K. Pinfield.

All Souls Church (Unitarian), Phillip E. Barringer, Chairman, Board of Trustees, statement.

American Association of University women, Dr. Elizabeth O'Hern, President, letter to Chairman McMillan, dated April 15, 1969.

American Association of University Women, Jean, Ross, Chairman, Legislative Program Committee, letter to Chairman McMillan, dated October 23, 1969.

American Veterans Committee, Chester C. Shore, letter to Cong. Dowdy, dated March, 1970.

B'nai B'rith Women, statement.

Council for Christian Social Action Council of the United Church of Christ, Washington, Office, Tilford E. Dudley, director, statement.

District of Columbia Congress of Parents and Teachers, Gloria K. Roberts, president, telegram to House District Committee, dated March 9, 1970.

District of Columbia Government, Walter E. Washington, Commissioner and Gilbert Hahn, Jr., Chairman, D.C. Council, letter to Chairman McMillan, dated April 28, 1970, enclosing joint statement.

Eichhorn, Jan, letter to Congressman Fuqua, dated April 22, 1970, enclosing Home Rule Petition.

Federal Bar Association, District of Columbia Chapter, E. Winslow Gurner, Council on Community Affairs, letter to Chairman McMillan, dated March 27, 1970.

Greater Washington Central Labor Council, AFL–CIO, J. C. Turner, President, letter to James T. Clark, Clerk. dated dated May 13, 1970.

League of Women Voters of the United States, Mrs. Bruce B. Benson, President, statement.

Mount Pleasant Neighbors Association, Wolsey Semple, president, letter to House District Committee.

National Council of the Churches of Christ in the USA, John W. Turnbill, letter to James T. Clark, Clerk, dated March 12, 1970.

Northeast Council of Citizens Associations, William Moreland, President, letter to Chairman McMillan, dated April 15, 1970.

President's Messages to Congress: January 31, 1969, April 28, 1969.

Ripon Society, District of Columbia Chapter, Frank E. Samuel Jr., President, letter to Chairman Dowdy, dated April 29, 1970.

Southwest Neighborhood Action Advisory Committee, Vivian Smith, Chairman, letter to Cong. Albert, dated March 6, 1970.

United Methodist Board of Christian Social Concerns, statement of staff United Synagogue of America, statement.

Washington Teachers' Union, William H. Simons, President, letter to Cong. Dowdy, dated May 7, 1970.

Young Democratic Clubs of America, Mrs. Marie H. Cunningham, National Committeewoman, letter to Chairman.

There was also considerable, if not overwhelming, support for the little Hoover Commission. On the other hand, there was little opposition to the nonvoting delegate in the House and to the little Hoover Commission, in my opinion, as is evident from a reading of the hearings, supra.

By an enactment in 1967 the Congress gave to the District of Columbia an elected school board which in 1968 resulted in the first elected school board in the history of the District of Columbia. A second election was held in 1969. The school board representation as it now exists is in the main responsible and will, I believe, take charge of the District school system and do the job which Congress itself has not had time to do in recent years.

It is also believed that the residents of the District of Columbia are entitled to a full-time representative on Capitol Hill. It is believed that it is of great importance to residents and the future of the District. This bill, H.R. 18725, continues to recognize the Federal interest that exists in the District of Columbia while at the same time recognizing the local interest of the residents. At the present time there is no other elected person in the executive branch who devotes all of his time to District legislative problems. Thus, the non-voting delegate in the House will, in my opinion, fill a substantial void which now exists.

The nonvoting Delegate should and will, I believe, become the best and most informed individual on District affairs in the House of Representatives. As so informed, he can become an effective advocate on measures needed and helpful to the District by attaining respect and support for these measures from the other Members. Also, he can devote time to casework which is an important function now spread throughout the Congress.

The office of Delegate will be a partisan office and will introduce into the District of Columbia for the first time in nearly 100 years partisan political elective officials who represent the residents. In my opinion, this will be effective in building responsible leadership in the District of Columbia among the residents which will help rather than deter the Congress in handling the problems of our National Capital City.

Historical precedent tends to justify a Delegate for the District of Columbia. This has been the pattern for the territories such as Hawaii and Alaska; to date, Puerto Rico—as did the Philippines earlier—has a resident Commissioner who enjoys the same privileges as a Delegate.

The historical precedence of delegates in the Congress indicates that under section 1862 of the revised statutes, territories have the right to send Delegates only to the House of Representatives. Nowhere is there any provision in the law providing for a nonvoting Delegate in the Senate from the territories.

There is in fact no known historical or legal precedent or support for a delegate in the Senate. This has traditionally been the position of the Senate. However, there is no objection to voting favorably on H.R. 18619 which would provide a nonvoting delegate in the House and Senate and, at the same time, voting favorably on my bill, H.R. 18725, to provide for a nonvoting delegate in the House and the little Hoover Commission, thus allowing the Senate to take action on one or the other of these bills. However, to be practical in this matter, I think we must all admit that if we pass only H.R. 18619 we are voting to defeat a bill providing a nonvoting Delegate to the District of Columbia. On the other hand, based on the assurances I have from the Senate, there is every reason to believe that a vote for H.R. 18725 is the best and perhaps the only chance we have in this Congress and the foreseeable future of providing any representation to the residents of the District of Columbia.

It is that simple; a vote for H.R. 18619 without a vote for my bill intact is a vote to deny representation in the Congress for the residents of the District of Columbia.

HISTORICAL OR LEGAL PRECEDENT LACKING FOR A SENATE NONVOTING DELEGATE

Provision for the office of Delegate to Congress is made under section 1862 of the Revised Statutes:

Every Territory shall have the right to send a Delegate to the House of Representatives of the United States, to serve during each Congress, who shall be elected by the voters in the Territory qualified to elect members of the legislative assembly thereof. The person having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly. Every such Delegate shall have a seat in the House of Representatives, with the right of debating, but not of voting.

The probable origin of this provision was the Ordinance of July 13, 1787, which established the government of the Northwest Territory and made provision for the election of a Delegate (by joint ballot of the council and house assembled) to the Continental Congress. Full effect was given to this provision when Congress voted to adapt the ordinance to the "present Constitution of the United States" in 1789—1 Stat. 51, August 7, 1789.

The first Delegate to the Congress was James White, representing the territory of the United States south of the Ohio River—now the State of Tennessee. There was considerable debate in the House as to whether Mr. White should be allowed to take his seat, with the opponents arguing that there was nothing in the Constitution providing for such admission to the House, and that he might more properly take a seat in the Senate since members of that body were also elected by legislatures of the several States. See section 400 of volume 1 of "Hinds' Presidents." On November 18, 1794, however, the House agreed to the report of the selected committee to whom the question had been referred, and Mr. White took his seat.

With this instance as a precedent, other Delegates from U.S. territories took their seats in the House "with a right of debating, but not of voting." The last Delegate to serve in the House was John

Burns of Hawaii, who yielded his seat to Daniel Inouye, Hawaii's first elected Representative to Congress, in August, 1959. There is still, however, a Resident Commissioner, who enjoys the same privileges as a Delegate, from the Commonwealth of Puerto Rico. The distinction between the two is more philosophical than legal. Delegates were elected from incorporated Territories, which, in the collective mind of Congress, were expected eventually to become States. Commissoners, on the other hand, represented unincorporated Territories—Philippines and Puerto Rico—which were not, at least until recently, regarded as likely prospects for Statehood.

There is also ample historical precedent for a Delegate from the District of Columbia. Until 1871, the District of Columbia was governed by three separate and uncoordinated bodies: the city of Washington, the city of Georgetown, and the Levy Court of the County of Washington, which had jurisdiction over the area outside Washington city and Georgetown. Congress had taken the first step toward creating a unified government in 1861, when it established the "metropolitan Police District of the District of Columbia" with responsibility for enforcing laws generally applicable in the whole territory. With the changes in the District wrought by the Civil War and the rapidly expanding population, plus a mounting concern for the condition and stature of the city as the Nation's Capital, pressure increased for the adoption of a District-wide government.

Discussion over what form the new government would take stumbled on the controversial matters of Negro suffrage—and hence suffrage in general—and the division of authority between Congress and local officials. A territorial form of government was agreed upon as a compromise, and in 1871 it was adopted—16 Stat. 419, February 21, 1871. In addition to a governor and a council appointed by the President, the new law provided for an elected two-member House of Delegates and an elected Delegate to the House—16 Stat. 426.

The territorial government functioned for only 3 years, from 1871 to 1874, when the Congress instituted a temporary three-man Board of Commissioners to take over the city government. The government was shortlived largely because of the activities of Alexander Shepherd, head of the independent Board of Public Works, who succeeded in lifting Washington out of the mud but in the process alienated a great many influential citizens and put the city into considerable debt.

A joint congressional committee was appointed in 1874 to come up with a plan for a permanent government for the District. The result was the act of June 18, 1878, which, in effect, made permanent the commission form of government which had ruled the city from 1874 to 1878. It is interesting to note, however, that the original House bill made provision for an elected 21-member council, and that the Senate bill, which struck this provision, inserted a provision for an elected Delegate in its place. Senator John Ingall, Republican of Kansas, explained the committee's action on the Senate floor as follows:

> The committee of the Senate thought it best, under all the circumstances, not to agree with this proposition of the House, but in order to recognize this principle of self-government, and to appease as far as possible the sentiment which exists here in the minds of a great many people that they ought to have some representation so long as they are taxed, it was thought advisable to provide for the election of a Delegate as being the least injurious method of attaining this end.

It was argued, on the other side, that the District Delegate, during the years when he sat in Congress, really didn't accomplish anything, that District citizens could very well present their own case to the District Committees, and that it was an unnecessary expense to go through an election every 2 years which had no practical effect. Because of the financial condition of the District, this last argument probably had a great effect on the members. In any case, the provision for a nonvoting Delegate was stricken from the bill by a vote of 40 to 9.

There is apparently no evidence or support for a Delegate in the Senate. Except for the argument made in 1794—when it made more sense because the Delegate was elected by the governing body of the Territory and Senators were also elected by State legislatures—the weight of historical evidence in all on the side of a Delegate sitting in the House. Also, had it not been for the activities of the Shepherd Board of Public Works and the indebtedness he incurred, the nonvoting Delegate for the District probably would have been retained. With a population of some 860,000 today in the District, larger than that of 11 States, the arguments for at least a nonvoting Delegate in the House are much stronger than they were in the last century.

SUMMARY

My bill—H.R. 17825—would provide a nonvoting Delegate for the District of Columbia in the House of Representatives, to be elected by the voters of the District; the bill would also establish a Commission—a little Hoover Commission—to study the efficiency of the District Government.

With respect to a delegate in the House of Representatives:

The citizens of the District of Columbia are entitled to participate in their government to the same extent as do all other American citizens. The 23d Amendment gave the citizens of the District of Columbia the right to vote in presidential elections. The rights of District of Columbia citizens to be represented in the Congress which makes their laws remains unfulfilled. The election of a Delegate to the House gives them a voice in Congress, until such time as voting representation is attained. Since the Delegate would be elected by the citizens of the District of Columbia, he would be an authoritative spokesman for the people of Washington in the Halls of Congress.

The business of the District of Columbia as well as of Congress requires a Delegate. No member of the House, including those serving on the District of Columbia Committee, at the present time can afford to give his full time and attention to the problems of the District of Columbia. A Delegate from the District of Columbia, who would have no other constituency, would be able to provide enormous assistance to Congress by bringing his own study of District problems to the Congress, by bringing to it in a responsible manner the views of the citizens of the District of Columbia, and by being able to handle the innumerable requests for assistance which Congressional offices receive from residents of the District.

There is precedent for a nonvoting Delegate to the House of Representatives. As early as 1787, the Northwest Ordinance, which was adopted while the Constitution was being written, provided that territories shall be entitled to send Delegates to Congress. The first such Delegate was seated in the House of Representatives in the Third Congress in 1794 from the territory south of the Ohio River—Tennessee. Since 1794, 33 territories have been represented in the House of Representatives by Delegates. Alaska and Hawaii have recently been represented in the House by such a Delegate. Puerto Rico is represented by such a Delegate in the present Congress. The District of Columbia even had a nonvoting Delegate to the House of Representatives for 4 years, from 1871 to 1874.

The Cabell bill—H.R. 18619—would provide a nonvoting Delegate in both the Senate and the House of Representatives. Although there should perhaps be a Delegate for the District in both the House and the Senate, such Delegates should be considered in separate legislation so each can be considered separately on their merits. Separate consideration is particularly important since the Senate has never had a Delegate, whereas, the House of Representatives has had many Delegates. The election of a Delegate to the House is a recognition of the fact that historically the House has represented the people rather than the States.

Mr. CABELL. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I believe there has been a great deal of misapprehension and misunderstanding with reference to my bill, H.R. 18619.

I would call to the attention of the Members of the House that it is equally as important to the citizens of the District of Columbia to have a nonvoting Delegate in the other House as it is to have one on this floor.

I need not remind the Members of this House that all actions of the Congress of the United States are done in a bicameral Congress, that whatever is done in either House has to have the concurrence of the other, or at least the concurrence of the conferees in the action of the other body.

Therefore, I am deeply sincere and deeply concerned about whether the District of Columbia is to have representation, which is so sorely needed. No one denies that. It is representation that our incumbent President as well as our previous President requested.

As a matter of fact, on October 1, 1969, a letter was read on the floor of the

other House from the President requesting not one Senator but two Senators for that body.

I believe that the opposition which has been put forth to H.R. 18619 is rather specious in its approach. The opponents say that there is no precedent for a nonvoting Delegate in the Senate. I submit that there was no precedent the first time for a nonvoting Delegate from any territory or possession of the United States to this body. I say that there was no precedent for even a nonvoting Delegate in the House until such time as the first one was authorized by law.

Congress was initiated under our Constitution to set precedent and to break precedent where necessary. We are not breaking precedent in this bill; we are setting precedent.

Other opposition which I hear voiced I cannot agree with. My good friend the ranking minority member of our committee says that this would be the death knell of nonvoting Representatives of either body. I cannot for the life of me understand why a man could reach any such illogical and fallacious assumption. We have had nothing from the other body to indicate that they would not accept a nonvoting Delegate in their House.

They have never had an opportunity to vote on a constitutional amendment that would provide a nonvoting Delegate to that body. Under the extreme need that has been voiced so eloquently by Members on both sides of the aisle for representation in both House of Congress, I beseech your support for H.R. 18619.

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

Mr. CABELL. Not at the moment, if the gentleman please.

AMENDMENTS OFFERED BY MR. CABELL

Mr. Speaker, I have two amendments which I wish to offer and I ask unanimous consent to have them considered en bloc.

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

Mr. NELSEN. Mr. Speaker, reserving the right to object, I would like to know what the amendments are about.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. CABELL: Page 12, strike out lines 5 through 7, line 12, and lines 18 through 21, and redesignate paragraphs (12), (13), (15), (16), (17), (20), (21), (22), (24), and (25) (which appear on pages 12 and 13) as paragraphs (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), and (20), respectively.

Mr. CABELL (during the reading of the amendments). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed at this point in the RECORD, and the gentleman in the well states that he will be very happy to yield for any questions after he has explained these amendments.

The SPEAKER. The gentleman has two requests pending. On the last one first, is there objection to the request of the gentleman from Texas?

Mr. ADAMS. Mr. Speaker, reserving the right to object—

Mr. CABELL. Mr. Speaker, if the gentleman will reserve his objection, I believe I can explain it simply enough so that he will withdraw his reservation.

The SPEAKER. Is there objection to the second request of the gentleman, dispensing with the reading of the amendments?

Mr. ADAMS. Mr. Speaker, I have no objection to the amendments being considered en gros and am reserving the right to object to the amendments not being read, but I will take my time in reserving the right to object to try to determine what they are. We just do not know.

Mr. CABELL. Mr. Speaker, I withdraw my request on that, and I will be very happy to have the Clerk complete the reading of the amendments.

The SPEAKER. The request is withdrawn.

The Clerk will report the amendments.

The Clerk continued to read as follows:

Page 13, line 12, insert "(2 U.S.C. 241–256)" immediately after "Act".

Page 13, line 13, insert "to the Senate" immediately after "Delegate".

Page 13, line 14, insert after the period the following: "The provisions of law which appear in sections 42a, 46a, 46d–4, and 61–1 (d) of title 2 of the United States Code (relating to postage allowance, stationery allowance, telephone calls, and authorization for employees) shall apply with respect to the Delegate to the Senate from the District of Columbia in the same manner and to the same extent that they apply to a Senator, except that the Delegate shall not be entitled to receive under those provisions of law any allowances or authorization for employees which exceeds the allowances or authorization for employees provided the Delegate to the House of Representatives under paragraphs (11), (12), (15), and (21) of subsection (b) of this section. The Sergeant at Arms of the Senate is authorized and directed to reimburse the Delegate in an amount not to exceed $150 quarterly, upon certification of the Delegate, for official office expenses incurred for the office provided under paragraph (14) of this subsection. Reimbursements under the preceding sentence shall be made from the contingent fund of the Senate. The Delegate is authorized to hire for two and one-half months during the period June 1 to August 31, inclusive, of each year, one additional employee to be known as a 'student congressional intern'. For this purpose the Delegate shall have available for payment to such intern a gross allowance of $750, at the gross rate of $300 per month, payable from the contingent fund of the Senate until otherwise provided by law. Such allowance and such intern shall be in addition to all allowances and personnel made available to the Delegate under any other provision of this Act. No person shall be paid compensation under this Act as a student congressional intern who does not have on file with the Secretary of the Senate, at all times during the period of his employment, a certificate that such intern was during the academic year immediately preceeding his employment a bona fide student at a college, university, or similar institution of higher learning."

And on page 16, line 3, insert after the period the following: "The provisions of section 60g–2(b) of title 2 of the United States Code shall apply with respect to a student congressional intern employed by the Delegate under paragraph (22) of this subsection. The Clerk of the House of Representatives is authorized and directed to reimburse the Delegate in an amount not to exceed $150 quarterly, upon certification of the Delegate, for official office expenses incurred for the office provided under paragraph (29) of this subsection. Reimbursements under the preceding sentence shall be made from the contingent fund of the House of Representatives. The Act of May 28, 1908 (40 U.S.C. 177—182) (relating to assignment of rooms), shall apply with respect to the Delegate in the same manner and to the same extent that it applies to a Representative."

The SPEAKER. Is there objection to the request of the gentleman from Texas that the amendments be considered en bloc?

There was no objection.

Mr. CABELL. Mr. Speaker, if the gentleman will permit, I would be very glad to use a very few minutes in words of two syllables to explain the thrust of the amendments.

First, it provides that the nonvoting Delegate in the House shall have the same privilege of having a summer intern that is now accorded to full-fledged Members of the House, but as I understand is not now accorded to the nonvoting Delegate from Puerto Rico.

The second part of the amendment, and this was drawn by competent legal counsel, so that the legal aspects would be completely in order, merely requires that the Senate nonvoting Delegate shall not have the full allowances for clerk-hire, postage, and so forth, that a duly elected and voting Senator has, but shall be limited to those expenses, expense accounts, clerk-hire, and so forth, as are now limited in the case of the present House Members.

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

Mr. CABELL. I will be glad to yield to the gentleman.

Mr. MCMILLAN. I believe there may be an error in connection with the intern's pay. I think it was $600 this year for 2 months that was appropriated.

Mr. CABELL. Mr. Speaker, I would respond to the gentleman from South Carolina by saying that I was not familiar with that.

Mr. MCMILLAN. That is a correction that I had in mind.

Mr. CABELL. That being the case, I would still be willing to make it confirm to the present regulations. Would anyone care to respond to that?

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

Mr. CABELL. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would respond to the gentleman by stating that there was originally $750 in the bill as it went through for the summer interns, but I believe in the appropriation bill, because it did not come out until later, it may have been limited to 2 months at $600.

Mr. Speaker, if the gentleman will yield further, I appreciate seeing the amendments; we have copies now, and this gentleman now has no objection to them, and has no objection to the bill. I hope that it will pass, and I hope that the bill sponsored by the gentleman from Minnesota (Mr. NELSEN), will pass also. And as I indicated to the gentle-

man before, I just hope the other body adopts a nonvoting Delegate in both the House and the Senate. If it does not we must have another package with a House nonvoting Delegate for them.

Mr. CABELL. I thank the gentleman for his contribution and I ask unanimous consent that the amendment be amended to read "$600" in conformity with the present law instead of "$750."

The SPEAKER. The Clerk will report the modification of the amendment.

The Clerk read as follows:

Amendment offered by Mr. CABELL of Texas: On page 3 of the first Cabell amendment, line 2, strike out the sum "$750" and insert in lieu thereof "$600".

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

There was no objection.

The SPEAKER. The question is on the amendments offered by the gentleman from Texas (Mr. CABELL).

The amendments were agreed to.

CLARIFYING COMMITTEE AMENDMENTS OFFERED BY MR. M'MILLAN

Mr. McMILLAN. Mr. Speaker, I have several clarifying committee amendments which I send to the Clerk's desk.

Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment: On page 8, line 8, insert "under this Act or section 6(a) of the District of Columbia Delegates Act" immediately after "elections".

The committee amendment was agreed to.

Mr. McMILLAN. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment: On page 8, line 24, strike out the comma immediately after "whenever"; and in line 3 on page 9, strike out "whenever".

The committee amendment was agreed to.

Mr. McMILLAN. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment: On page 10, line 9, insert "and for" immediately after "Delegate".

The committee amendment was agreed to.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. GROSS. Mr. Speaker, are we not operating in the House as in the Committee of the Whole?

The SPEAKER. We are.

Mr. GROSS. Mr. Speaker, has this bill been read for amendment?

The SPEAKER. When the bill is being considered in the House as in Committee of the Whole, it is considered as read and printed in the RECORD.

Amendments are in order to any part of the bill under the 5-minute rule.

Mr. McMILLAN. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment: On page 15, line 17, insert "and" after the comma at the end of the line.

The committee amendment was agreed to.

Mr. McMILLAN. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment: On page 15, line 25, insert "(2 U.S.C. 381–396)" immediately after "Election Act".

The committee amendment was agreed to.

Mr. McMILLAN. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment: On page 23, line 9, strike out "(2)" and insert "(3)".

The committee amendment was agreed to.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I rise in support of the pending legislation. I know of no subject that has been more discussed and that has taken up more time, that has been more controversial and on which there has been more misunderstanding, than the subject of self-government for the people of the District of Columbia, or the general subject of providing the people of the District of Columbia with a greater voice in the management of their own affairs.

What complicates the subject, Mr. Speaker, is the fact that article I, section 8 of the Constitution specifically provides that the Congress shall exercise exclusive legislative power in all cases whatsoever over this particular district—exclusive legislative jurisdiction—in all cases whatsoever. The Constitution belabors the point. This being the Nation's Capital, we are all concerned with its well-being. We have a responsibility for it, we are interested in it, as all American people are interested in and concerned with their Nation's Capital. The Congress does not lack desire to provide more self-government for the Nation's Capital. This is consistent with the American principle, the American way of doing things. The problem is, however, how do we separate the Federal interest and the Federal responsibility from those of the American citizens living within the boundaries of the District of Columbia? Every time we come up with a proposal, we find a lot of disagreement, and controversy.

The District of Columbia committee has just reported out a bill, which I sponsored, that would provide for an elected City Council and an elected Mayor. But we find a lot of objection to it downtown because it does not give the people of the District of Columbia enough control over the Nation's Capital. The critics say that it gives the Congress too much control or too much interest in the management of the affairs of the District. Incidentally, that bill was scheduled to come up today, but unfortunately the report was not filed in time, so it will be brought up at a later date. But in spite of these objections to what we have tried to do to provide the District more self-government, the Congress did obtain approval of the 23d amendment to the Constitution giving the citizens of the District of Columbia the right to vote for President and Vice President. And the initiative for that amendment came from Congress, not the people of the District of Columbia.

Two or 3 years ago, the Congress authorized an elected school board for the citizens of the District of Columbia. That was an instance where we could easily divide the local interest from the Federal interest and responsibility. And the initiative for that measure came from the Congress and not from the people of the District of Columbia. If we had waited for their initiative, the city would not have had an elected school board today.

For years and years, we have been trying to enact an amendment to the Constitution which would give the citizens of the District of Columbia voting representation in both the House and the Senate. I testified for such a measure before the House Committee on the Judiciary back in 1968 for over an hour. Incidentally, that proposed amendment to give the citizens voting representation in the House and the Senate cleared the House Judiciary Committee but failed to come out of the Rules Committee. This year the other body, considering a similar proposal, failed to clear the bill from the legislative committee which considered it.

In the face of this situation, we felt that since we cannot get voting representation in the House and the Senate, maybe we ought to try to obtain nonvoting representation for the District of Columbia. Of course, this measure does not require a constitutional amendment. I think the only danger of a nonvoting Delegate in the House and in the Senate is that it will practically kill, if not completely so, any chances of getting voting representation in the House and Senate in the future. It is almost an admission of the failure in that particular endeavor.

Regardless of that, however, some voice in the House and the Senate is better than none at all, and that is the reason I am supporting the legislation before the House today. But if a voice in the Congress is desirable and proper for the people of the District of Columbia, then why should they not have a voice in both Houses of Congress? And if they are to have a voice in only one body, I think that body should be the U.S. Senate, because there are only 100 Members over there and we have 435 Members here. Also, the Senate has unlimited debate, whereas the District of Columbia Delegate in the House would be restricted by the 5-minute rule. So, I submit that if there must be a choice, the Delegate in the Senate could be more effective on behalf of his District of Columbia constituency.

The SPEAKER. The time of the gentleman from Virginia has expired.

(By unanimous consent, Mr. BROYHILL of Virginia was allowed to proceed for 3 additional minutes.)

Mr. BROYHILL of Virginia. The Senate has unlimited debate and only 100 Members. Yet the other body is always so magnanimous that, time after time, by unanimous consent, sometimes with no more than two or three Members on the floor, they say, "We are all for the citi-

zens of the District of Columbia having a nonvoting Delegate in the House." Well, we shall not argue about that. They say the House should have such a Delegate. We think it is preferable for the Senate to have one over there. So let us not continue the argument. Let us compromise the situation and have a nonvoting Delegate in both bodies. Let us give the maximum recognition possible within the framework of the Constitution to the citizens of the District of Columbia.

Some will say, oh, no, we cannot do that, because that will cause the failure of the entire proposal because the Senate will reject the bill. As the gentleman from Mississippi pointed out a moment ago, we have no assurance as to what the other body may do, but I say it is the responsibility of the other body to make that decision. I feel it is our responsibility to decide what we think is in the best interest of this Nation and also fair for the District of Columbia.

I, as one Member of this body, think that if it is fair for the citizens of the District of Columbia to have a nonvoting representation in the Congress, it is fair for them to have nonvoting representation in both bodies.

I urge Members to approve this legislation.

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

Mr. BROYHILL of Virginia. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, the gentleman made a number of statements, and if more time were available I would be happy to disagree with the gentleman in more detail. But did I understand the gentleman to say if it were not for the Members of this House, the citizens of the District of Columbia would not have petitioned us for an elected school board or the right to vote in presidential elections? Does the gentleman mean to tell me there were not petitions emanating from the citizens on those matters?

Mr. BROYHILL of Virginia. That is exactly correct. The initiative for the 23d amendment originated in the Congress, and the initiative for the elected District of Columbia school board originated in the Congress, because the citizens of the District of Columbia always demanded more and never were satisfied with or attempted to obtain a partial loaf.

Mr. CONYERS. I respectfully disagree with the conclusion of the gentleman, because there were both organizations and individual citizens in the District of Columbia who came not just to me but to other Members of this body soliciting our assistance on both of these matters.

Mr. BROYHILL of Virginia. I will say in response to the gentleman from Michigan that I was a sponsor or author of what is now the 23d amendment to the Constitution and I was author and sponsor of the legislation which authorized the elected school board for the District of Columbia long before the gentleman was ever elected to the Congress, and I never received any support from the people of the District of Columbia on either, because they did not feel that those bills went far enough.

Mr. STRATTON. Mr. Speaker, I move to strike the last word.

(Mr. STRATTON asked and was given permission to speak out of order.)

A CALL FOR REPEAL OF THE AUTHORITY FOR THE THREE SISTERS BRIDGE

Mr. STRATTON. Mr. Speaker, I rise today, as we discuss matters of special concern to the District of Columbia, to urge that this House and this Congress rescind the action we took back in 1968 insisting on the construction of the Three Sisters Bridge on the palisades of the Potomac River.

I was one of those who voted against the 1968 decision to proceed with the Three Sisters Bridge, but we were not successful.

Since 1968, however, there have been a number of efforts made locally to delay construction of the bridge, although these efforts too have not succeeded. Meanwhile some Members of Congress, appearing to speak for this body, have threatened to withhold funds authorized and needed for the District of Columbia subway system, unless construction work begins on the Three Sisters Bridge. And as a result of these threats some construction work has finally begun.

Yet in the past few days the whole picture has suddenly changed. Federal Judge John J. Sirica is considering ordering a final halt to all construction work on the bridge until the complex and detailed hearing requirements of the Federal Highway Act of 1969 have been complied with. All indications are that after a temporary stay Judge Sirica's order will be made permanent and thus further action on the controversial bridge will not be taken for at least another year, possibly even longer.

So now, Mr. Speaker, we have a chance to act. Let's take advantage of that opportunity to do what we should have done 2 years ago and put an end, once and for all, to the Three Sisters Bridge. Let us put an end to this withholding of funds and other delays on the subway system until the bridge and its associated freeway system are built.

However we may have voted in 1968 on this issue, I feel strongly that it is most unseemly for this Congress, or for those who say they are speaking for Congress, to use our power over the Nation's purse strings today in what amounts to an effort to sandbag the District government into building a bridge which they obviously do not want, and which is not only unnecessary but completely obsolete and outmoded in today's environment-conscious world.

No matter what a majority of the House and Senate may have done or said back in 1968, before the Nation became seriously awake to the urgent requirements of the environment, it makes no sense at all for us to be clubbing people over the head today in an effort to get this bridge built.

The year 1970 is not 1968, after all; and I have no doubt at all that if an open, record vote could be taken now on the subject of the Three Sisters Bridge, it would never get close to a majority.

Mr. Speaker, I believe this House should repeal its 1968 action on the bridge at the earliest parliamentarily possible moment. We could do this properly when the 1970 highway bill comes up later this year, or we might even do it sooner in connection with some other piece of legislation. The sooner the better for all concerned, as I see it.

There are many reasons why the Three Sisters Bridge should never be built. In the first place, we can save some much-needed money by knocking it out, and that even by itself is not something to be easily sneezed at.

Second, the bridge will not relieve downtown Washington's traffic congestion; it will only shift it a bit and confuse it still further. Surely we should have learned by now that we cannot improve the traffic flow by building more freeways and superhighways. The experience of the George Washington Parkway—on both sides of the Potomac—makes that fact crystal clear. In the end these smooth, fast superhighways have only made possible longer and slower lines of bumper-to-bumper commuters.

Other cities all over the country—including cities in my home area of the Capital District of New York State—have learned that there is a specific point beyond which you simply cannot multiply new concrete superhighways in built-up metropolitan areas. These cities have learned that you can never stay ahead of the traffic game as long as you continue to adhere to the one-man-one-car doctrine. With population growing and available land declining, it is obvious that the only way to ease traffic congestion is by means of fast, frequent, and effective mass transit.

How idiotic, then, that this Congress should continue to allow ourselves to be placed in the absurd position of delaying the building of a modern, fast transit system in order to push for an outdated and obsolete bridge and freeway system, and the added chaos these would inevitably create.

Finally, it is just not acceptable any longer for anybody—least of all the Federal Government—to build a bridge as big as the Three Sisters Bridge, right here in the Nation's Capital, in total disregard of all the environmental factors involved. Not only will the Three Sisters Bridge destroy one of the most beautiful areas in Washington, the Potomac Palisades, and the exciting views and vistas associated with it, but it will also mean the destruction of a substantial portion of one of the city's most attractive open park areas, the Archbold Glover Park. How can we possibly allow this to happen in the year 1970?

Let us restore a little sense and a little balance to our actions here in this House. Let us act now to abandon the Three Sisters Bridge—in the light of all we have learned since 1968—and instead let us prod the District of Columbia government to get going faster on the new subway system that offers the last best hope of getting all of us to work more easily, more quickly, and on time.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

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

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

Mr. HOGAN. Mr. Speaker, as we debate this proposal today which would give residents of the District of Columbia a nonvoting delegate in the House and Senate, it might be helpful to trace some of the historical background to this problem of treating residents of the District of Columbia fairly and responding to the need for a neutral Capital City.

I intend to vote for this bill. I feel the District of Columbia residents should have a representative in the House and Senate. I believe they should have voting representation in both bodies and have introduced legislation to achieve this objective, but since voting representation requires a constitutional amendment, the bill before us today should be a first step. I hope it will be approved by this body and the other body.

HISTORICAL BACKGROUND OF THE DISTRICT OF COLUMBIA

The District owes its origin to section 8 of article I of the Constitution which enumerates the powers of the Congress. With respect to the District the Congress was given the following powers:

To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States.

The District was established under the authority and direction of acts of Congress approved on July 16, 1790, and March 3, 1791. Maryland in 1788 and Virginia in 1789 made cessions from which the 10-mile-square area lying on either side of the Potomac was selected. This 10-mile-square area contained two municipalities—Georgetown and Alexandria. Boundaries of the original city of Washington while never fixed by statute or proclamation are found in the trust deeds from the original proprietors and on maps made by the Commissioners appointed by the President to make this selection.

The first Government offices to move to the District were those of the Post Office Department, which moved to the city on June 11, 1800. The second session of the Sixth Congress convened here on November 17, 1800. Discussion and debate of national representation began immediately.

Up to 1801, no government had been provided for the District and the laws of Maryland and Virginia continued in force under the provisions of the act of July 16, 1790, which provided that State laws would continue in effect until the Congress otherwise by law provided. In an act of February 27, 1801—2 Stat. 103—Congress made the first provisions for local government. This act provided that the laws of Maryland and Virginia were to continue in the sections ceded by those States and created a circuit court, an office of marshal, district attorney, justice of the peace, register of wills, and a judge of the orphans court.

On May 3, 1802—3 Stat. 195—the people of the city of Washington were constituted a body politic by the naming of a Mayor and City Council. The Mayor was appointed by the President and the Council was elected by qualified voters. From 1812 until 1819 the Mayor was elected by the City Council and from 1820 until 1871 the Mayor was chosen by popular election.

In 1846, at the request of the people of Alexandria, Congress retroceded to the State of Virginia all of the portion which had been ceded to the Federal Government by that State—9 Stat. 35.

With the outbreak of the Civil War the first attempts at unification of government functions within the District were undertaken with the act of August 6, 1861—12 Stat. 320—which established the Metropolitan Police Department of the District of Columbia consisting of "the corporations of Washington and Georgetown and the county of Washington outside the limits of said corporation." However, the first really major change in the government of the District resulted with the act of February 21, 1871—16 Stat. 419—which created a government essentially the same as that used for organized territories. At that time the charters of the cities of Washington and Georgetown were repealed. All the territory within the limits of the District were included in the government by the name of the District of Columbia, which constituted a body corporate for municipal purposes and the successor of the two cities and the county that had been eliminated. This act further provided that the executive power of the new government was vested in a Governor appointed by the President with the advice and consent of the Senate.

The legislative power of the territory—the District—was vested in an assembly consisting of a council and a House of Delegates. The council consisted of 11 members appointed by the President with the advice and consent of the Senate, and the House of Delegates consisted of 22 members elected by popular vote. Nevertheless, the legislative assembly was limited in its authority, since Congress prescribed a long list of important matters which remained within its authority.

Between 1871 and 1874, while the territorial government was in force, there was a delegate to the House of Representatives from the District who was popularly elected and had the same rights and privileges as the delegates from the territories. This delegate served on the House District Committee.

The act of June 20, 1874—18 Stat. 116—terminated the territorial form of government and eliminated all elective offices. This same act empowered the President to appoint a Commission of three persons to administer the affairs of the District of Columbia. The act of June 11, 1878—20 Stat. 102—established the present Commission form of government.

Between 1874 and 1964 citizens of the District of Columbia had no voting franchise. With the ratification of the 23d amendment to the Constitution, completed on March 29, 1961, citizens of the District were empowered to vote in 1964 for presidential and vice presidential electors.

A review of the history of the Constitution reveals that little thought was given to the matter of government for the National Capital.

It is important to distinguish home rule from national representation for the District in the Congress. Simply stated, home rule, as the term is currently used by its advocates, means the creation of an elective city government for the District which would perform regulatory and other functions common to municipalities. That issue is not before us today. National representation means participation, through representation in Congress in the Government of the United States and involves local self-government only to the extent that such representatives would have a voice and a vote in legislation for the District. The adoption of a constitutional amendment entitling the Congress to national representation would not affect the exclusive control of Congress over the Nation's Capital. The nonvoting Delegate hopefully will be a prelude to a voting Delegate. I have a bill pending before the Judiciary Committee which would give the District of Columbia two voting Members of the Senate and as many Members of the House as the District of Columbia would be entitled to by virtue of its population.

A survey of proposed amendments to the Constitution introduced in the Congress from 1789 to 1970, inclusive, reveals they have included nearly 100 resolutions providing for national representation in some form for the District. National representation in this context means representation for the District in one or both Houses of Congress.

Of these resolutions, the first was introduced in the House of Representatives on November 27, 1877—H.R. 57, 45th Congress, first session—by Mr. Corlett, a Republican, from Wyoming. It proposed to grant one Member each in the House of Representatives to the territories and the District. Such resolutions have been introduced in every Congress since 1915.

Mr. GROSS. Mr. Speaker, I rise to try here this afternoon. Are we supposed to vote on this bill and then on another bill for much the same purpose, which is to be called up immediately? Are we here this afternoon going to be called upon to pass a multiplicity of bills to be sent over to the Senate on the same general subject?

I listened intently to the remarks of the gentleman from Minnesota earlier, and gained that impression.

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

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

Mr. NELSEN. It is not my design that the bill we are presently considering—H.R. 18619—be here at all in the form it is. I started out with another bill, H.R. 11216, which provided for a nonvoting delegate in the House and that was amended in subcommittee so as to defeat it, I believed.

Mr. GROSS. Wait a minute now. I am not interested in the gentleman's views on that bill. I am interested in whether you propose to call up another bill on this subject this afternoon.

Mr. NELSEN. I do propose to bring up H.R. 18725 providing for a Little Hoover Commission and a nonvoting delegate in the House.

Mr. GROSS. What have we got here—a bargain basement deal for the other body. Are we supposed to pass two bills this afternoon on the same general subject, send them over to the other body, and let them pick and choose?

Are we going to adopt this kind of a legislative process on all legislation? Why did you not put these two bills together in committee or offer an amendment here this afternoon to put them together? What kind of a situation are we getting into here when we pass two bills on the same general subject in the same afternoon and send them over to the other body so they can pick and choose?

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

Mr. GROSS. Yes. I yield to the gentleman.

Mr. HAYS. I think they are sending two over so that they can choose the most expensive one. Since the limited self-government went into effect here the tax in the District has almost doubled. The expenditure in the budget has tripled, and the number of employees in the District government has doubled. So I assume with all of that in 5 years the reason why they want two bills is so that they can figure out the one on which they can spend the most money. If they want these things so much and if they are interested in them, why do they not exempt the Federal Triangle here and leave it to the other jurisdictions, give it to Maryland or whoever wants to take it, and let them pay their own way and leave the taxpayers of the United States out of this altogether. But they do not want that.

Mr. GROSS. I am sorry. I did not understand what the gentleman from Ohio would exempt.

Mr. HAYS. I said I would exempt the Federal Triangle, which comes up usually from the White House and includes the Capitol and the Supreme Court building and the area on both sides of the two avenues, which are office buildings. There is a big cry made that the people who live here are not represented. Well, exempt all of those places where people are living, and I will say that we even ought to pay them a fee each year and exempt the Federal Triangle and pay them for the services that they offer, whatever they are. We have our own Capitol police here and we have the White House police at the White House. I do not know exactly what services they furnish, but whatever they are, let them have a fair figure for it, and let them have self-government all the way. But they do not want self-government. They want the right to spend money. They are a little bit like some of the State governments. They want the Federal taxes turned over to them. If the gentleman has had experience, as I have, in the State capitals, there are more ways for money to leak away in the State bureaucracy than were ever thought about in the Federal bureaucracy. They do not want to take the responsibility of raising money, but they merely want us to raise it and then they will spend it. It is the same with the people who want home rule. I am all for home rule, but I think the Congress ought to control the public buildings here which belong to the people of the United States. They were built by the taxpayers of the United States and they ought to be controlled by them.

Mr. GROSS. I do not always agree with the gentleman from Ohio, as the record shows, but I certainly agree with him in the statement that he has just made.

I still do not understand why this kind of a legislative process. I assume that soon in this bargain basement business the House will be using green stamps or something like that in sending legislation over to the other body.

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

Mr. GROSS. Yes. I yield to the gentleman.

Mr. NELSEN. I can tell you why we are in this kind of a bind. The problem in my mind is that the proponents of H.R. 18619 are doing exactly what they intended, that is to confuse the House so as to kill a bill that deserves attention of this House—H.R. 18725—which stands a chance of enactment. This profusion of bills is not my choice. In fact, I wanted my bill to be taken up first, but that request has obviously been denied.

The SPEAKER. The time of the gentleman has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 1 additional minute.)

Mr. NELSEN. If the gentleman will yield further, the purpose of this bill—H.R. 18619—really, in my judgment, is to kill the possibility of my bill—H.R. 18725—passing, which was clearly designed to confuse, apparently that move has been successful because I believe some Members are confused.

Mr. GROSS. Of course, the gentleman cannot substantiate that. He does not know what the Senate will do with this bill. We do not have any obligation here this afternoon to hand the Senate two pieces of legislation on the same subject from which to pick and choose. That is the criticism I have of what is here proposed.

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

Mr. GROSS. I yield to the gentleman.

Mr. McMILLAN. I would like to give a little history of what happened here. The subcommittee reported the Cabell bill as it is today and the Nelsen study bill was amended by adding the delegate bill for the House.

When it got to the full committee the full committee added this delegate to the Hoover Commission bill that Mr. NELSEN introduced.

Mr. RIEGLE. Mr. Speaker, we have before us today legislation that would give the people living in the District of Columbia a nonvoting Delegate to represent them in both the Senate and the House of Representatives.

Clearly this legislation has been a long time in coming. And although it is an inadequate substitute for voting representation which would put the citizens of the District on an equal footing with all other Americans, it is, just the same, an important step toward self-government.

We must not rest with the passage of this bill. Rather, I look forward to the time when the people of our Capitol City will be truly self-governing, when they will have a working home-rule system, and when they will be able to elect their own officials to the Congress. That is the challenge we still face—and the challenge we, as legislators, must meet.

The SPEAKER. The time of the gentleman has expired.

Mr. McMILLAN. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

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

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

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

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

Mr. HAYS. 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 23, not voting 68, as follows:

[Roll No. 265]

YEAS—338

Abbitt	Burton, Utah	Dwyer
Abernethy	Button	Eckhardt
Adair	Byrne, Pa.	Edmondson
Adams	Byrnes, Wis.	Edwards, Calif.
Addabbo	Cabell	Eilberg
Albert	Camp	Erlenborn
Anderson, Calif.	Carey	Esch
	Casey	Eshleman
Anderson, Ill.	Celler	Evans, Colo.
Andrews, Ala.	Chamberlain	Fascell
Andrews, N. Dak.	Chappell	Feighan
	Chisholm	Findley
Annunzio	Clancy	Fisher
Ashbrook	Clark	Flood
Ashley	Clausen, Don H.	Flowers
		Foley
Aspinall	Clawson, Del	Ford, William D.
Ayres	Cleveland	
Barrett	Collier	Foreman
Beall, Md.	Colmer	Fountain
Belcher	Conable	Fraser
Bell, Calif.	Conte	Frelinghuysen
Bennett	Conyers	Frey
Betts	Corbett	Friedel
Bevill	Corman	Fulton, Pa.
Biester	Coughlin	Fulton, Tenn.
Bingham	Cowger	Fuqua
Blackburn	Crane	Galifianakis
Blanton	Culver	Garmatz
Blatnik	Daniel, Va.	Gaydos
Boggs	Daniels, N.J.	Gettys
Boland	Davis, Wis.	Giaimo
Bolling	de la Garza	Gibbons
Bow	Delaney	Gilbert
Brademas	Dellenback	Gonzalez
Brasco	Denney	Goodling
Brinkley	Dent	Gray
Broomfield	Derwinski	Green, Oreg.
Brotzman	Diggs	Green, Pa.
Brown, Calif.	Dingell	Griffin
Brown, Ohio	Donohue	Griffiths
Broyhill, N.C.	Dorn	Grover
Broyhill, Va.	Dowdy	Gubser
Buchanan	Downing	Gude
Burke, Fla.	Dulski	Haley
Burke, Mass.	Duncan	Halpern
Burton, Calif.		

Hamilton	Melcher	Satterfield
Hammer-schmidt	Michel	Saylor
Hanley	Mikva	Schadeberg
Hanna	Miller, Calif.	Scherle
Hansen, Idaho	Miller, Ohio	Scheuer
Hansen, Wash.	Mills	Schneebeli
Harrington	Minish	Schwengel
Harsha	Mink	Scott
Harvey	Minshall	Sebelius
Hathaway	Mize	Shipley
Hawkins	Mizell	Shriver
Hays	Mollohan	Sikes
Hechler, W. Va.	Montgomery	Sisk
Heckler, Mass.	Moorhead	Slack
Heistoski	Morgan	Smith, Calif.
Henderson	Morse	Smith, Iowa
Hicks	Morton	Smith, N.Y.
Hogan	Mosher	Snyder
Holifield	Moss	Springer
Horton	Murphy, Ill.	Stafford
Hosmer	Murphy, N.Y.	Staggers
Howard	Myers	Stanton
Hull	Natcher	Steed
Hunt	Nedzi	Steiger, Ariz.
Jacobs	Nelsen	Stephens
Jarman	Nichols	Stokes
Johnson, Calif.	Nix	Stratton
Johnson, Pa.	Obey	Stubblefield
Jones, Ala.	O'Konski	Stuckey
Jones, N.C.	O'Neill, Mass.	Taft
Jones, Tenn.	Ottinger	Talcott
Karth	Patman	Taylor
Kastenmeier	Patten	Teague, Tex.
Kazen	Pelly	Thompson, Ga.
Kee	Pepper	Thompson, N.J.
Keith	Perkins	Thomson, Wis.
Kluczynski	Pettis	Tiernan
Koch	Philbin	Udall
Kuykendall	Pickle	Ullman
Kyl	Pike	Van Deerlin
Kyros	Podell	Vander Jagt
Landrum	Poff	Vanik
Langen	Preyer, N.C.	Vigorito
Latta	Price, Ill.	Waggonner
Leggett	Pryor, Ark.	Waldie
Lennon	Pucinski	Wampler
Lloyd	Purcell	Watson
Lowenstein	Quie	Whalen
McCarthy	Quillen	Whalley
McClory	Railsback	White
McCloskey	Randall	Whitehurst
McClure	Rees	Whitten
McDade	Reid, Ill.	Widnall
McDonald, Mich.	Reid, N.Y.	Williams
McFall	Reuss	Wilson, Bob
McMillan	Rhodes	Wilson, Charles H.
Macdonald, Mass.	Riegle	Winn
Madden	Rivers	Wold
Mahon	Roberts	Wolff
Mann	Robison	Wyatt
Marsh	Rodino	Wydler
Martin	Roe	Wylie
Mathias	Rogers, Fla.	Wyman
Matsunaga	Rooney, Pa.	Yates
May	Rosenthal	Yatron
Mayne	Roth	Zablocki
Meeds	Roybal	Zion
	Ruth	
	St Germain	
	Sandman	

NAYS—23

Arends	Hall	Pirnie
Brooks	Hungate	Poage
Burlison, Mo.	Hutchinson	Price, Tex.
Cederberg	Jonas	Schmitz
Collins	Landgrebe	Skubitz
Dennis	Long, Md.	Steiger, Wis.
Ford, Gerald R.	Lujan	Wiggins
Gross	McEwen	

NOT VOTING—68

Alexander	Edwards, La.	Olsen
Anderson, Tenn.	Evins, Tenn.	O'Neal, Ga.
Baring	Fallon	Passman
Berry	Farbstein	Pollock
Biaggi	Fish	Powell
Bray	Flynt	Rarick
Brock	Gallagher	Reifel
Brown, Mich.	Goldwater	Rogers, Colo.
Burleson, Tex.	Hagan	Rooney, N.Y.
Bush	Hastings	Rostenkowski
Caffery	Hébert	Roudebush
Carter	Ichord	Rousselot
Clay	King	Ruppe
Cohelan	Kleppe	Ryan
Cramer	Long, La.	Sullivan
Cunningham	Lukens	Symington
Daddario	McCulloch	Teague, Calif.
Davis, Ga.	McKneally	Tunney
Dawson	MacGregor	Watts
Devine	Mailliard	Weicker
Dickinson	Meskill	Wright
Edwards, Ala.	Monagan	Young
	O'Hara	Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Teague of California.
Mr. Rooney of New York with Mr. Hastings.
Mr. Biaggi with Mr. Fish.
Mr. Olsen with Mr. Weicker.
Mr. Burleson of Texas with Mr. Bush.
Mr. Daddario with Mr. Meskill.
Mr. Evins of Tennessee with Mr. Bray.
Mr. O'Neal of Georgia with Mr. Berry.
Mr. Wright with Mr. Pollock.
Mr. Anderson of Tennessee with Mr. Brock.
Mr. Caffery with Mr. Carter.
Mr. O'Hara with Mr. Cunningham.
Mr. Long of Louisiana with Mr. Cramer.
Mr. Fallon with Mr. Reifel.
Mr. Edwards of Louisiana with Mr. Dickinson.
Mr. Rostenkowski with Mr. Brown of Michigan.
Mr. Rogers of Colorado with Mr. Devine.
Mrs. Sullivan with Mr. McKneally.
Mr. Davis of Georgia with Mr. MacGregor.
Mr. Flynt with Mr. Edwards of Alabama.
Mr. Gallagher with Mr. Mailliard.
Mr. Rarick with Mr. Goldwater.
Mr. Baring with Mr. King.
Mr. Passman with Mr. Rousselot.
Mr. Hagan with Mr. Kleppe.
Mr. Farbstein with Mr. Clay.
Mr. Symington with Mr. Powell.
Mr. Ryan with Mr. Zwach.
Mr. Tunney with Mr. Roudebush.
Mr. Watts with Mr. Lukens.
Mr. Ichord with Mr. McCulloch.
Mr. Alexander with Mr. Ruppe.
Mr. Young with Mr. Monagan.
Mr. Cohelan with Mr. Dawson.

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

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

ESTABLISH STUDY COMMISSION ON THE DISTRICT OF COLUMBIA GOVERNMENT AND PROVIDE NONVOTING DELEGATE TO THE HOUSE OF REPRESENTATIVES

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 18725) to establish a Commission on the Organization of the Government of the District of Columbia and to provide for a Delegate to the House of Representatives from the District of Columbia, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 18725

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

TITLE I—COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

DECLARATION OF POLICY

SECTION 101. It is hereby declared to be the policy of Congress to promote economy, efficiency, and improved service in the transaction of the public business in the departments, bureaus, agencies, boards, commissions, offices, independent establishments, and instrumentalities of the District of Columbia by—

(1) recommending methods and procedures for reducing expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions;

(2) eliminating duplication and overlapping of services, activities, and functions;

(3) consolidating services, activities, and functions of a similar nature;

(4) abolishing services, activities, and functions not necessary to the efficient conduct of government;

(5) eliminating nonessential services, functions, and activities which are competitive with private enterprise;

(6) defining responsibilities of officials; and

(7) relocating agencies now responsible directly to the Commissioner of the District of Columbia in departments or other agencies.

ESTABLISHMENT OF THE COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

SEC. 102. For the purpose of carrying out the policy set forth in section 101 of this title, there is established a commission to be known as the Commission on the Organization of the Government of the District of Columbia (hereafter in this title referred to as the "Commission").

DUTIES OF THE COMMISSION

SEC. 103. (a) The Commission shall study and investigate the present organization and methods of operation of all departments, bureaus, agencies, boards, commissions, offices, independent establishments, and instrumentalities of the government of the District of Columbia (other than the courts of the District of Columbia) to determine what changes are necessary to accomplish the purposes set forth in section 101 of this title.

(b) The Commission shall submit interim reports at such time, or times, as the Commission deems necessary, shall submit a comprehensive report of its activities and the results of its studies to the Congress within six months after the date of enactment of this Act, and shall submit its final report not later than six months after the filing of its comprehensive report. Upon filing its final report the Commission shall cease to exist. The final report of the Commission may propose such legislative enactments and administrative actions as in its judgment are necessary to carry out its recommendations.

MEMBERSHIP OF COMMISSION

SEC. 104. The Commission shall be composed of twelve members appointed as follows:

(1) Four members shall be appointed by the President of the United States. Two members so appointed shall be from the executive branch of the Federal Government or from the government of the District of Columbia, and two shall be from private life.

(2) Four members shall be appointed jointly by the President of the Senate, the Chairman of the Committee on the District of Columbia of the Senate, and the Chairman of the subcommittee of the Committee on Appropriations of the Senate which has jurisdiction over appropriations for the District of Columbia. Two members so appointed shall be from the Senate, and two shall be from private life.

(3) Four members shall be appointed by the Speaker of the House of Representatives on the advice of the chairman of the Committee on the District of Columbia of the House of Representatives and the chairman of the subcommittee of the Committee on Appropriations which has jurisdiction over appropriations for the District of Columbia.

Two members so appointed shall be from the House of Representatives, and two shall be from private life.

The members shall be appointed within thirty days following the date of the enactment of this Act. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

COMPENSATION OF COMMISSION MEMBERS

SEC. 105. (a) Members of the Commission who are Members of the Congress or full-time officers or employees of the United States or the District of Columbia shall receive no additional compensation on account of their service on the Commission. The other members of the Commission shall be entitled to receive the daily equivalent of the rate now or hereafter provided for grade GS–18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Commission.

(b) While traveling on official business in the performance of services for the Commission, members of the Commission shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

ORGANIZATION AND POWERS OF THE COMMISSION

SEC. 106. (a) The Commission shall elect a Chairman and a Vice Chairman from among its members. Seven members of the Commission shall constitute a quorum.

(b) The head of any Federal agency or agency of the District of Columbia is authorized to detail, on a reimbursable basis, any of its personnel to assist in carrying out the duties of the Commission. The Administrator of General Services shall provide financial and administrative support services for the Commission on a reimbursable basis.

(c) The Commission may appoint and fix the compensation of such personnel as it deems advisable. Such personnel may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter II of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) The Commission may obtain services of experts in accordance with the provisions of section 3109 of title 5, United States Code.

(e) The Commission, or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, of the chairman of such subcommittee, or of any duly designated member, and may be served by any person designated by the Chairman or by such subcommittee chairman or member. The provisions of sections 102 to 104, inclusive, of the Revised Statutes of the United States (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this subsection.

(f) The Commission may secure directly from any department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the District of Columbia information, suggestions, estimates, and statistics for the purpose of this title; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality shall furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request by the Chairman or Vice Chairman.

TITLE II—DISTRICT OF COLUMBIA DELEGATE TO THE HOUSE OF REPRESENTATIVES

SHORT TITLE

SEC. 201. This title may be cited as the "District of Columbia Delegate Act".

DELEGATE TO THE HOUSE OF REPRESENTATIVES

SEC. 202 (a) The people of the District of Columbia shall be represented in the House of Representatives by a Delegate, to be known as the "Delegate to the House of Representatives from the District of Columbia", who shall be elected by the voters of the District of Columbia in accordance with the District of Columbia Election Act. The Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting, shall have all the privileges granted a Representative by section 6 of Article I of the Constitution, and shall be subject to the same restrictions and regulations as are imposed by law or rules on Representatives. The Delegate shall be elected to serve during each Congress.

(b) No individual may hold the office of Delegate to the House of Representatives from the District of Columbia unless on the date of his election—

(1) he is a qualified elector (as that term is defined in section 2(2) of the District of Columbia Election Act) of the District of Columbia;

(2) he is at least twenty-five years of age;

(3) he holds no other paid public office; and

(4) he has resided in the District of Columbia continuously since the beginning of the three-year period ending on such date. He shall forfeit his office upon failure to maintain the qualifications required by this subsection.

AMENDMENTS TO THE DISTRICT OF COLUMBIA ELECTION ACT

SEC. 203. (a) Section 2 of the District of Columbia Election Act (D.C. Code, sec. 1–1102) is amended by adding at the end thereof the following new paragraph:

"(6) The term 'Delegate' means the Delegate to the House of Representatives from the District of Columbia."

(b) Subsections (h), (i), (j), and (k) of section 8 of the District of Columbia Election Act (D.C. Code, sec. 1–1108) are redesignated as subsections (n), (o), (p), and (q), respectively, and the following new subsections are inserted after subsection (g):

"(h) The Delegate shall be elected by the people of the District of Columbia in a general election. The nomination and election of the Delegate and the candidates for office of Delegate shall be governed by the provisions of this Act. Each candidate for the office of Delegate in any general election shall, except as otherwise provided in subsection (j) of this section and in section 10(d), have been elected as such a candidate by the next preceding primary or party runoff election. No political party shall be qualified to hold a primary election to select candidates for election to the office of Delegate in a general election unless, in the next preceding election year, at least seven thousand five hundred votes were cast in the general election for a candidate of such party for the office of Delegate or for its candidates for electors of President and Vice President.

"(i) Each candidate in a primary election for the office of Delegate shall be nominated for such office by a petition (1) filed with the Board not later than forty-five days before the date of such primary election; (2) signed by at least two thousand persons who are duly registered under section 7 and who are of the same political party as the nominee; and (3) accompanied by a filing fee of $100. Such fee may be refunded only in the event that the candidate withdraws his nomination by writing received by the Board not later than three days after the date on which nominations are closed under this subsection. A nominating petition for a candidate in a primary election for the office of Delegate may not be circulated for signature before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions and the posting and disposition of filing fees. The Board shall arrange the ballot of each political party in each such primary election so as to enable a voter of such party to vote for any one duly nominated candidate of that party for the office of Delegate.

"(j) (1) A duly qualified candidate for the office of Delegate may, subject to the provisions of this subsection, be nominated directly as such a candidate for election in the next succeeding general election for such office (including any such election to be held to fill a vacancy). Such person shall be nominated by a petition (A) filed with the Board not less than forty-five days before the date of such general election; (B) signed by duly registered voters equal in number to 2 per centum of the total number of registered voters of the District, as shown by the records of the Board as of ninety-nine days before the date of such election, or by five thousand persons duly registered under section 7, whichever is less; and (C) accompanied by a filing fee of $100. Such fee may be refunded only in the event that the candidate withdraws his nomination by writing received by the Board not later than three days after the date on which nominations are closed under this subsection. No signatures on such a petition may be counted which have been made on such petition more than ninety-nine days before the date of such election.

"(2) Nominations under this subsection for candidates for election in a general election for the office of Delegate shall be of no force and effect with respect to any person whose name has appeared on the ballot of a primary election for such office held within eight months before the date of such general election.

"(k) In each general election for the office of Delegate, the Board shall arrange the ballots so as to enable a voter to vote for any one of the candidates for such office who (1) has been duly elected by any political party in the next preceding primary or party runoff election for such office, (2) has been duly nominated to fill vacancies in such office pursuant to subsection (d) of section 10, or (3) has been nominated directly as a candidate under subsection (j) of this section.

"(l) The signature of a registered voter on any petition filed with the Board and nominating a candidate for election in a primary or general election to any office shall not be counted if, after receipt of a timely challenge to such effect, the Board determines such voter also signed any other valid petition, filed earlier with the Board, and nominating the same or any other candidate for the same office in the same election.

"(m) Designations of offices of local party committees to be filled by election pursuant to clause (3) of the first section of this Act shall be effected by written communications filed with the Board not later than ninety days before the date of such election."

(c) Section 10 of the District of Columbia Election Act (D.C. Code, sec. 1–1110) is amended as follows:

(1) Subsection (a) of such section is amended by redesignating paragraphs (3),

(4), (5), and (6) as paragraphs (6), (7), (8), and (9), respectively, and by inserting after paragraph (2) the following new paragraphs:

"(3) Except as otherwise provided in the case of special elections under this Act or section 206(a) of the District of Columbia Delegate Act, primary elections of each political party for the office of Delegate to the House of Representatives shall be held on the first Tuesday in May of each even-numbered year; and general elections for such office shall be held on the Tuesday next after the first Monday in November of each even-numbered year.

"(4) Runoff elections shall be held whenever (A) in any primary election of a political election of a political party for candidates for the office of Delegate, no one candidate receives at least 40 per centum of the total votes cast in that election for all candidates of that party for that office, and (B) in any general election for the office of Delegate, no one candidate receives at least 40 per centum of the total votes cast in that election for all candidates for that office. Any such runoff election shall be held not less than two weeks nor more than six weeks after the date on which the Board has determined the results of the preceding primary or general election, as the case may be. At the time of announcing any such determination, the Board shall establish and announce the date on which the runoff election will be held, if one is required. The candidates in any such runoff election shall be the two persons who received, respectively, the two highest numbers of votes in such preceding primary or general election; except that if any person withdraws his candidacy from such runoff election (under the rules and within the time limits prescribed by the Board), the person who received the next highest number of votes in such preceding primary or general election and who is not already a candidate in the runoff election shall automatically become such a candidate.

"(5) With respect to special elections required or authorized by this Act, the Board may establish the dates on which such special elections are to be held and prescribe such other terms and conditions as may in the Board's opinion be necessary or appropriate for the conduct of such elections in a manner comparable to that prescribed for other elections held pursuant to this Act."

(2) The last sentence of paragraph (9) of subsection (a) of such section (as so redesignated by paragraph (1) of this subsection) is amended by striking out "(5)" and inserting in lieu thereof "(8)".

(3) Subsection (b) of such section is amended by inserting "the office of Delegate and for" after "general elections for".

(4) Subsection (c) of such section is amended (A) by striking out "a tie vote in" and inserting in lieu thereof "a tie vote, the resolution of which will affect the outcome of"; and (B) by striking out "ten days following the election" and inserting in lieu thereof "ten days following determination by the Board of the results of the election which require the resolution of such tie".

(5) Subsection (d) of such section is amended (A) by inserting "a Delegate or a winner of a primary election for the office of Delegate or" after "any official, other than"; and (B) by adding at the end thereof the following new sentence: "In the event that such a vacancy occurs in the office of a candidate for the office of Delegate who has been declared the winner in the preceding primary or party runoff election for such office, the vacancy may be filled not later than fifteen days prior to the next general election for such office, by nomination by the party committee of the party which nominated his predecessor, and by paying the filing fee required by section 8(1). In the event that such vacancy occurs in the office of Delegate more than twelve months before the expiration of its term of office, the Board shall call special elections to fill such vacancy for the remainder of its term of office."

OTHER PROVISIONS AND AMENDMENTS RELATING TO THE ESTABLISHMENT OF A DELEGATE TO THE HOUSE OF REPRESENTATIVES FROM THE DISTRICT OF COLUMBIA

SEC. 204. (a) The provisions of law which appear in—

(1) section 25 (relating to oath of office),
(2) section 31 (relating to compensation),
(3) section 34 (relating to payment of compensation),
(4) section 35 (relating to payment of compensation),
(5) section 37 (relating to payment of compensation),
(6) section 38a (relating to compensation),
(7) section 39 (relating to deductions for absence),
(8) section 40 (relating to deductions for withdrawal),
(9) section 40a (relating to deductions for delinquent indebtedness),
(10) section 41 (relating to prohibition on allowance for newspapers),
(11) section 42c (relating to postage allowance),
(12) section 46b (relating to stationery allowance),
(13) section 46b–1 (relating to stationery allowance),
(14) section 46b–2 (relating to stationery allowance),
(15) section 46g (relating to telephone, telegraph, and radiotelegraph allowance),
(16) section 47 (relating to payment of compensation),
(17) section 48 (relating to payment of compensation),
(18) section 49 (relating to payment of compensation),
(19) section 50 (relating to payment of compensation),
(20) section 54 (relating to provision of United States Code Annotated or Federal Code Annotated),
(21) section 60g–1 (relating to clerk hire),
(22) section 60g–2(a) (relating to interns),
(23) section 80 (relating to payment of compensation),
(24) section 81 (relating to payment of compensation),
(25) section 82 (relating to payment of compensation),
(26) section 92 (relating to clerk hire),
(27) section 92b (relating to pay of clerical assistants),
(28) section 112e (relating to electrical and mechanical office equipment),
(29) section 122 (relating to office space in the District of Columbia), and
(30 section 123b (relating to use of House Recording Studio),

of title 2 of the United States Code shall apply with respect to the Delegate to the House of Representatives from the District of Columbia in the same manner and to the same extent as they apply with respect to a Representative. The Federal Corrupt Practices Act and the Federal Contested Election Act shall apply with respect to the Delegate to the House of Representatives from the District of Columbia in the same manner and to the same extent as they apply with respect to a Representative.

(b) Section 2106 of title 5 of the United States Code is amended by inserting "a Delegate from the District of Columbia," immediately after "House of Representatives,".

(c) Sections 4342(a)(5), 6954(a)(5), and 9343(a)(5) of title 10 of the United States Code are each amended by striking out "by the Commissioner of that District" and inserting in lieu thereof "by the Delegate to the House of Representatives from the District of Columbia".

(d)(1) Section 201(a) of title 18 of the United States Code is amended by inserting "the Delegate from the District of Columbia," immediately after "Member of Congress,".

(2) Sections 203(a)(1) and 204 of title 18 of the United States Code are each amended by inserting "Delegate from the District of Columbia, Delegate Elect from the District of Columbia," immediately after "Member of Congress Elect,".

(3) Section 203(b) of title 18 of the United States Code is amended by inserting "Delegate," immediately after "Member,".

(4) The last undesignated paragraph of section 591 of title 18 of the United States Code is amended by inserting "the District of Columbia and" immediately after "includes".

(5) Section 594 of title 18 of the United States Code is amended (1) by striking out "or" immediately after "Senate,", and (2) by striking out "Delegates or Commissioners from the Territories and Possessions" and inserting in lieu thereof "Delegate from the District of Columbia, or Resident Commissioner".

(6) Section 595 of title 18 of the United States Code is amended by striking out "or Delegate or Resident Commissioner from any Territory or Possession" and inserting in lieu thereof "Delegate from the District of Columbia, or Resident Commissioner".

(e) Section 11(c) of the Voting Rights Act of 1965 (42 U.S.C. 1973i(c)) is amended by striking out "or Delegates or Commissioners from the territories or possessions" and inerting in lieu thereof "Delegate from the District of Columbia".

(f) The second sentence in the second paragraph of section 7 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25–107) is amended by striking out "the presidential election" and inserting in lieu thereof "any election".

MISCELLANEOUS AMENDMENTS OF DISTRICT OF COLUMBIA ELECTION ACT

SEC. 205. (a) Clause (A) of paragraph (2) of section 2 of the District of Columbia Election Act (D.C. Code, sec. 1–1102) is amended by inserting "or has been domiciled" after "has resided".

(b) Paragraph (2) of subsection (a) of section 8 of the District of Columbia Election Act (D.C. Code, sec. 1–1108) is amended by striking out "one hundred" and inserting in lieu thereof "two hundred".

(c) The first sentence of section 9(b) of the District of Columbia Election Act (D.C. Code, sec. 1–1109) is amended by striking out "The vote" and by inserting in lieu thereof "Except as otherwise provided by regulation of the Board, the vote".

(d) Section 9(f) of the District of Columbia Election Act is amended by striking out the first and second sentences and inserting in lieu thereof the following: "If a qualified elector is unable to record his vote by marking the ballot or operating the voting machine an official of the polling place shall, on the request of the voter, enter the voting booth and comply with the voter's directions with respect to recording his vote. Upon the request of any such voter, a second official of the polling place shall also enter the voting booth and witness the recordation of the voter's directions. The official or officials shall in no way influence or attempt to influence the voter's decisions, and shall tell no one how the voter voted."

(e)(1) The first section of the District of Columbia Election Act (D.C. Code, sec. 1–1101) is amended (A) by inserting after "Vice President of the United States" the following: ", the Delegate to the House of Representatives"; (B) by inserting "and" after the semicolon in clause (2); and (C) by striking out clause (3) and redesignating clause (4) as clause (3).

(2) Sections 8(a) and 10(a)(1) of the District of Columbia Election Act are each

amended (A) by striking out "clauses (1), (2), and (3)" and inserting in lieu thereof "clauses (1) and (2)," and (B) by striking out "clause (4)" and inserting in lieu thereof "clause (3)".

(f) Section 8(c) of the District of Columbia Election Act is amended (1) by striking out "The Board shall" and inserting in lieu thereof "Except as otherwise provided, the Board shall", and (2) by amending paragraph (1) to read as follows:

"(1) to vote, in any election of officials referred to in clauses (1) and (2) of the first section of this Act and of officials designated pursuant to clause (3) of such section, separately or by slates for the candidates duly qualified and nominated for election to each such office or group of offices by such party under subsections (a) and (b) of this section; and".

(g) Section 9(c) of the District of Columbia Election Act is amended to read as follows:

"(c) Any group of qualified electors interested in the outcome of an election may, not less than two weeks prior to such election, petition the Board for credentials authorizing watchers at one or more polling places at the next election during voting hours and until the count has been completed. The Board shall formulate rules and regulations not inconsistent with this Act to prescribe the form of watchers' credentials, to govern the conduct of such watchers, and to limit the number of watchers so that the conduct of the election will not be unreasonably obstructed. Subject to such rules and regulations, watchers may challenge prospective voters whom the watchers believe to be unqualified to vote."

(h) Section 9 of the District of Columbia Election Act is amended (1) by redesignating subsection (h) as subsection (i), and (2) by inserting after subsection (g) the following new subsection:

"(h) In the event that the total number of candidates of one party nominated to an office or group of offices of that party pursuant to section 8(a) or 8(i) of this Act does not exceed the number of such offices to be filled, the Board may, prior to election day and, notwithstanding the provisions of section 8(c) or 8(i) of this Act, declare the candidates so nominated to be elected without opposition, in which case the fact of their election pursuant to this paragraph shall appear for the information of the voters on any ballot prepared by the Board for their party for the election of other candidates in the same election."

(i) The first sentence of section 4(b) of the District of Columbia Election Act (D.C. Code, sec. 1–1104) is amended to read as follows: "Each member of the Board shall be paid compensation at the rate of $50 per day, with a limit of $2,500 per annum, while performing duties under this Act."

(j) Subsection (e) of section 13 of the District of Columbia Election Act (D.C. Code, sec. 1–1113) is amended by striking out "ten days" and inserting in lieu thereof "thirty days".

(k) Section 14 of the District of Columbia Election Act (D.C. Code, sec. 1–1114) is amended by striking out "his place of residence or his voting privilege in any other part of the United States" and inserting in lieu thereof "his qualifications for voting or for holding elective office, or be guilty of violating section 9, 12, or 13 of this Act".

(l) Subsection (g) of section 9 of the District of Columbia Election Act is amended to read as follows:

"(g) No person shall vote more than once in any election nor shall any person vote in a primary or party runoff election held by a political party other than that to which he has declared himself to be a member."

(m) Subsection (b) of section 13 of the District of Columbia Election Act is amended (1) by inserting after "Vice President," the following: "Delegate,"; (2) by inserting "or" after "committeewoman,"; and (3) by striking out "or alternate,".

(n) Subsection (d) of section 13 of the District of Columbia Election Act is amended (1) by inserting "Delegate," after "elector,"; (2) by inserting "or" after "committeewoman,"; and (3) by striking out ", or alternate".

FIRST ELECTIONS AND EFFECTIVE DATE

SEC. 206. (a) Before the expiration of the seven-calendar-month period beginning on the first day of the first calendar month beginning on or after the date of the enactment of this Act, the Board of Elections of the District of Columbia shall—

(1) conduct such special elections as may be necessary to select candidates for the office of Delegate to the House of Representatives from the District of Columbia;

(2) provide for the direct nomination by petition of candidates for such offices; and

(3) conduct such other special elections as may be necessary to select from such candidates the Delegate to the House of Representatives from the District of Columbia.

The Board of Elections shall prescribe the date on which each election under paragraphs (1) and (3) shall be held, the dates for the circulation and filing of nominating petitions for such elections, and such other terms and conditions which it deems necessary for the conduct of such elections within the period prescribed by this subsection. Nominating petitions for an election under parargaph (1) shall meet the requirements of clauses (2) and (3) of section 8(i) of the District of Columbia Election Act and nominating petitions under paragraph (2) shall meet the requirements of clauses (B) and (C) of section 8(j)(1) of such Act.

(b) This title and the amendments made by this title shall take effect on the date of its enactment.

AMENDMENT OFFERED BY MR. CABELL

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

The Clerk read as follows:

Amendment offered by Mr. CABELL: On page 8, strike out line 1 and all that follows thereafter down through page 26, line 10.

Mr. CABELL. Mr. Speaker, my amendment is very simple. It gets right to the point and is certainly in accord with the sense of this House today, after having passed H.R. 18619 so overwhelmingly.

The present bill, which has been reported to you, has a title, a clause, that is completely redundant because it provides only for a nonvoting Delegate to the House of Representatives and, therefore, would only add confusion to the conference that undoubtedly will take place between the other body and this House.

I say it would add confusion because on the one hand the House very overwhelmingly adopted my bill which calls for a nonvoting Delegate to both Houses of the Congress.

If this provision is allowed to remain in the so-called Nelsen bill, which, by the way, the original bill I cosponsored, because I think that it is needed for a fiscal and administrative survey of the many inefficiencies that are now present in our District government. If we send the Nelsen bill to a conference with the other body with this provision still in it, then the conferees on the part of the Senate could well say, "Well, what is the sense of the House? What are they doing? They overwhelmingly pass a resolution providing for Members—nonvoting Delegates in both Houses. Then they send up another one that actually is completely ungermane to the original Nelsen little Hoover Commission bill."

So I call upon the House at this time to do something that is not too out of the way, and that is to be consistent, and let us stick with our guns. Let us stick with the vote that has been taken on this floor, and by adoption of my amendment, delete that provision from the Nelsen bill which provides for only a nonvoting Delegate to the House.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. CABELL. I am happy to yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. Your amendment would delete from the Nelsen bill the provision for a nonvoting Representative in the House?

Mr. CABELL. That is precisely the thrust of my amendment.

Mr. ANDREWS of Alabama. I thank the gentleman.

Mr. CABELL. Mr. Speaker, I will not belabor the point or use any more of the time allotted to me. I shall close by asking your support of this clarifying amendment,which would then leave the Nelsen bill in its original form. It provides for fiscal analysis, so sorely needed in the affairs of the District government.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of the amendment, and move to strike the requisite number of words.

The SPEAKER. The gentleman from Virginia is recognized.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of the amendment offered by the gentleman from Texas (Mr. CABELL), to strike title II from this bill. As the gentleman pointed out, to have title II remain in the bill is somewhat redundant, if not actually silly and ridiculous, because the House of Representatives, by an overwhelming majority vote, has just passed a bill that provided for a nonvoting Delegate in the House of Representatives and also in the U.S. Senate.

Title II of the pending bill repeats half of the bill we just passed, by providing for a nonvoting Delegate in the House of Representatives only.

In my earlier remarks today, I said that if it be proper to have nonvoting representation for the citizens of the District of Columbia in the Congress, then it is fair, desirable, and proper to have nonvoting representation in both bodies. Yet we have heard the claim that the other body will not approve legislation to grant nonvoting representation in their own body. Well, I would like to know how we know that? How do we know what the other body is going to do? That is rather presumptuous. But regardless of what the other body does, why should we roll over and play dead? I think we should act on our own responsibility and let the other body meet its responsibility as well.

Mr. Speaker, I do support the primary purposes of the pending legislation, which was sponsored by the gentleman

from Minnesota (Mr. NELSEN). There is no question but what a study and investigation of the present system of government would be most helpful. In fact, I was an original sponsor of the bill that was to set up the Little Hoover Commission. I do not know of any government in this country, any organization, or any department of government that is in greater need of a thorough going over and a thorough review than does the government of the District of Columbia. In fact, I say it needs a complete revamping and reorganization.

In 1967, we approved a plan known as Reorganization Plan No. 3, which replaced the old Board of Commissioners form of government which had proven successful ever since 1873. Some of us warned the House at that time that if we approved that reorganization plan, we were going to regret it. I do regret it, Mr. Speaker, and I find it necessary to stand in the well of this House today and say "I told you so," because the District government has gone downhill ever since.

As pointed out by the gentleman from Ohio (Mr. HAYS), a few moments ago, the number of District of Columbia city employees has increased manifold since 1967. The cost of the government has soared to an annual cost of $860 million—a 70-percent increase in just 3 years' time. The number of employees has increased by 31 percent. The District of Columbia last year asked for an increase of another 2,730 employees, bringing the grand total up to 4,500. We denied that. But the efficiency, the morale, and the effectiveness of this government is going down all the time. It is essential that we do something to improve and to correct this situation. Title I of this bill is a step in the right direction, which will assure that we will go in and study the entire operation and come back with some recommendations to assure a better job than has been done in the District of Columbia in the past 3 years.

Mr. ADAMS. Mr. Speaker, I move to strike the last two words, and I rise in opposition to the amendment.

Mr. Speaker, this is the key part of this afternoon on the District bills. I had hoped this would not happen in this fashion, because we have tried very diligently to bring up and to offer to the Senate both options—a Senate bill with a Senate nonvoting Delegate and a House nonvoting Delegate by itself. The gentleman from Minnesota (Mr. NELSEN) and I both said, "fine, if you want to send that over, but we think it will be tied up in conference, and we think there will be many problems with it." We have tried to be fair to the House and to explain it, but we have left it to the Members to vote their conscience. But now to use that bill to try to kill the Nelsen bill, I think is very bad.

I will give the Members the history of this bill. This nonvoting Delegate was sent up as a proposal by the President of the United States. A majority of the District Committee were for it, including the minority leader. It is supported by the majority leader in a letter to the House. It was, in its original form a House Delegate bill. But in the subcommittee there was a tacking on that bill of the Senate delegate. I indicated at that time that if they wanted to put up a separate Senate delegate bill, I would vote for it and let the Members of this House work their will on each item as they might want to. But I ask the Members not to try to trap and trick the House in a way such as is being done.

In the subcommittee with no notice at all the Cabell bill came in as a clean bill to tie together the House and Senate delegates in one bill. Later we went through a different series of parliamentary exercises in order to produce the Nelsen bill, which has a nonvoting Delegate and the little Hoover Commission in it.

When we talk about what the Senate would do, the nonvoting delegate passed the Senate in October 1969 without a dissenting vote. The Little Hoover Commission and the Charter Commission passed the Senate in October 1969 without a dissenting vote.

When the gentleman from Virginia says he is for reorganizing the government and a Charter Commission, then I ask him to help me get that Charter Commission out of the same subcommittee wherein the Delegate bill was bottled up, so we can bring it in and so Members can vote it up or down.

I am not trying to convince the Members to vote against their conscience. I am saying they ought to have an opportunity to vote whichever way they want to vote. This gives the Members the opportunity to vote for a nonvoting delegate in the House and a Little Hoover Commission which will study this government.

It is a fair and a good package.

I told the gentleman from Texas when his bill is up, yes, we would support his bill and send it over to the Senate, and for that courtesy we have him coming in now to try to strike apart the other bill which we voted out of the District Committee 17 to 7.

I ask all the Members to oppose that amendment, and to vote for the bill just as it is. We will send both bills to the Senate.

If it violates your conscience, do not vote for it, but if you believe it is a good bill, which I believe it is, then vote for it. If you favor a nonvoting delegate and a study of Washington, D.C., by a Little Hoover Commission, then vote for it, and do not buy the sophistry that you have done something redundant. You have not. You have done two separate things.

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

Mr. ADAMS. I yield to the gentleman from Minnesota.

Mr. NELSEN. Is it not true that the Little Hoover Commission bill of mine was in the No. 1 position all the way through the negotiation? I lost my No. 1 position because we wanted to bring in a clean bill, and the Cabell bill was sent in here. Yet the Cabell bill today was amended on the floor; it was not a clean bill.

So really by a maneuver we have lost the opportunity to consider my bill first. In my judgment fairplay would have given us the opportunity. I did request it be given consideration here on the floor, so that we can settle this issue so far as the House is concerned.

The gentleman will recall the negotiations.

Mr. ADAMS. I do. The gentleman is absolutely correct.

The only reason why I took the floor on this amendment is that it was my feeling and understanding that what would happen is that we would give both bills a chance, that both would be voted up or down, and there would not be an attempt to tear either bill apart.

We did not attempt to tear apart the Cabell bill by striking the Senate nonvoting Delegate. We left it just as it was.

Mr. GUDE. Mr. Speaker, I move to strike the requisite number of words.

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

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

Mr. STEIGER of Arizona. I thank the gentleman for yielding.

I should like to make clear, as a former member of the committee and a very, very interested observer of this particular operation, exactly what it is the Members will be voting for.

There are exactly two chances of the Cabell bill passing the Senate. Those two are slim and none. Make no mistake about that.

If the Members do not want a nonvoting Delegate from the District of Columbia in the House of Representatives, then they should support this particular amendment, because this is the certain death of the nonvoting Delegate in the House of Representatives, in my opinion.

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

Mr. STEIGER of Arizona. I do not have control of the time.

The SPEAKER. The gentleman from Maryland has the floor.

Mr. GUDE. Mr. Speaker, I yield further to the gentleman from Arizona.

Mr. STEIGER of Arizona. The other very germane issue is in response to the question, How do we know that the Senate will not accept this particular language? We know it because they have already passed the nonvoting House Delegate. They have already passed the Hoover Commission provisions. And they have never had a nonvoting Senate Delegate. Those three things are ample precedent for reasonable people to assume they will not accept it.

Again I say if the Members want a nonvoting Delegate in the House and if they want the so-called Hoover Commission to study Washington, D.C., they should vote against the Cabell amendment.

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

Mr. GUDE. I do not yield at this time, Mr. Speaker.

I should like to congratulate the gentleman from Washington on the most accurate and comprehensive statement of the affair as it has stood before the District of Columbia Committee. He has expressed it succinctly and well. His statement that if Members want to be

on record as supporting a Delegate for the District of Columbia they should not be taken in by some sophistry but should support the entire bill of the gentleman from Minnesota (Mr. NELSEN) and vote against this amendment.

I would hope, however, that we not lose sight of the fact that the people of the District of Columbia, as U.S. citizens, are entitled to full voting representation in Congress. We must not allow the adoption of this legislation to deter us from that end. A nonvoting Delegate sits in Congress at the whim of Congress and can be removed by a simple bill. Voting representation would be guaranteed by the Constitution. If voting representation is not achievable in this 91st Congress I hope it will be the first order of business in the 92d.

Mr. ABERNETHY. Mr. Speaker, I move to strike the last three words.

Mr. Speaker, I think I can clear up some of the confusion here. Now, the gentleman from Minnesota (Mr. NELSEN), muddied his own bill. I do not say that with any criticism of the gentleman.

The so-called little Hoover Commission bill passed the Senate and came to our committee. When the committee was prepared to vote on the bill, which the gentleman from Minnesota sponsored, he offered a nongermane amendment in the form of another title providing for a delegate in the House of Representatives. It was conceded by all in the committee that his amendment was not germane. Nevertheless, the committee adjourned to the next day. The gentleman from Minnesota then introduced a bill with two titles, one of which, of course, was the so-called little Hoover Commission and the other was the House delegate. If he had wanted the Hoover Commission bill, all he had to do was just let it come out, but instead of that he muddied it with this House delegate. In the meantime, this committee voted out another delegate bill, one which was introduced and voted on before this bill was introduced and voted on, providing for delegates, one in the House and one in the Senate. Now, what is wrong with that?

The gentleman from Arizona (Mr. STEIGER) and the gentleman from Minnesota (Mr. NELSEN), say that the Senate just will not take it. Why? They have as much room over there as we have. And the free talking over there is much freer than it is here in the House. We are limited to about 5 minutes in the House, whereas, a free-talking delegate in the Senate would have a tremendous opportunity to express himself as well as often not voting over in the Senate.

The Senate on three occasions has passed bills in a rather presumptuous fashion, in my judgment, to enlarge the House of Representatives by adding a delegate for the District. A good many years ago they passed a bill putting a District delegate in the House. Frankly, the Members of the House did not like it, not because of their putting a delegate here but because the other body—and since there is some form of comity here, I must be careful about how I say it—the House did not like it because the Senate presumptuously determined to enlarge the House of Representatives without even consulting the House. Certainly that would be for our own determination. So, the bill fell by the wayside. Two or three years ago they did the same thing. They did not pass a bill to put a delegate in the Senate. Oh, no. Just the House. Last year they did the same thing, without even debating same, without a rollcall vote or without consulting us. So, we are just proposing to return the courtesy, if it can be called a courtesy.

I see nothing in the world wrong, if we are going to have a delegate here, in having another in that august body at the other end of of the Capitol. I do not see anything wrong in supporting the amendment offered by the gentleman from Texas. Then the Hoover Commission bill will not even have to go to conference. It will become law. We are all for that. Nobody is against that.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

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

Mr. ANDREWS. I appreciate the gentleman yielding.

Does not the gentleman think seriously that a nonvoting delegate in the Senate could be of far more service to his district than one here?

Mr. ABERNETHY. The gentleman said it much more effectively than I did. I was trying to make that point. I think the gentleman is eminently correct.

Mr. ANDREWS of Alabama. Does not the gentleman think that two nonvoting delegates would be of far more service to the citizens of the District than one?

Mr. ABERNETHY. Of course, they would be able to render twice as much service, that is, if they work.

Mr. ANDREWS of Alabama. Well, I assume they will work, and they will work if they get up here.

Mr. STEIGER of Arizona. Will the gentleman yield?

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

Mr. STEIGER of Arizona. I thank the gentleman for yielding.

Assuming that the gentleman is correct and I am wrong and the Cabell version has an excellent chance of passage or at least a chance of passage, I wish the gentleman would explain to me what harm will this language in the Nelsen bill—what harmful effect will that language have on the Cabell bill and what harmful effect will that have on those of you who are suggesting that we not vote for a delegate for the House?

Mr. ABERNETHY. One thing we are doing, unless we adopt the amendment of the gentleman from Texas, is to clutter up the so-called Little Hoover Commission bill which has already passed the Senate. Why clutter up the Hoover Commission bill with something which is not germane to it.

I trust you will adopt the amendment.

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

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

Mr. CABELL. I thank the gentleman for yielding. I wonder if the gentleman might agree with me that by inclusion of this nongermane title to the Little Hoover Commission actually it weakens our position with reference to trying to get the people of the District of Columbia as complete representation in both Houses as possible?

Mr. ABERNETHY. Of course, I do.

Mr. CABELL. Just as we are weakening our position to go to conference with the other body to see if we are going to get representation for the District of Columbia which I for one favor, and which I think is necessary, and because of that, then let us keep our position strong, and where we will be in the best position possible in a conference.

Mr. ABERNETHY. I thank the gentleman for his contribution.

Mr. JACOBS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, following the clarification from the gentleman from Mississippi, I would like to offer the clarification of the gentleman from Indiana. Where I come from this amendment would be called "The Who's Kidding Who?" amendment.

The kindness expressed by the supporters of the amendment is touching. Perhaps you have heard of killing things with kindness?

Now, unfortunately, it is not within the province of this body of the Congress to ordain the acts of the other body of the Congress. In consequence, by way of explanation of the legislative processes, one body of the Congress cannot pass a bill in the other body even when the other body "ought" to pass such a bill. Nor do they in turn pass what they think we ought to pass. You pass what both bodies can agree upon. And from the testimony of those who have spoken before, everybody here could agree upon a nonvoting delegate to the House. It is unlikely that, even right or wrong, good or bad, stuck up or not, it is unlikely that a sufficient number in the other body would agree to a Senate delegate.

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

Mr. JACOBS. In a moment.

Now, the gentleman from Mississippi says if you are going to have a voting delegate in the House, et cetera, well, you "ain't" going to have a voting delegate in the House if this amendment passes, and everybody in the House knows it. There is no point in kidding anybody or trying to kid ourselves.

Let the RECORD show clearly that this is indeed a test vote on whether or not there is going to be a nonvoting delegate in the House.

Marie Antoinette was just saying today, when told that the Americans in the District of Columbia had no representation in the House, "Let them have a Senator."

Who supports this "Senate cake" proposal? Those whose kindly sentiments have been displayed so graphically over the years for the people who live in the District of Columbia? Are their sentiments now so tender for the people of the District of Columbia that nothing will do but that the people of the District not only have a House delegate, but a Senate delegate as well? Make your own jokes.

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

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

Mr. CONYERS. Mr. Speaker, I thank the distinguished gentleman for yielding, because I, too, have been very deeply touched by those who have spoken, our distinguished colleague from Mississippi and our colleagues from Virginia and Texas who are now trying to get delegates in both bodies.

Now I am going to follow the dictates of this committee leadership with the gentleman from Washington (Mr. ADAMS), yourself, and others who have been working diligently, that some day we may be able to go beyond merely having nonvoting delegates.

I would like to see the day come, Mr. Speaker, when we have voting representatives from Washington, D.C. It is because of that interest and that belief and because of that concern that I am voting down the amendment and am going to support the action for a nonvoting delegate in the House of Representatives.

Mr. JACOBS. I believe that the gentleman would agree that the District of Columbia has sent several delegates to Vietnam in uniform.

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

Mr. JACOBS. I yield to the gentleman.

Mr. CABELL. I would like to ask the gentleman a rather simple question, and I do not believe it will necessarily start a long dialog.

Does the gentleman in the well have any concrete knowledge—has the gentleman a Gallup poll or any other of these polls, to the point that he can speak with the assurance that the Senate would not accept my bill?

Mr. JACOBS. No, and that is why I think we ought to try both ways just to make sure.

Why do the supporters of this amendment not adopt the theme song "I Can't Give You Anything but Love"?

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

Mr. GERALD R. FORD. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I do not intend to participate in the debate in any personal way, in the way I think some may be arguing, with tongue in cheek on the one hand, and others by taking snide cracks at others.

I do not think we ought to decide this important issue on that basis.

Mr. Speaker, we ought to defeat this amendment. We should approve this bill with the little Hoover Commission provisions as well as the congressional nonvoting delegate left to the House of Representatives.

There is good historical precedent for a nonvoting delegate in the House, and no comparable nonvoting delegate in the other body.

I do not know of a single instance where there has been a nonvoting delegate in the other body. On the other hand, I believe that history tells us that there have been many nonvoting delegates for the U.S. territories in this body. I am told in every instance a territory has historically had a nonvoting delegate, and there has been no such nonvoting delegate in the other body.

I think this is constitutionally correct. The reason why there has never been a nonvoting delegate for a territory in the other body is based on the concept that the Members of the other body are an assembly of representatives from the various States. For that reason you have not had a nonvoting delegate from the territories or the District of Columbia.

So I think constitutionally as well as precedentwise we ought to have one in this body and not in the other body. Therefore, I strongly urge that this amendment be defeated and that we pass the bill as it came out of the committee. The bill is endorsed by the distinguished majority leader who, I understand, has circulated a letter endorsing the proposal on the Democratic side of the aisle. I have done the same on our Republican side of the aisle. It is a recommendation by the President of the United States. I strongly urge and wholeheartedly support the bill, and I hope that this amendment is defeated.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. HUNGATE. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise to pay tribute to the gentleman from Minnesota, who has offered this bill, and I support it in its present form. I somewhat fear a tribute to the gentleman from Minnesota (Mr. NELSEN), is all we may get out of this, for the efforts of some of the hard-working members of this committee.

The gentleman from Minnesota has labored hard to give us a good bill. He has shown patience that few of us have. He has dealt with those who may or may not argue, with tongue in cheek, and those who would have a complete tent revival meeting on the subject in Washington tomorrow. He has shown great ability and has tried to serve the welfare of the people of the Nation and to meet the needs of the District of Columbia, residents. He has done a very good job.

Mr. Speaker, I hope we will defeat the amendment and adopt the bill as the gentleman has proposed it.

It has been suggested that when a bill comes up in the other body offering the House nonvoting delegate, it is outrageous. I think so, too. But it may be just as outrageous for us to pass the bill providing for a nonvoting delegate in the other body without word from them on the subject.

I think what we are attempting here is to deal with our own responsibilities. Responsibilities have been mentioned. I think here we are dealing with our own responsibilities, the responsibilities that we recognize to the District of Columbia and its residents.

I think the situation is perhaps well illustrated by a story that one of our Members told about responsibility. You have heard it. In a small town lived two identical twins. They were very beautiful girls, very well developed. The barber in town married one of these identical twins. Things went along all right until finally one day the identical twin's sister came to live with them.

Down at the barbershop one day a customer said:

Well, Charlie, how do you tell those girls apart?

The barber said:

I don't try. I figure that is their responsibility.

We are standing around here saying, "That is their responsibility." Let us take our responsibility. Let us pass Mr. NELSEN's bill without amendments.

Mr. SMITH of New York. Mr. Speaker, will the gentleman yield?

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

Mr. SMITH of New York. I compliment the gentleman for developing his argument. I think the issues here are quite clear. I think the measure has been well explained to the House, and I would urge that the amendment of the gentleman from Texas be voted down, and that H.R. 18725, as it has been presented here in the House, be passed.

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

Mr. HUNGATE. I yield to the gentleman from Kansas.

Mr. WINN. I thank the gentleman from Missouri. Mr. Speaker, I, too, support H.R. 18725 in its present form and I oppose the amendment.

Mr. Speaker, in the two terms that I have been in the Congress and sat on the House District Committee, there have been a proliferation of bills, resolutions, and plans submitted that would give some representation to residents of the District of Columbia in the Congress. A considerable amount of time has been spent in the House District Committee considering these various measures and I must say, especially as regards the hearings held in this session of Congress, there has been almost overwhelming support for a nonvoting delegate in the House of Representatives.

President Nixon, shortly after taking office, recommended to the Congress draft legislation that would provide a nonvoting delegate in the House of Representatives. The President cited the fact that there were 850,000 residents in the District who had no representation in the Congress whatsoever. Surely it is recognized that there is neither in the Congress nor in the executive branch one individual to whom District residents can go regarding legislation that is considered in the Congress whether it relates to matters of national or local interest.

Upon reading the report accompanying H.R. 18725, with the exception of the supplemental views of Congressman ANCHER NELSEN whose views I concurred in, one might draw the inaccurate conclusion that title II of this bill is "home rule" legislation. That is not the case.

What title II of this bill provides is a nonvoting delegate in the House of Representatives who would represent the residents of the District of Columbia. This nonvoting Delegate would have and enjoy the same rights that the Delegates from any other territory including Puerto Rico, whose Resident Commissioner sits in this body as a delegate. It would provide a representative of the 850,000 residents, someone to whom they could look

to to foster and protect their interests with respect to all legislation coming before the House, whether it be national legislation or District legislation.

The casework for residents of the District of Columbia is now spread throughout many, if not all, of the Members of this body. The election of a Delegate would, I believe, concentrate that casework in one individual who would handle the problems of the residents of the District. In addition, he could introduce private legislation and legislation of interest to the District government. Despite what may be said, I believe the residents of the District of Columbia have a strong interest in having their own elected officials. Approximately 220,000 were registered in the presidential election of 1968 and of that number approximately 170,000 voted. Considering the fact that it has been almost 100 years since the District residents have been able to elect officials, this is a fairly good election turnout.

We must remember that the population of the District as of 1960 is larger than that of 11 other States who together send 22 Senators and 17 Representatives to the Congress. I am also informed by representatives of the executive branch that residents of the District of Columbia in 1967 paid more Federal personal income tax than the residents in 17 other States. Information from the hearings before other committees indicates that the District of Columbia furnished more men to the armed services during World War II than each of 14 other States and there is reason to believe that this trend has continued in other conflicts.

The principal purpose of title II of H.R. 18725 as I see it is to provide a direct and sure line of communications between the residents of the District and the Congress. They had this kind of representation in the Congress from 1871 to 1874 so there is historical precedence for a nonvoting Delegate in the House.

Recent events have also impressed me with the need for an effective spokesman for the District of Columbia, one with access and availability to the Congress on a regular basis, a spokesman able to devote himself to matters of legislative import, a true representative, certain by the fact of his election of the support of the people of the city.

In conclusion, it is my belief that Congressman NELSEN'S bill, H.R. 18725, is the bill which has the best chance of passage not only in the House but in the Senate also. However, I favor forwarding to the Senate both H.R. 18619, which we have already passed, and H.R. 18725. However, I think we should be honest and forthright about the matter and recognize that there is precedence for having a nonvoting delegate in the House from the District of Columbia. On the other hand, there is no historical or legal precedence providing for a nonvoting delegate in the Senate for the District of Columbia.

I think that by voting for this bill providing for a nonvoting delegate in the House, we are following precedent. We are expressing the view that we are willing to seat a delegate from the District of Columbia in this body. I think this is consistent with the action that was first taken with respect to seating delegates which is explained in the report accompanying this bill as it occurred in 1794. In that case, the House did not dictate to the Senate as to whether or not there should be a nonvoting delegate in the Senate. What they did, pure and simple, is to state that they would accept a nonvoting delegate in the House and left to the Senate the question as to whether or not they would seat a nonvoting delegate in that body.

By passing H.R. 18725, we give to the residents of the District of Columbia and the Congress in title II a provision which is attainable of enactment. It has bipartisan support and should be passed, I believe, by the House.

As to title I, I think there is general agreement that there is a need for a little Hoover Commission. There is general support for this measure and as a member of the House District Committee, I strongly subscribe to the passage of title I, also.

I seek your earnest support for both of these titles as they are presented to you in this bill.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Texas (Mr. CABELL).

The question was taken; and on a division (demanded by Mr. MCMILLAN) there were—ayes 31, nays 104.

So the amendment was rejected.

Mr. MCMILLAN. Mr. Speaker, the title of the pending legislation, H.R. 18725, calling for the election of a Delegate from the District of Columbia to be seated in the House of Representatives of the U.S. Congress, is without precedent and without support in law. If any representation of the District to the Congress has any current sanction, such a representative of the District should be a Resident Commissioner rather than a Delegate.

The facts of the situation are clear and simple.

The first mention of a Delegate to Congress is in the Northwest Ordinance of 1787 and provided solely for Delegates from territories.

The Delegates were to be interim representatives from territories which were to become States.

The District of Columbia was never a territory of the United States.

The District of Columbia was never expected to become a State.

The reasons for permitting a Delegate to the Congress from the District do not exist in comparison to the territories. In fact, the Congress was to be located in, and was to be and has been an intimate part of the social and economic life of the District and is as knowledgeable of the local problems as any Delegate could be.

The following acts of Congress have been consistent in providing for representation by delegate from territories expected to become States or by Resident Commissioners from possessions not to become States: The Northwest Ordinance of 1787; the act of August 7, 1789—adapting the ordinance to the Constitution; the Missouri Territorial Act of June 4, 1912; the act of March 3, 1917, amending the Missouri Act and applying generally to other territories; the revision in the Revised Statutes, section 1862; the act of July 1, 1902 providing Resident Commissioners for the Philippines; and similar law of that Congress related to Puerto Rico; the act of August 29, 1916, asserting the nonterritorial status of the Philippines and the intent of restoration of independence. Not one of these acts of Congress by express language or by inference supports the concept of a delegate to the Congress from the District of Columbia.

The supporters of the present language are trying to make applicable to the District that which does not apply. This was tried in 1871 when Congress mistakenly started to provide a territorial government to the nonterritory District of Columbia. Most of the mistakes were taken out of the legislation but the delegate representation, which under all precedents before and since was inapplicable to the District, was left in the legislation only to be abandoned when the Congress completely rewrote the form of government for the District of Columbia 3 years later.

The history of the use of delegates is clear and unequivocal. They have never been intended to apply except to territories which were to become States. In those cases where any representation was to be given to other land areas under the jurisdiction of the United States, the method has been by providing for a Resident Commissioner. The amendments which have been offered to substitute the the term Resident Commissioner for the term delegate will be in conformity with the 194-year history of this problem from 1787 to the present.

Mr. CONYERS. Mr. Speaker, one of the most profound failings of the democratic system is that the people of the District of Columbia have no representation in Congress. Our Nation's Capital has more citizens than 11 States. It pays more in individual Federal income taxes than 17 States. Its young men are eligible for military service. Seven hundred forty-two of them were drafted last year. It is rank hypocrisy to continue to deny them the most elemental rights of citizenship.

We preach democracy to the world and yet we deny a voice in our Government to the people who live closest to it. Simple justice demands that we boldly move forward to the day of true citizenship and complete home rule for the citizens of Washington, D.C.

There is ample precedent surrounding our action today. The District of Columbia had a nonvoting delegate in the House from 1871 to 1874. This small step presently being considered to provide a voice without a vote will pave the way so that someday this Capital will proudly boast of its own elected representatives. In my judgment, we ought to begin immediate work on an amendment to the Constitution which would allow the District of Columbia two Senators and two Representatives to represent their 800,000 citizens. Second, we ought to pass legislation similar to the bill I introduced last year that would bring complete local self-government to Washington, D.C. The people of

Washington deserve to have their voice heard in the House of Representatives right now. They have been exceedingly patient. Congress has isolated itself from almost 1 million Americans. Let us bring one of them into the House and let him be heard. I urge passage of H.R. 18725, the nonvoting delegate bill.

Mr. HARRINGTON. Mr. Speaker, I have spoken a number of times about the seniority system in the House and its effect on the passage of legislation. On June 23, 1970, I discussed the District of Columbia and said:

> Nowhere is our failure to reflect our national constitution more evident that in the way we prescribe the rule of the District of Columbia. Nowhere is the failure of this body to respond to the demands of the 20th century more obvious.

I am pleased today that we are finally going to take that first step into the 20th century for the District. For the first time in 95 years the District has a chance to have some representation in Congress—albeit a nonvoting representative. My colleague from Minnesota (Mr. NELSEN) has presented us with a bill, H.R. 18725, which will not only provide the District of Columbia with a nonvoting delegate in the House, but which will also provide a "little Hoover Commission" which will study all aspects of District of Columbia government and recommend methods of reducing expenditures, eliminating duplication, consolidating or abolishing services, and relocating agencies of the District government. This appraisal is needed and long overdue.

I am delighted that Congressman NELSEN's bill has finally come to the floor and it is my intention to vote for it. However, I believe that the District of Columbia should be completely self-governing. More than 11 States have populations smaller than the District—according to the 1960 census—and these States have 22 Senators and 17 Representatives between them. Clearly, a nonvoting delegate is inadequate representation for the residents of the District.

Mr. Speaker, I have been in the Congress less than a year. I have maintained a residence in the District less than a year, and my eyes have been opened. I am frankly appalled at the way the District is run. I have visited those parts of the city which the tourist never sees, and I am shaken. Many areas damaged in the riot of 1968 have never been repaired. Many buildings are still blackened and boarded up. Housing is inadequate, schools are inadequate, transportation is inadequate, and no one has real authority to act effectively for the black majority of this city. The Congress simply does not have the time or the interest to run a large city. It is time we recognized this fact, and permitted the city to govern itself. The complexities of city government, the day-to-day decisions should not be placed in the hands of 535 different people—all of whom have to pass on matters about which they have little concern and about which they lack the time to be informed.

Many residents of the District display a bumper sticker stating: "D.C.: Lost Colony." That, Mr. Speaker, sums up the situation. A nonvoting delegate will help, but the best solution is self-government. Let us not wait another 95 years to make that a reality.

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

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

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

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 302, nays 57, not voting 70, as follows:

[Roll No. 266]

YEAS—302

Adair	Duncan	Kuykendall
Adams	Eckhardt	Kyl
Addabbo	Edmondson	Kyros
Albert	Edwards, Calif.	Landgrebe
Anderson, Calif.	Eilberg	Langen
Anderson, Ill.	Erlenborn	Latta
Andrews, N. Dak.	Esch	Leggett
Annunzio	Eshleman	Lloyd
Arends	Evans, Colo.	Long, Md.
Ashley	Fascell	Lowenstein
Ayres	Feighan	Lujan
Barrett	Findley	McCarthy
Beall, Md.	Flood	McClory
Belcher	Foley	McCloskey
Bell, Calif.	Ford, Gerald R.	McClure
Bennett	Ford, William D.	McDade
Betts	Foreman	McDonald, Mich.
Biester	Fountain	McEwen
Bingham	Fraser	McFall
Blatnik	Frelinghuysen	Macdonald, Mass.
Boggs	Frey	Madden
Boland	Friedel	Mahon
Bolling	Fulton, Pa.	Mann
Bow	Fulton, Tenn.	Marsh
Brademas	Galifianakis	Mathias
Brasco	Gaydos	Matsunaga
Brinkley	Giaimo	May
Broomfield	Gibbons	Mayne
Brotzman	Gilbert	Meeds
Brown, Calif.	Gonzalez	Melcher
Brown, Ohio	Goodling	Michel
Broyhill, N.C.	Gray	Mikva
Buchanan	Green, Oreg.	Miller, Calif.
Burke, Fla.	Green, Pa.	Miller, Ohio
Burke, Mass.	Griffiths	Mills
Burton, Calif.	Grover	Minish
Burton, Utah	Gubser	Mink
Button	Gude	Minshall
Byrne, Pa.	Halpern	Mize
Byrnes, Wis.	Hamilton	Mizell
Carey	Hammer-schmidt	Mollohan
Casey	Hanley	Moorhead
Cederberg	Hanna	Morgan
Chamberlain	Hansen, Idaho	Morse
Chisholm	Hansen, Wash.	Morton
Clancy	Harrington	Mosher
Clausen, Don H.	Harsha	Moss
Clawson, Del	Harvey	Murphy, Ill.
Cleveland	Hathaway	Murphy, N.Y.
Cohelan	Hawkins	Myers
Collier	Hays	Natcher
Conable	Hechler, W. Va.	Nedzi
Conte	Heckler, Mass.	Nelsen
Conyers	Helstoski	Nix
Corbett	Hicks	Obey
Corman	Hogan	O'Konski
Coughlin	Holifield	O'Neill, Mass.
Cowger	Horton	Ottinger
Crane	Hosmer	Patten
Culver	Howard	Pelly
Daniels, N.J.	Hungate	Pepper
Davis, Wis.	Hunt	Perkins
de la Garza	Hutchinson	Pettis
Dellenback	Ichord	Philbin
Denney	Jacobs	Pickle
Dennis	Johnson, Calif.	Pike
Dent	Johnson, Pa.	Pirnie
Derwinski	Jonas	Podell
Devine	Karth	Poff
Diggs	Kastenmeier	Preyer, N.C.
Dingell	Kazen	Price, Ill.
Donohue	Kee	Pryor, Ark.
Downing	Keith	Pucinski
Dulski	Kluczynski	Quie
	Koch	Quillen
Railsback	Sisk	Vanik
Rees	Skubitz	Vigorito
Reid, Ill.	Slack	Waldie
Reid, N.Y.	Smith, Calif.	Wampler
Reuss	Smith, Iowa	Watts
Rhodes	Smith, N.Y.	Whalen
Riegle	Snyder	White
Robison	Springer	Whitehurst
Rodino	Stafford	Widnall
Roe	Staggers	Wiggins
Rogers, Fla.	Stanton	Williams
Rooney, Pa.	Steiger, Ariz.	Wilson, Bob
Rosenthal	Steiger, Wis.	Wilson, Charles H.
Roth	Stokes	Winn
Roybal	Stratton	Wold
Ruppe	Stubblefield	Wolff
Ruth	Taft	Wyatt
St Germain	Talcott	Wydler
Sandman	Taylor	Wylie
Schadeberg	Thompson, Ga.	Wyman
Scherle	Thompson, N.J.	Yates
Scheuer	Thomson, Wis.	Yatron
Schneebeli	Tiernan	Zablocki
Schwengel	Udall	Zion
Sebelius	Ullman	
Shipley	Van Deerlin	
Shriver	Vander Jagt	

NAYS—57

Abbitt	Fisher	Nichols
Abernethy	Flowers	Poage
Andrews, Ala.	Fuqua	Purcell
Ashbrook	Gettys	Randall
Aspinall	Griffin	Rivers
Bevill	Gross	Roberts
Blackburn	Haley	Satterfield
Blanton	Hall	Saylor
Brooks	Henderson	Schmitz
Broyhill, Va.	Hull	Scott
Burlison, Mo.	Jarman	Sikes
Cabell	Jones, Ala.	Steed
Camp	Jones, N.C.	Stephens
Chappell	Jones, Tenn.	Stuckey
Clark	Landrum	Teague, Tex.
Collins	Lennon	Waggonner
Colmer	McMillan	Watson
Daniel, Va.	Martin	Whalley
Dorn	Montgomery	Whitten

NOT VOTING—70

Alexander	Edwards, Ala.	Olsen
Anderson, Tenn.	Edwards, La.	O'Neal, Ga.
Baring	Evins, Tenn.	Passman
Berry	Fallon	Patman
Biaggi	Farbstein	Pollock
Bray	Fish	Powell
Brock	Flynt	Price, Tex.
Brown, Mich.	Gallagher	Rarick
Burleson, Tex.	Garmatz	Reifel
Bush	Goldwater	Rogers, Colo.
Caffery	Hagan	Rooney, N.Y.
Carter	Hastings	Rostenkowski
Celler	Hébert	Roudebush
Clay	King	Rousselot
Cramer	Kleppe	Ryan
Cunningham	Long, La.	Sullivan
Daddario	Lukens	Symington
Davis, Ga.	McCulloch	Teague, Calif.
Dawson	McKneally	Tunney
Delaney	MacGregor	Weicker
Dickinson	Mailliard	Wright
Dowdy	Meskill	Young
Dwyer	Monagan	Zwach
	O'Hara	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Passman against.

Mr. Rostenkowski for, with Mr. Rarick against.

Mr. Olsen for, with Mr. Long of Louisiana against.

Mr. Biaggi for, with Mr. Caffery against.

Mr. Fallon for, with Mr. Hébert against.

Mr. Gallagher for, with Mr. O'Neal of Georgia against.

Mr. O'Hara for, with Mr. Davis of Georgia against.

Mr. Daddario for, with Mr. Burleson of Texas against.

Mr. Garmatz for, with Mr. Hagan against.

Mr. Delaney for, with Mr. Dowdy against.

Mr. Celler for, with Mr. Flynt against.

Until further notice:

Mr. Ryan with Mr. Edwards of Alabama.
Mrs. Sullivan with Mr. Dickinson.
Mr. Evins of Tennessee with Mr. Bray.
Mr. Edwards of Louisiana with Mr. Brock.
Mr. Monagan with Mr. Brown of Michigan.
Mr. Patman with Mr. Bush.
Mr. Rogers of Colorado with Mr. Carter.
Mr. Symington with Mr. Clay.
Mr. Tunney with Mr. Powell.
Mr. Farbstein with Mr. Weicker.
Mr. Wright with Mr. Crane.
Mr. Alexander with Mr. Cunningham.
Mr. Anderson of Tennessee with Mrs. Dwyer.
Mr. Baring with Mr. Fish.
Mr. Young with Mr. Goldwater.
Mr. Hastings with Mr. Kleppe.
Mr. King with Mr. Lukens.
Mr. McKneally with Mr. McCulloch.
Mr. Mailliard with Mr. Berry.
Mr. Meskill with Mr. MacGregor.
Mr. Reifel with Mr. Pollock.
Mr. Teague of California with Mr. Price of Texas.
Mr. Wyman with Mr. Roudebush.
Mr. Zwack with Mr. Rousselot.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the District bills just passed.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 15913, AMENDING LAND AND WATER CONSERVATION FUND ACT OF 1965, AS AMENDED

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1149 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1149

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15913) to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, 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 Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. 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 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. After the passage of H.R. 15913, the Committee on Interior and Insular Affairs shall be discharged from the further consideration of the bill S. 1708, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 15913 as passed by the House.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN) pending which I yield myself such time as I may consume.

Mr. Speaker, I hope to speak on this matter briefly, but in order to be fair to the House, it is important to describe the situation in which we find ourselves.

The proposition brought before the House by the rule now under consideration would do two things. It would provide for a method of using property, land found surplus for park and recreational purposes, and it would increase the amount of the land and water conservation fund from within $200 to $300 million after fiscal year 1970.

When the matter came before the Committee on Rules, there was a jurisdictional conflict between the House Committee on the Interior and Insular Affairs, and the House Committee on Government Operations.

There is also on the calendar a rule, House Resolution 1164, making in order H.R. 18275, an amendment to the Federal Property Administrative Services Act, which would have dealt with the matter in a different way.

This is where the conflict between the Committee on Interior and Insular Affairs and the Committee on Government Operations became clear.

The Committee on Rules felt very strongly that the matter should be reconciled by the two committees. It therefore reported rules on both bills and communicated its views to both committees. Whether that had any influence or not is not pertinent, but the fact remains that the two committees have reconciled any differences that existed, that the matter made in order by this rule will have offered to it an amendment offered by the gentleman from Texas (Mr. BROOKS) acting for the Committee on Government Operations, which is wholly acceptable, as I understand it, to the Committee on Interior and Insular Affairs. There will be no conflict and the matter will, to the best of my knowledge, be totally without controversy and presumably can be passed in a few minutes.

I therefore, after the adoption of this rule, propose to ask unanimous consent to table the other rule, to dispose of that aspect, and I understand, as I have suggested, the matter will proceed and I understand proceed expeditiously.

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

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

Mr. Speaker, as the gentleman from Missouri has explained, House Resolution 1149 provides for an open rule with 1 hour of debate on H.R. 15913, to amend the Land and Water Conservation Fund Act of 1965, as amended.

The purpose of the bill is to increase the effectiveness of the land and water conservation fund program by providing a system for utilizing suitable, unneeded Federal lands for park and recreation purposes, and by increasing the moneys available for purchases by the land and water conservation fund.

The bill increases the level of the land and water conservation fund to $300,000,000 annually, an increase of $100,000,000 from the present level. Money in the Fund is used by the Government to purchase land for park and recreational purposes. Funds from three sources have traditionally been covered into the land and water conservation fund from: First, entrance and user fees; second, motorboat fuel taxes; and third, revenues from the sale of surplus real property owned by the Government.

Revenues from these sources have not produced funds at the anticipated levels. The act authorizes appropriations to make up the difference between the revenues of the fund and the authorized expenditure level of $200,000,000. If appropriations were not forthcoming, a transfer of funds from the Outer Continental Shelf revenues was required automatically to insure that the land and water conservation fund received $200,000,000 annually to expend on land purchases. This procedure is continued under the proposed legislation but the annual expenditure figure is set at $300,000,000.

The bill also authorizes the Administrator of the General Services Administration to transfer unneeded and excess Federal properties which are suitable for park or recreational purposes to the Secretary of the Interior for conveyance to the States or local agencies. This is proposed to insure the continued growth of State and local recreational and park programs. The Administrator of GSA will lose none of his authority with respect to land disposal. He retains full authority to determine what is excess, and if it is, to further determine whether it is suitable for park or recreational purposes. Only after he makes both affirmative decisions can such excess land be conveyed to the Secretary of the Interior for transfer to the State or local authority involved.

The committee believes that by expanding our park and recreational land acquisition and development programs in these two ways we can better insure adequate facilities in future years.

The administration supports the bill as evidenced by letters from the Department of the Interior and the Bureau of the Budget.

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

Mr. BOLLING. 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.

TABLING OF HOUSE RESOLUTION 1164 AND H.R. 18275

Mr. BOLLING. Mr. Speaker, I ask unanimous consent to lay on the table House Resolution 1164; and subsequent to that, by agreement, I propose to ask

unanimous consent to lay the bill which it makes in order on the table.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BOLLING. Mr. Speaker, I ask unanimous consent to lay on the table H.R. 18275.

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

There was no objection.

AMENDING LAND AND WATER CONSERVATION FUND ACT OF 1965, AS AMENDED

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15913) to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes, in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 15913

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended effective March 31, 1970 (16 U.S.C. 4601–5), is further amended as follows:

(a) Subsection (a) is amended by deleting the last sentence, by changing the period at the end of the first sentence to a colon, and by adding the following: *"Provided,* That in lieu of disposal under the Federal Property and Administrative Services Act of 1949, as amended, of any surplus real property and related personal property that the Secretary of the Interior certifies is needed and suitable for public park or recreation uses, suitability being determined in the light of the highest and best use of the property under present and foreseeable needs, such property shall be transferred by the Administrator of General Services to the Secretary of the Interior, on request of the Secretary; and in furtherance of the purposes of this Act the Secretary is authorized to sell such property to any State, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any political subdivision or instrumentality thereof, or municipality for a price determined by the Secretary after taking into consideration any benefit that has accrued or may accrue to the United States from the use of the property by the purchaser. The deed of conveyance—

"(1) shall provide that the property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event that such property ceases to be used or maintained for such purpose all or any portion of such property shall in its then existing condition, at the option of the Secretary of the Interior, revert to the United States; and

"(2) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of the Interior to be necessary to safeguard the interests of the United States.

As soon as practicable after the close of each fiscal year the Secretary shall submit to the Congress a report showing the acquisition cost of all real property sold during that year, the sales prices, and the bases on which the sales prices were determined."

(b) Subsection (c), clause (2), is amended by changing the period at the end thereof to a colon and adding: *"Provided further,* That the foregoing amount of $200,000,000 in this clause and in clause (1) shall be increased by an amount equal to the net proceeds placed in the fund from the sale of surplus property and related personal property in excess of $54,700,000 in any one year."

With the following committee amendment:

Page 1, beginning on line 3, strike all after the enacting clause and insert in lieu thereof the following:

That subsection 1(b) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897, 17 U.S.C. 4601–4), is amended as follows:

(a) Strike out "by (1)" and insert "(1) by".

(b) Strike out "and (2)" and insert ", (2) by making available to States lands suitable for recreation use that are excess to the needs of Federal agencies, and (3) by".

SEC. 2. The Land and Water Conservation Fund Act of 1965 is further amended by adding a new section 11 as follows:

"SEC. 11. (a) In lieu of disposal under the Federal Property and Administrative Services Act of 1949, as amended, of any surplus real property and related personal property, and deposit of the proceeds received in the Land and Water Conservation Fund, when any Federal real property and related personal property are declared to be excess to the needs of any Federal agency the Secretary of the Interior shall determine whether they are needed and suitable for State or local public park or recreation uses, suitability being determined in the light of the highest and best use of the property under present and foreseeable needs. If the Secretary makes affirmative determination, and if the property is transferred by the Administrator of General Services, in his discretion, to the Secretary of the Interior in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, the Secretary is authorized to convey such property in furtherance of the purposes of this Act to any State, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any political subdivision or instrumentality thereof, or municipality for a consideration or without consideration as elected by the grantee from one of the following alternatives:

"(1) a price determined by the Secretary after taking into consideration any benefit that has accrued or may accrue to the United States from the use of the property by the purchaser;

"(2) no consideration where the United States acquired the land involved by donation from the grantee;

"(3) a price equal to the consideration paid by the United States when it acquired the land:

Provided, That under each of the foregoing alternatives the grantee may be required to pay the value, as determined by the Secretary, of any improvements constructed by the United States which the Secretary determines will probably be used for other than park or recreation purposes.

"(b) The deed of conveyance—

"(1) shall provide that the property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event such property ceases to be used or maintained for such purpose all or any portion of such property shall in its then existing condition, at the option of the Secretary of the Interior, revert to the United States;

"(2) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of the Interior to be necessary to safeguard the interests of the United States; and

"(3) shall not be executed until sixty days after the proposed conveyance has been transmitted to the Committees on Interior and Insular Affairs of the Senate and House of Representatives respectively.

"(c) As soon as practicable after the close of each fiscal year the Secretary shall submit to the Congress a report showing the acquisition cost of all real property and related personal property sold during that year, the sales prices, and the bases on which the sales prices were determined."

SEC. 3. Subsection 5(b), paragraph (2), of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8) is amended as follows:

(a) After "United States" insert a comma and strike out "and of".

(b) After "outside the State" insert a comma and strike out "as well as a consideration of".

(c) At the end of the paragraph change the period to a comma and add "and any conveyance of excess Federal property pursuant to section 11 of this Act."

SEC. 4. Subsection 2(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5(c)) is amended as follows:

(a) In clause (1), strike out "five fiscal years beginning July 1, 1968, and ending June 30, 1973" and insert "fiscal years 1968, 1969, and 1970, and not less than $300,000,000 for each fiscal year thereafter through June 30, 1989."

(b) In clause (2), after "$200,000,000" insert "or $300,000,000" and after "for each of such fiscal years," insert "as provided in clause (1),"

Mr. ASPINALL (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

Mr. ASPINALL. Mr. Speaker, I move to strike the last word.

Mr. Speaker, no one knows more than I that the hour is growing late.

The distinguished gentleman from Missouri has explained the purpose of the legislation.

This is legislation to which all of us have referred a great many times during the past several months. The only reason why we could not bring the legislation before the House was this jurisdictional question between the Committee on Interior and Insular Affairs and the Committee on Government Operations.

We resolved this because we left the jurisdiction having to do with the matter of surplus property to be taken care of by the action of the Committee on Government Operations. As has been stated, the gentleman from Texas (Mr. BROOKS) will offer an amendment to that effect. As far as the jurisdiction of the Committee on Interior and Insular Affairs is concerned, that has to do with the increase in the land and water conservation fund from the present level of $200 million to $300 million so that the recreation needs of the Nation may be taken care of.

Mr. Speaker, H.R. 15913 combines in one measure the key elements of several

bills referred to the Committee on Interior and Insular Affairs which would amend the Land and Water Conservation Fund Act. The bill would expand the provisions of that act to assist the States and their localities in fulfilling their outdoor recreation objectives and it would enlarge the land and water conservation fund to more adequately meet the future financial needs of the Federal outdoor recreation program.

In blending together several features of various legislative proposals, the committee sought to accomplish two important objectives:

First, H.R. 15913 seeks to make unneeded Federal lands, which are suitable for recreation and park uses, available to the States and localities at a public service discount so that they can be used to expand the Nation's supply of outdoor recreation resources. This, we feel, is consistent with the long-term objective of the land and water conservation fund program.

Second, H.R. 15913 seeks to increase the level of the fund so that it can more adequately meet the present and future outdoor recreation needs of the Nation.

As everyone knows, the Land and Water Conservation Fund Act authorizes the appropriation of matching funds to assist the States and their local entities in the acquisition and development of outdoor recreation facilities. This has been a very valuable element in the overall national outdoor recreation program and it has materially assisted the States and their localities.

USE OF UNNEEDED FEDERAL LANDS FOR PARK AND RECREATION PURPOSES

One of the key provisions of the legislation which the committee is now recommending would amend the basic act so that the State assistance aspect of the Federal program could include, in addition to dollar grants, grants of land which are suitable for outdoor recreation purposes and which are not needed for Federal purposes. By making these unneeded Federal lands available to State and local entities, we can expand the Nation's supply of outdoor recreation resources by simply converting them to their best possible public use.

The procedures under which State and local agencies could benefit from this new program are outlined in detail in the bill. They are similar to the procedures presently applicable to surplus lands made available for health and education purposes.

Mr. Speaker, the members of the Committee on Interior and Insular Affairs feel strongly that the Nation's outdoor recreation needs cannot be met with money alone. Lands suitable for park and recreation purposes are exceedingly scarce, particularly in and near our cities, and no opportunity to convert them to this use should be lost, if at all avoidable. Sometimes, suitable lands belong to some agency of the Federal Government which no longer needs them. When this occurs, there should be some mechanism to see to it that the opportunity to hold them for public use and enjoyment is not lost. This is what H.R. 15913 would do. It would allow unneeded Federal lands, which can be appropriately converted to park and recreation purposes, to be transferred to the Secretary of the Interior and conveyed by him to a State or locality if that is their highest and best use.

EXPANSION OF THE LAND AND WATER CONSERVATION FUND

Turning to the second major feature of H.R. 15913, Mr. Speaker, you will recall that the 1968 Amendments to the Land and Water Conservation Fund Act stabilized the income for the fund at $200 million for 5 fiscal years. At the time that the Congress approved that legislation, it was suggested that the moneys, if appropriated, would go a long way toward completing the acquisition program at authorized outdoor recreation areas and that it would provide a substantial amount of needed financial assistance to the States.

1. THE FEDERAL PROGRAM

I am pleased to report to you that this year, in particular, has seen a tremendous gain in the overall outdoor recreation effort. If funding continues at the level authorized, the backlog of authorized, but unfunded, projects should soon be erased. With this in mind, the authorizing committee has considered some new authorizations which can be promptly funded if H.R. 15913 is enacted.

A number of proposals have been favorably reported by the committee. Some of these, like the proposed Apostle Islands National Lakeshore in Wisconsin, Gulf Islands National Seashore in Mississippi and Florida, and Sleeping Bear Dunes National Lakeshore in Michigan are major projects requiring substantial investments for land acquisition. Others, which are smaller and less costly still must rely on the land and water conservation fund for land acquisition appropriations. Several other Federal projects, like the proposed Voyageurs National Park in Minnesota, the proposed Buffalo National River in Arkansas, the proposed Connecticut River National Recreation Area, and other future proposals will have to rely on the land and water conservation fund, also. In the months and years ahead, other proposals will undoubtedly be forthcoming which will require an additional Federal investment.

2. THE STATE ASSISTANCE PROGRAM

Perhaps more important than the Federal program, however, Mr. Speaker, is the role of the States and their subdivisions. As our report indicates:

> The acceleration of the State assistance program is generally considered to be one of the most effective ways to meet the recreation needs of the public.

Most States have committed themselves to aggressive outdoor recreation programs and their need for matching assistance under the Land and Water Conservation Fund Act will continue to grow. If the level of the fund is increased and extended for the life of the program, these anticipated needs can be met. Without the extension of the guaranteed annual income to the fund, the continued effectiveness of the Federal effort cannot be assured. Every State has benefited from the assistance available through the land and water conservation fund and this legislation will enhance their activities.

CONCLUSION

Mr. Speaker, I have gone into this legislation in detail because it is important. The action which the Congress takes will determine the future course of the land and water conservation fund program. And, in so doing, it will materially affect Federal and State programs involving the protection of natural, outdoor areas throughout the Nation. We are aware of the magnitude of the two key elements of this bill, but we are equally impressed with the burden which must be confronted if the public need and desire for more outdoor recreation needs is to be satisfied.

Before concluding, I should mention that I have had some discussions with the leadership of the Committee on Government Operations which has been considering legislation which parallels, in part, H.R. 15913. We feel that the differences between the two bills are reconcilable and, at the appropriate time an amendment will be offered to accomplish the objective which both committees have found desirable. Both the Committee on Interior and Insular Affairs, and the Committee on Government Operations concluded that unneeded Federal lands which are suitable for public park and recreation purposes should be made available to State and local governmental agencies with a public use discount. The only difference between the committees was the selection of the mechanism and the timing of the operation to achieve the result.

Mr. Speaker, H.R. 15913 is sound, practical legislation which is essential to the overall conservation program. I urge the Members of the House to approve it.

GENERAL LEAVE TO EXTEND

Mr. Speaker, I ask unanimous consent that all Members desiring to do so may revise and extend their remarks immediately following my remarks.

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

There was no objection.

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

Mr. ASPINALL. I yield to my good friend from Pennsylvania.

Mr. SAYLOR. Mr. Speaker, I appreciate my colleague, the chairman of the Committee on Interior and Insular Affairs, yielding to me.

I do so for the purpose of asking him a question. There has been no dispute as far as the increase from $200 million to $300 million is concerned between anyone on the committee. Is that correct?

Mr. ASPINALL. The gentleman is correct. And there has been no opposition anywhere in the United States that I know of that has come out during our hearings.

Mr. SAYLOR. The dispute arose as to the manner in which surplus property in the Federal Government was to be handled?

Mr. ASPINALL. If the gentleman will permit me, he is correct. That was a matter under the jurisdiction of the Committee on Government Operations. But it went even further. What the bill presently before the House provides is that we take the property as excess property,

which is contrary to any existing law, and the Committee on Government Operations recommends we treat it as surplus property.

Mr. SAYLOR. The amendment that will be offered by the gentleman from Texas (Mr. BROOKS) will accept the $300 million ceiling of the committee, which our committee recommended to the Congress, and will deal with the property as surplus Federal property. Is that correct?

Mr. ASPINALL. The gentleman's understanding is correct. Also it will make it possible for us to go to a conference committee with the other body if that is found to be necessary. We could not do that under the procedure that we formerly decided upon.

Mr. SAYLOR. Mr. Speaker, I recommend that this bill be passed.

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

Mr. ASPINALL. I will be glad to yield to the gentleman if I have any time left.

Mr. PELLY. As the gentleman knows, I can be very objective because I introduced legislation very similar to the bill reported by this committee and also to that reported by the Committee on Government Operations.

Mr. ASPINALL. If the gentleman will permit me to say so, in my prepared remarks I have referred to all of these bills.

Mr. PELLY. I thank the gentleman. Particularly I wanted to assure myself that it will be possible on surplus property and its disposal through the Secretary of the Interior to have him, at his discretion, give discounts up to 100 percent where property might be acquired at low cost to the Federal Government.

Mr. ASPINALL. The first offering will be to the Administrator of the General Services Administration. Having once decided that, the Secretary of the Interior is invited into the picture, and the gentleman's understanding is correct on that.

Mr. PELLY. I certainly want to compliment the leadership of both committees for getting together and working out the jurisdictional problem. I think it is good legislation and strongly support it.

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

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

Mr. ADAMS. I want to compliment the gentleman for working out the problems that existed between the two committees on this matter.

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

Mr. MINSHALL. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado may be allowed to proceed for 1 additional minute for the purpose of my asking him a question.

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

There was no objection.

Mr. MINSHALL. Mr. Speaker, I should like to ask the chairman of the Committee on Interior and Insular Affairs whether or not this $100 million additional provided for in this bill is only for Federal, or is it for State and local lands?

Mr. ASPINALL. It is for State and local. It follows the formula that we provided for in the Land and Water Conservation Act. Certain percentages go for acquisition. Certain percentages are divided between the States, and the States have control over it. The gentleman is correct in his assumption that the States' share will be just the same as it is under the present law.

Mr. MINSHALL. In other words, in the case of the State of Ohio any State parks or local parks could be eligible for these funds?

Mr. ASPINALL. The gentleman is correct.

Mr. MINSHALL. I thank the gentleman.

AMENDMENT OFFERED BY MR. BROOKS AS A SUBSTITUTE FOR THE COMMITTEE AMENDMENT

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

The Clerk read as follows:

Amendment offered by Mr. BROOKS as a substitute for the committee amendment: Strike everything after the enacting clause and insert in lieu thereof the following:

"That subsection 2(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5(c)) is amended as follows:

"'(a) In clause (1), strike out "five fiscal years beginning July 1, 1968, and ending June 30, 1973" and insert "fiscal years 1968, 1969, and 1970, and not less than $300,000,000 for each fiscal year thereafter through June 30, 1989."

"'(b) In clause (2), after "$200,000,000" insert "or $300,000,000" and after "for each of such fiscal years," insert "as provided in clause (1),".'

"SEC. 2. Section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484), is further amended by redesignating section 203(k)(2) as section 203(k)(3), and by adding a new section 203(k)(2) as follows:

"'(k)(2) Under such regulations as he may prescribe, the Administrator is authorized, in his discretion, to assign to the Secretary of the Interior for disposal, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of the Interior as needed for use as a public park or recreation area.

"'(A) Subject to the disapproval of the Administrator within 30 days after notice to him by the Secretary of the Interior of a proposed transfer of property for public park or public recreational use, the Secretary of the Interior, through such officers or employees of the Department of the Interior as he may designate, may sell or lease such real property, including buildings, fixtures, and equipment situated thereon, for public park or public recreational purposes to any State, political subdivision, intrumentalities thereof, or municipality.

"'(B) In fixing the sale or lease value of property to be disposed of under subparagraph (A) of this paragraph, the Secretary of the Interior shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or municipality.

"'(C) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

"'(i) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event that such property ceases to be used or maintained for such purpose during such period, all or any portion of such property shall in its then existing condition, at the option of the United States, revert to the United States; and

"'(ii) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of the Interior to be necessary to safeguard the interests of the United States.

"'(D) "States" as used in this subsection includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.'

"SEC. 3. The first sentence of subsection (n) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(n)), is amended by striking '(k)' and substituting '(k)(1)' in lieu thereof.

"SEC. 4. Subsection (o) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(o)), is amended to read as follows:

"'(o) The Secretary of Health, Education, and Welfare, with respect to personal property donated under subsection (j) of this section, and the head of each executive agency disposing of real property under subsection (k) of this section shall submit during the calendar quarter following the close of each fiscal year a report to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House of Representatives (or to the Clerk of the House if the House is not in session) showing the acquisition cost of all personal property so donated and of all real property so disposed of during the preceding fiscal year.'

"SEC. 5. Section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h)) is amended by—

"'(1) striking out the phrase "public park, public recreational area, or" in paragraph (1) thereof; and

"'(2) striking out the first full sentence of paragraph (2) thereof.'"

Mr. ASPINALL (during the reading). Mr. Speaker, I ask unanimous consent that this amendment be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

Mr. BROOKS. Mr. Speaker, I rise to offer an amendment to H.R. 15913. My amendment does not change in any way the purpose of this legislation, but it does resolve a jurisdictional problem that has arisen between the Government Operations Committee and the Committee on Interior and Insular Affairs. This amendment has the support of the distinguished chairman of the Interior Committee, WAYNE ASPINALL of Colorado, who is the sponsor of this legislation, and also the support of the acting chairman of the Government Operations Committee, CHET HOLIFIELD of California.

The amendment which I offer as a substitute for the committee amendment would, in effect, delete those sections of H.R. 15913 relating to the transfer of excess Federal property for park and recreational purposes and would insert in lieu thereof language authorizing the transfer of surplus Federal property to State and local governments for park and recreational uses. The provisions of H.R. 15913 referring to the funding of the land and water conservation fund would not be affected by this amendment.

My amendment is for the purpose of maintaining a unified approach to the management of the Federal Government's property. The bill we are pres-

ently considering, H.R. 15913, makes property that is "excess to the needs of the Federal agencies" available for donation to the States.

Under this language, the property would not necessarily be surplus to the needs of the Federal Government, and the States could compete equally with another Federal agency for the use of the property. I do not believe that Federal Government property should be available for donation so long as there is an outstanding Federal need.

Also, there are a number of existing public service programs which the Congress has authorized to receive surplus Federal properties. These include health and educational uses, airport development, and housing projects. Under none of these programs is the property available while it is in "excess" status as opposed to "surplus" status. If park and recreational users were allowed to request the property when it is excess but not surplus, that use will be given a priority over these other programs.

My amendment would change this bill only to make the property available when it is surplus rather than excess and to avoid giving any of these highly deserving programs a priority over the others. It would also protect any continuing Federal use for the property.

The Congress long ago enacted legislation unifying most of the Federal Government's property management in one agency, the General Services Administration. If the Government's property management and disposal program is fragmented and duplicated throughout the Federal Government, the taxpayers will only lose in the long run.

My amendment will avoid this fragmentation by making this legislation consistent with that of the other donable property programs and by retaining responsibility for the determination of the highest and best use of Federal property in the Administrator of General Services.

Again, my amendment does not affect in any way the provisions of this legislation regarding the funding of the land and water conservation fund. This amendment contains the exact language of section 4 of the Interior Committee amendment which increases the minimum funding level of the land and water conservation fund from $200,000,000 per year to $300,000,000 per year and extends the term for that funding level to 1989.

Mr. Speaker, the Government Operations Committee has the responsibility for overseeing the Federal Government property disposal programs. The language I offer in my amendment is consistent with legislation unanimously passed by the Government Operations Committee and now awaiting floor action. That legislation, H.R. 18275, resulted from consideration of legislative proposals introduced by 135 Members of Congress.

This amendment would accomplish the objectives of both the Interior Committee bill and the Government Operations Committee bill. It would provide valuable Federal assistance to State and local governments in their efforts to provide adequate services, including park and recreational areas, for their residents.

I urge adoption of this amendment as a substitute to the committee amendment now pending, and I want to express my appreciation to the distinguished chairman and acting chairman of the two committees involved for their diligent efforts in working out this solution to this problem.

I also include pertinent portions of House Report No. 91–1313 on H.R. 18275 in the RECORD at this point since it would be the appropriate legislative history to refer to with regard to the surplus property provisions of the amended bill:

REPORT

The Committee on Government Operations, to whom was referred the bill (H.R. 18275) to amend the Federal Property and Administrative Services Act of 1949, as amended, to provide for the disposal of surplus Federal property for park and recreational uses, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

HEARINGS

On June 9, 1970, the committee, through its Government Activities Subcommittee, held hearings on H.R. 15870, H.R. 15984, H.R. 16023, H.R. 16024, H.R. 16031, H.R. 16038, H.R. 16045, H.R. 16052, H.R. 16109, H.R. 16237, H.R. 16346, H.R. 16450, H.R. 16864, H.R. 17675, and H.R. 504, all relating to the disposal of surplus Federal property for park and recreational uses. Following that hearing, the chairman of the subcommittee introduced a clean bill, H.R. 18275, embodying the essential provisions of those bills with regard to surplus property disposal.

PURPOSE

H.R. 18275 would amend the Federal Property and Administrative Services Act of 1949, as amended, to provide for the sale or lease of surplus Federal property to State and local governments, at discounts of up to 100 percent, for park and recreational use.

The objective of the program is to allocate a larger portion of this Nation's land area to park and recreational uses, to preserve our fast-disappearing open spaces, and to assist local governments in providing more and better facilities to meet the recreational needs of our growing communities. As America becomes increasingly urbanized and industrialized, the need for public parks and recreational areas becomes more apparent each day and, at the same time, more difficult to meet.

BACKGROUND

The Federal Government has long had a program to assist State and local governments in acquiring park and recreational areas. One facet of this program has been a provision making surplus Federal property available to State and local governments for park and recreational purposes at 50 percent of fair market value.

This program has aided some communities in their park development programs but for the most part has been ineffective. Cities, hardpressed for additional tax funds for priority programs, have had great difficulty in generating the revenues needed to meet the 50 percent requirement. The requests for surplus property under this program have been decreasing in recent years.

DISCUSSION

This legislation would make surplus Federal real property, including buildings, fixtures, and equipment thereon, available by sale or lease to State and local governments at discounts of up to 100 percent depending on the benefits which have accrued or may accrue to the public of the United States in the continuing use of the property. For all practical purposes, that benefit would be 100 percent in all but the rarest of cases, since absent such substantial benefit the property would not qualify for transfer under this legislation.

Pursuant to H.R. 18275, the Secretary of Interior would have the responsibility for identifying the surplus properties needed for park and recreational uses. The Secretary would make his recommendations to the Administrator of General Services.

In those instances in which he, in his discretion, agreed with the Secretary of Interior, the Administrator would assign the properties to the Secretary for disposal in accordance with the other provisions of this legislation. If the Administrator, in view of his responsibility for the entire Federal Government's property acquisition, management, and disposal programs, disagrees with the recommendation of the Secretary of Interior and concludes that a park or recreational facility is not the highest and best use of the property, then there is no obligation upon him to transfer the property to the Secretary of Interior.

The primary responsibility for determining the most efficient and effective use of Federal Government property remains in the Administrator of General Services. This procedure is consistent with the long-standing policy established by the Congress which unifies as much as possible the Government's property management program in one agency.

Over the years Congress has established a number of programs which can obtain surplus Federal property in fulfilling their objectives. Among these are various housing programs, airport development, and health and educational programs. To these, this legislation would add increased opportunity for park and recreational uses.

All of these programs are in the public interest, and only if they compete more or less equally for surplus Federal property can such property be applied to its most beneficial use. This legislation, accordingly, leaves the responsibility for making the decision as to highest and best use in the Administrator without creating any priorities or fragmenting the surplus property program.

Under this legislation, the property would become available for transfer to the State or local government only after all Federal use for the property has been exhausted and the property has been declared surplus to the needs of the Federal Government. The property would not be available for transfer to a non-Federal agency so long as it is only excess to the needs of a particular department but not yet declared surplus to the needs of the Federal Government.

After the property has been assigned to the Secretary of Interior for disposal under this legislation, the Secretary must notify the Administrator of the proposal transfer. The Administrator then has 30 days in which to disapprove the transfer if, in his discretion, it is not in the best interests of the Federal Government.

The intent of this legislation is to assist the local governments in meeting their responsibilities for providing park and recreational areas. The national park program cannot meet all of the requirements. Traditionally, the States and cities have supplemented that program with regional and local park areas. The Nation's needs will be met only if both programs are adequately and enthusiastically supported.

Lands transferred pursuant to this legislation must be perpetually maintained as a park or recreational area. If at any time such use ceases, ownership of the property will revert to the United States.

The governmental agencies receiving property under provisions of this legislation will be responsible for developing and maintain-

ing the land and facilities to appropriately fulfill the purposes for which the property was transferred. The State and local governments must also assure that parks and recreational facilities acquired in this manner will be open for use by the general public.

It is not possible at this time to estimate the amount of surplus property that might be suitable for park and recreational uses. It is assumed, however, that far more interest in the program will be exhibited than was apparent under the present 50 percent discount program.

Governments at all levels have a responsibility for providing areas for quiet relaxation, energetic recreation, and unpolluted beauty for the betterment of our Nation's people. The need grows each day. This legislation is an attempt to meet that need.

SECTION-BY-SECTION ANALYSIS

Section 1 of the bill authorizes the Administrator, in his discretion, to assign to the Secretary of the Interior surplus real property recommended by the Secretary as needed for a public park or recreation area. The Secretary of the Interior may then sell or lease the property to a State, political subdivision, or municipality. Such sale or lease may not be made until 30 days after the Administrator is notified of the proposed transfer, during which time the Administrator can disapprove the transfer.

In fixing the sale or lease value of the property, the Secretary shall take into consideration any benefit which has accrued or may accrue to the United States from the use of the property by the State or local government.

It is required that the deed of conveyance provide that such property will continue to be used and maintained in perpetuity for the purpose for which it was transferred. If such use ceases, the property shall revert to the United States.

The District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States are considered to be within the meaning of "States" as used in this statute.

SEC. 2 of the legislation is a technical amendment changing a reference to subsection "(k)" in subsection (n) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(n)) to refer to subsection "(k)(1)." The provisions of subsection (n) relate only to section (k)(1) and not to the new subsection (k)(2) added by this legislation.

Section 3 amends subsection 203(o) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(o)), by requiring that the head of each agency disposing of properties under subsections (j) and (k) of section 203 of the act (40 U.S.C. 484 (j) and (k)) submit during the calendar quarter following the close of each fiscal year a report to the Senate and the House of Representatives showing the acquisition cost of all property disposed of under these provisions during the preceding fiscal year.

Section 4 of the bill repeals those provisions of the Surplus Property Act of 1944 (50 U.S.C. app. 162(h)) creating the present program making surplus property available to State and local governments for public park and public recreational areas at 50 percent of fair market value.

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

Mr. BROOKS. I yield to my distinguished colleague from New York, the ranking minority member of the Subcommittee on Government Activities which considered this legislation and I commend the gentleman from New York for his diligent work on this bill.

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

Mr. Speaker, I rise in support of the amendment offered by the gentleman from Texas (Mr. BROOKS) to the Land and Water Conservation Fund Act. As a coauthor of H.R. 18275 which was reported by the Government Operations Committee and which constitutes the heart of this amendment, I urge the adoption of this amendment and the bill, H.R. 15913.

As Members of this body are well aware, our country's park and recreation facilities are becoming increasingly more inadequate in meeting the needs of a burgeoning population. Large expanses of land remain vacant or underutilized. Too often, such property is presently being utilized as Federal installations for purposes and priorities far lower in order than the value and location of such property would otherwise justify. In many instances, these Federal installations are located within urban areas where dense populations exist and where park and recreation facilities are most needed. Yet, as a result of existing law and executive department land management, property which could be best utilized for such purposes remains otherwise employed.

Under existing law, real property declared surplus by the Federal Government may be disposed of to State and local governments for educational, public health, housing, airport development, and park and recreational purposes. In all cases other than the latter, States and local governments may receive such property without cost while that for park and recreation purposes may only be obtained if 50 percent of the appraised fair market value is contributed. As a result, State and local governments who are regularly short of money tend to obtain surplus property for other priority purposes. In addition, even if a State or local government determined to allocate scarce income for the acquisition of park and recreational property, that best suited for such purposes is tied up in underutilized Federal installations.

Data covering recent years property disposal activities all too clearly bears this fact out. Between 1965 and 1969, only 101 pieces of surplus property, totaling 34,583 acres and having an appraised fair market value of $19.6 million, was conveyed to State and local governments for park and recreational purposes. Over the life of this program, dating back 22 years now, State and local governments have received on average less than $1 million annually in fair market valued real property. This record of disposals represents a mere fraction of the total real property disposed by the General Services Administration and the Interior Department over these years.

The opportunity now exists, however, for the Congress to correct this imbalance. First, the President has directed all Federal agencies to survey their property holdings and, pursuant to GSA standards and procedures, to declare those properties surplus which can better be utilized otherwise. If this directive is carried out conscientiously and in good faith, much needed property can be made available to State and local governments for park and recreational purposes.

Concurrently, enactment of this bill before us, as amended by the proposal offered by Mr. BROOKS, will: First, provide additional funds to State and local governments under the Land and Water Conservation Fund Act to acquire private property for park and recreation purposes, and second, enable Federal surplus real property to be turned over to State and local governments for such purposes on the same priority basis as is the case today for other purposes.

The Interior Department has proposed that Forts Hancock and Tilden, no longer necessary for the defense of New York Harbor, be combined with city and State-owned land to create the Gateway National Recreation Area. It is my hope that other Federal property in New York State will soon be made available for similar purposes.

Too long we have neglected the recreational needs of our citizens, Mr. Speaker. The time has now come when we must face up to this problem. I urge the adoption of the amendment and the bill.

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

Mr. BROOKS. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Speaker, I thank the gentleman for yielding.

The amendment offered by the gentleman strikes out some language, as the gentleman pointed out, which was in the Interior bill. Some of the language which was stricken contained two additional methods of transfer. Those methods were: no consideration where the United States had acquired the land involved originally by donation, and at prices equal to the price paid by the United States when it acquired the land. I was the author of those amendments, and the purpose of those amendments was to make sure that there were alternate methods provided so that this land was actually transferred at actually no cost.

I am very happy to see in the report of the Committee on Government Operations the following language which appears on page 2, in which it states:

For all practical purposes that benefit would be 100 percent in all but the rarest of cases since absent such substantial benefit the property would not qualify for transfer under this legislation.

Is this committee using this language in the context that the Secretary is, as it says, in all except the rarest cases, to transfer this property for all intents and purposes free of charge to the municipalities and States involved?

Mr. BROOKS. The gentleman is correct, and I think that the gentleman from Washington who has made a study of this should be commended for his interest and efforts in trying to establish a way by which States and local communities can acquire, on a realistic basis, the public properties they need for parks and recreational uses.

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

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

Mr. HALL. Mr. Speaker, I have two questions to ask for information only.

First, for the benefit of the Members, could the gentleman tell us the difference, for the purposes of this bill, between excess and surplus property?

Mr. BROOKS. Excess property is that which the Government, or one agency of the Government, does not have further use, and at which time, it is circulated to other Government agencies for possible use.

At that time, if there is no other Government agency that has use for it, it is deemed to be surplus property. The property then would become eligible under this program for park and recreational uses, as it is now for health and education purposes.

Mr. HALL. The gentleman, I think, has anticipated my second question.

Would the process that Congress by law has now placed on the administrator of the General Services Administration still be gone through with as to lands held by the Government in title in this instance up until the time they did, in fact, become surplus? I mean priorities for educational institutions and so forth and so on before they would be deeded to the land and conservation use fund?

Mr. BROOKS. The same process followed with regard to excess property would be continued by the GSA.

Mr. HALL. I thank the gentleman.

Mr. HOLIFIELD. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I just want to thank the chairman of the Committee on Interior and Insular Affairs for his cooperation in this matter. We felt that the purpose to be served was worthy of the cooperation of both committees and we have been pleased to cooperate in the objective, which is to make surplus Federal land available on the same relatively free basis as it is now available for hospitalization and educational purposes.

Heretofore, land for recreation had to be sold at 50 percent of its market value. It now assumes the same position in priority as hospitalization and education. We believe it is a worthwhile purpose in view of the need for recreation land throughout the Nation.

We appreciate very much the cooperation of the members of the Committee on Interior and Insular Affairs in working out this solution.

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

Mr. HOLIFIELD. I yield to the gentleman.

Mr. TAYLOR. What you are saying is that the amendment would give to the recreation needs of State and local units the same consideration now being given to their health, education, airport, and housing needs?

Mr. HOLIFIELD. That is right.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Speaker, it seems to me that we are here embarking on an expenditure of a lot of money, if I read this report correctly. Funding at a $300 million annual level until 1989, which is about 19 years from now—funding at $300 million a year is a lot of money.

If my mathematics are correct, or even close, this is more than $5 billion; could that be correct?

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

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

Mr. ASPINALL. The gentleman's mathematics are correct as usual.

On the other hand, it is always subject to the program that is placed before the appropriating process of the United States, both the Federal, executive, and the Congress of the United States.

At the present time, this money is needed to the fullest extent. Maybe a few years from now, it will not be needed. If it is not needed, most certainly the Congress of the United States is not going to appropriate the money.

Let me say to my colleague, and I understand what is bothering him, we passed a small water project bill a few years ago, which has a potential of about $11 billion plus. We have not used any particular part of that so far.

But it is there, and if the appropriation process sees fit to use the money, and it will be needed, it will be there. We need this $300 million additional in order to bring up our recreational program for the United States, I do not believe that merely because the bill would extend the life of the land and water conservation fund that my friend need be alarmed.

Mr. GROSS. Somebody had better begin to be alarmed around here about the condition of the debt, the deficit, inflation, and a few other things.

May I ask the gentleman this question: Where has the bulk of this money been expended throughout the country? Where on the record can we find that information? There have been public expenditures for this purpose, I take it, for a good many years.

Mr. ASPINALL. I would estimate that about half of the money authorized has been expended by the President of the former administration and the President of this administration in his first year. But now the Executive Department is asking for the authority that is given in this legislation so that they can bring these projects up to date. We are losing money, as my friend knows, every day because we cannot finance the authorizations that we have passed in the Congress and which have been approved by the Executive Department. This will make it possible to proceed with those projects.

Mr. GROSS. I would just like to know if this money is being dispensed across the country evenhandedly.

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

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

Mr. SAYLOR. I just want to say to my colleague that it is being dispensed throughout the 50 States in accordance with a formula that the Congress approved.

Now, what is necessary for the State of Iowa or any other State of the Union, is to submit to the Commission that has charge of this a plan for the use of the money—the Bureau of Outdoor Recreation—and if they submit their plan, money will have been made available.

I can only say that one of the things we have discovered is that the reason for the increased cost of many of the projects which have been approved is that the Federal Government and the State governments have not been able to go ahead and acquire these lands at the time the bills pass. Therefore prices skyrocket. With this increase in money we can do it.

Mr. GROSS. When you project 19 years at the proposed rate of spending, it comes to $5,700 million of spending. I do not know. Unless something is done about the debt, the deficit and inflation in this country whether the people are going to enjoy the areas for recreation or not. I do not know that they are going to be able to get there to enjoy these areas of recreation unless somebody, somewhere, some day starts to pay something on the Federal debt. This is a lot of money and a commitment a long time into the future.

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

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

Mr. KYL. In response to the gentleman's first question, this money is being distributed across the country. However, the Federal Government also retains a large portion of this money. When the fund was established, it was anticipated by the Congress and certainly by the committee——

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

(By unanimous consent, Mr. GROSS was allowed to proceed for 1 additional minute.)

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

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

Mr. KYL. When this fund was first established, it was assumed that the money would be additional money for the purchase of lands and the development of lands, in addition to the appropriations which had been made in the past by the appropriations committees of the two Houses. Immediately when this fund was established the Appropriations Committee said, "All right, the House has authorized a park in Texas. They have authorized a park in Iowa. They have authorized a park in California. We are going to pay for those lands, not out of general appropriations, but from this fund which was established under the Land and Water Conservation Act."

Mr. GROSS. Cut it thick or thin, it is all money, and somebody is going to have to start paying something on the debt some day.

Mr. KYL. The gentleman knows that I do not disagree with him on that issue. I would like to continue with this point further. In a real sense, these are not additional funds. These have replaced the appropriations which have been made before. I agree with the gentleman,

too, when he says we ought to do some cutting. But the reason we are behind with the setting up of national parks and preservation of areas is the Congress has authorized these areas and the money has not been appropriated to take care of the purchase and development.

Mr. PELLY. Mr. Speaker, I rise in support of H.R. 15913 and especially I desire to compliment the chairman and members of the House Committee on the Interior and likewise the members of the House Committee on Government Operations for combining bills reported by each committee into a single bill. Similar legislation passed the Senate so that, there is now every assurance a good piece of legislation will be enacted and no disputes over committee jurisdiction will block passage of a good bill.

Mr. Speaker, I can speak objectively since I introduced two bills, very similar to each of those reported by each committee. I am particularly happy that under H.R. 15913 in disposing of surplus military property suitable for park and recreational purposes the Secretary of the Interior will be able to give local governments discounts up to 100 percent. This was in my bill and was recommended to Congress in a message by President Nixon.

Mr. Speaker, in the First Congressional District of the State of Washington, which I have the honor to represent, there is an obsolete military fort called Fort Lawton. It is hoped that the city of Seattle under this new law could obtain much of this property for park and recreational purposes since the property was transferred at a nominal cost of about $1 an acre, it would seem that quite properly, Seattle should acquire this acreage at no cost. I urge adoption of this bill.

Mr. BENNETT. Mr. Speaker, I am pleased to support this bill, amending the Land and Water Conservation Act, to allow the transfer of Federal land to State and local governments for park and recreational purposes. This legislation is similar to legislation reported from the House Committee on Government Operations concerning disposition of Federal surplus property and which I introduced as H.R. 15870 on February 16, 1970.

My bill included certain recommendations in the President's message of February 10, 1970 on the environment, particularly with respect to parks and public recreation, and had the support of the administration.

In his state of the Union message, President Nixon said:

> Clean air, clean water, open spaces—these should once again be the birthright of every American. If we act now—they can be.

One way we can accomplish this challenge is through the sale of surplus Federal property to augment park funds and to provide for such sales to State and local governments for park and recreation purposes at public benefit discounts of up to 100 percent.

The bill I introduced and legislation before the House today would carry out this program. President Nixon said:

> Good sense argues that the federal government itself, as the nation's largest landholder, should address itself more imaginatively to the question of making optimum use of its own holdings in a recreation hungry era.

Our population explosion, movement to the cities and demands for more leisure time activities makes it imperative our Nation have more outdoor recreation areas.

Under existing law, surplus lands may be conveyed to States and local governmental subdivisions at a price equal to 50 percent of the fair value of the property, based on its highest and best use at the time it is offered for disposal. High land values and interest rates make even this discount difficult for States and local governments. The Department of Interior and the administration agencies involved believe it is essential to give a greater price discount for these public lands for outdoor recreational plans. I agree and I hope this program will be enacted into law.

Mr. Speaker, over the last several years I have been proud to be a cosponsor of the landmark conservation bills which have been enacted into law, including the Wilderness Act and Land and Water Conservation Act.

The quiet conservation crisis of the 1960's has grown into a large environmental emergency—our No. 1 domestic problem in the 1970's.

I congratulate the chairman and the committee for meeting this challenge: to insure all Americans—and future generations—a better place in which to live and raise our children. I hope the House of Representatives will approve the bill.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the substitute amendment offered by the gentleman from Texas (Mr. BROOKS) for the committee amendment.

The substitute amendment for the committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and the third reading of the bill.

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

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

The bill was passed.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 1149, the Committee on Interior and Insular Affairs is discharged from further consideration of the bill S. 1708.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ASPINALL moves to strike out all after the enacting clause of S. 1708 and insert in lieu thereof the provisions of H.R. 15913, as passed, as follows:

"That subsection 2(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5(c)) is amended as follows:

"'(a) In clause (1), strike out "five fiscal years beginning July 1, 1968, and ending June 30, 1973" and insert "fiscal years 1968, 1969, and 1970, and not less than $300,000,000 for each fiscal year thereafter through June 30, 1989."

"'(b) In clause (2), after "$200,000,000" insert "or $300,000,000" and after "for each of such fiscal years," insert "as provided in clause (1),".'

"SEC. 2. Section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484), is further amended by redesignating section 203(k)(2) as section 203(k)(3), and by adding a new section 203(k)(2) as follows:

"'(k)(2) Under such regulations as he may prescribe, the Administrator is authorized, in his discretion, to assign to the Secretary of the Interior for disposal, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of the Interior as needed for use as a public park or recreation area.

"'(A) Subject to the disapproval of the Administrator within thirty days after notice to him by the Secretary of the Interior of a proposed transfer of property for public park or public recreational use, the Secretary of the Interior, through such officers or employees of the Department of the Interior as he may designate, may sell or lease such real property, including buildings, fixtures, and equipment situated thereon, for public park or public recreational purposes to any State, political subdivision, instrumentalities thereof, or municipality.

"'(B) In fixing the sale or lease value of property to be disposed of under subparagraph (A) of this paragraph, the Secretary of the Interior shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or municipality.

"'(C) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

"'(i) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event that such property ceases to be used or maintained for such purpose during such period, all or any portion of such property shall in its then existing condition, at the option of the United States, revert to the United States; and

"'(ii) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of the Interior to be necessary to safeguard the interests of the United States.

"'(D) "States" as used in this subsection includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.'

"SEC. 3. The first sentence of subsection (n) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(n)), is amended by striking '(k)' and substituting '(k)(1)' in lieu thereof.

"SEC. 4. Subsection (o) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(o)), is amended to read as follows:

"'(o) The Secretary of Health, Education, and Welfare, with respect to personal property donated under subsection (j) of this section, and the head of each executive agency disposing of real property under subsection (k) of this section shall submit during the calendar quarter following the close of each fiscal year a report to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House

of Representatives (or to the Clerk of the House if the House is not in session) showing the acquisition cost of all personal property so donated and of all real property so disposed of during the preceding fiscal year.'

"SEC. 5. Section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h)) is amended by—

"(1) striking out the phrase 'public park, public recreational area, or' in paragraph (1) thereof; and

"(2) striking out the first full sentence of paragraph (2) thereof."

The motion was agreed to.

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

The title was amended so as to read: "To amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 15913) was laid on the table.

PERSONAL ANNOUNCEMENT

Mr. SCHWENGEL. Mr. Speaker, I should like to say, in respect to my own request for a special order, and that of the gentleman from Kentucky (Mr. COWGER) we intend to speak Wednesday to give our report on the trip to Vietnam. I pointed out to the House some time ago, as many Members know, a group of volunteers went there. We have a report ready and we will be discussing it on the House floor at the time requested.

PERSONAL EXPLANATION

Mr. COHELAN. Mr. Speaker, on rollcall No. 262 today I was absent from the Chamber unavoidably detained on the other side of the Capitol. Had I been present, I would have voted "yea."

THE KIDNAPING AND DEATH OF DAN MITRIONE

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

Mr. DENNIS. Mr. Speaker, last week I stood in this place and spoke against the wanton act of terrorism in the Republic of Uruguay which had resulted in the wounding and kidnaping of my friend and hometown constituent, Dan Mitrione.

Today, after days of repeated and anxious consultation with our Government, I am compelled to speak in commemoration of Dan's life of service to his country, and in sad and stern condemnation of the manner of his death.

Dan Mitrione was a respected and well-liked citizen of my native city, Richmond, Ind. He was a member of the police force there, rose in the ranks, and became our chief of police.

Later he became affiliated with the U.S. Agency for International Development and was serving in Uruguay, in that field of work, as a police advisor, at the time of his heartless murder by the Uruguayan terrorists.

Dan Mitrione's murder comes as a shock to all Americans, and particularly, of course, to his family and his many friends. It is a sad commentary on the state of the world that a good American who goes abroad to serve his country and, indeed, to serve humanity, should be murdered by a gang of thugs and terrorists.

In addition to the personal blow to those who knew him, Dan Metrione's death raises even larger questions. Not only must the most vigorous action be taken by our Government and by the Uruguayan Government in an all-out effort to bring the murderers to justice, but we must consider the effect on the safety and welfare of many other Americans in similar situations in other countries all around the globe. We must note with concern the widespread incidence of terroristic tactics of this nature; nor can we afford to ignore the fact that we have similar elements to contend with, even here at home.

Vigilant action to enforce our laws at home is indicated; and, in the international field, I would hope that Dan Mitrione's tragedy might lead to an international cooperation against such terrorists, with an international agreement to deny political asylum or sanctuary to such persons. Perhaps by actions of this kind the world may ultimately profit by Dan Mitrione's untimely death, as it did from his useful life of service to his fellow man.

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

Mr. DENNIS. I yield to the gentleman from Michigan, the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I wish to commend the gentleman from Indiana for the concern he is now expressing on the floor of the House and also for the concern he expressed last week at the time Mr. Mitrione was being held by the terrorists in Uruguay.

At that time the gentleman called me and asked if I could call the Department of State to express my concern about Mr. Mitrione's welfare, which I did. Almost paradoxically within 24 hours after the gentleman from Indiana called me about Mr. Mitrione, I received a telephone call from a constituent of mine whose uncle, Mr. Claude Fly, had subsequently been captured by the terrorists and was being held by them.

Subsequently, I called the Department of State and asked them to redouble their efforts with the Uruguayan Government, as well as in any other way possible. They promised that they would.

I think it is a tragedy that Mr. Metrione has been executed. I hope and trust that Mr. Fly, whose home is in Port Collins, Colo., but who has a close relative in my district, will be spared this tragic fate.

Mr. DENNIS. I thank the minority leader for his contribution and his assistance.

THE LATE DAN MITRIONE

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

Mr. HALL. Mr. Speaker, I want to associate myself with the remarks of the distinguished minority leader and the gentleman from Indiana (Mr. DENNIS) on the untimely death of Dan Mitrione.

Mr. Speaker, we now know that at 4:30 o'clock this morning, Dan Metrione, the 50-year-old American father of nine children serving as the chief public safety adviser to the police of Uruguay, paid with his life the price of terrorism in Latin America. His body, bandaged about the chest from a gunshot wound received when he was kidnaped 11 days ago on July 31, was trussed, his mouth gagged, his eyes blindfolded, and with a fresh bullet hole in his head, was found by police on the seat of an automobile taken from its driver at gunpoint a little after midnight last night in Montevideo. Residents of the neighborhood heard the shot at 4:30 this morning and reported it to the police. Eight minutes later police found his body in the stolen car. His sorrowed subordinates who worked with him training and advising the Uruguayan police, identified the body.

Thus came to an end the gallant fight waged by his American public safety and Uruguayan police comrades since July 31 to find Dan Mitrione, before the band of terrorists could carry out their threat to execute him if the Uruguayan Government did not turn out of jail all the so-called "political prisoners" being held.

We must not dignify the band of cutthroats, assassins, murderers, and robbers masquerading under the name of an honored Latin America Indian chief, Tupamaro, by the term "political prisoners." To do so would be a travesty on the stern justice this band deserves and hopefully will receive before this chapter of Uruguay history comes to an end.

It is now known that those of this band of terrorists who kidnaped Dan Mitrione were seen by witnesses to the kidnaping, to be kicking him brutally as he lay defenseless on the floor of a pickup truck in which they took him away from the scene of the kidnaping. They themselves announced a few hours later that they had shot him in the chest during the incident. From their own detailed medical description of the wound in his chest, it is my judgment that they shot him while he was down and lying on his side.

When the police last Friday night raided a Tupamaro hideout as the gang was assembling for another meeting, the police found one of the top leaders wearing Dan Mitrione's watch. Another wore the wedding ring of the Brazilian consul who was kidnaped the same morning as Dan Mitrione was taken. A third was in possession of the identification card of Dr. Claude Fly, the 65-year-old American agriculturist from Colorado, who was kidnaped just a few hours before police raided the place. These were the "loot" of criminals—not politicians. And let us all recognize them as such, and not even our bleeding hearts lend themselves to the "Robin Hood myth," with which this band wanted to identify.

Dan Mitrione died in the service of his Government. In his memory, and the memory of six other American Agency

for International Development public safety advisors who gave their lives in Vietnam and the seven more wounded, some crippled for life, in the last few years, let us spare no effort in bringing to justice those responsible for his murder.

Let me repeat what I said on this floor last Wednesday noon, August 5. It is time this Government, and all civilized governments, condemn terrorism as a means of political action—action fostered only by those who would tear down the stability and peace we so earnestly desire for our friends to the South.

Mr. Speaker, Dan Mitrione, an American security police adviser to the Government of Uruguay has been murdered in cold blood.

His torture and subsequent assassination at the hands of a bloody Communist terrorist band, who have purloined the Inca chief, named "Tupamaros" as their own, serves notice on the world that Fidel Castro, financed by Russian and Red Chinese money, is still at work in the business of organizing, teaching, and exporting revolution to all of Latin and South America, using Cuba as his base.

The Government of Uruguay is not to be blamed for this tragedy. They have acted in the best of faith, and could not be expected to accede to the demands of the terrorists that their prison doors be thrown open in order to appease the revolutionists' political appetites, although one or more man's life was at stake.

We are aware that some of the leaders have now been captured. They should be dealt with in such a manner as to serve warning for all who would attempt such "savage" action in the future.

I think it is time that the Organization of American States stop "sitting on their hands," and get on this most serious problem of "politics by murder." Those of us in this Nation may continue to speak softly to our neighbors to the South, but it is high time we once again pick up the "big stick" where outright marxist terrorism is concerned, and reestablished hemispheric solidarity.

We should remind ourselves that although we spend billions for defense—not one dime goes for tribute.

THE URGENT NEED FOR A HEALTHY AND VIGOROUS PETROLEUM PRODUCING INDUSTRY

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

Mr. SHRIVER. Mr. Speaker, on June 29, 1967, I pointed out to my colleagues in the House that the then existing crisis in the Middle East forcefully demonstrated the importance of maintaining the effectiveness of the mandatory oil import program in the interest of national security. At that time, I further stated:

> The Middle East developments have given us firsthand experience that we cannot depend upon foreign sources for our petroleum requirements. We must be able to draw upon *a healthy and vigorous domestic supply* and reserve which can serve our own needs as well as that of the free world.

Today, Mr. Speaker, history is once again repeating itself and here, just 3 years later, another Middle East crisis is upon us with similar threats to this Nation's and the free world's oil supply.

In a July 28, 1970, release by the Chase Manhattan Bank, we are told:

> In May, problems arose in the supply of overseas oil. The Trans-Arabian Pipeline, which supplies half a million barrels a day of Persian Gulf crude oil to ports on the eastern Mediterranean, was damaged and subsequently shut down. More recently, the Libyan government ordered cutbacks in production amounting to half a million barrels a day. These two events caused a million barrels a day of short-haul crude to be replaced, mostly by long-haul crude.
>
> The effect on the world tanker market, which was just about in balance at the beginning of the year, was to send freight rates skyrocketing. *Suddenly foreign oil is no longer cheap oil. It is more expensive at east and west coast ports than domestic oil.* The value of import quotas to small inland refiners, who normally swap their quotas with coastal refiners, has dropped to zero. It is ironic that such a situation should have come about at a time when certain political and academic groups are still clamoring to use cheap foreign oil to drive down the price of domestic oil.
>
> The additional import quotas, recently sanctioned by the government, will increase substantially the quantities available for importation during the second half of the year, since the new quotas were made retroactive to the beginning of March. With a continuation of the present high level of tanker rates, however, there is a strong probability that the additional imports will not be used. Indeed, it may not be economic to bring in all of the original quota oil. The current tanker situation is fully as severe as the 1967 Suez crisis.
>
> So, once again, it is domestic oil to the rescue. Unless higher imports of Canadian oil are permitted, domestic crude oil production in the second half of 1970 will need to be raised at least 200,000 barrels a day above the 9½ million a day produced in the first half. All of this increase will have to come from Texas and Louisiana. The production allowables in those states have already begun to move up in response to this additional requirement.
>
> None of these supply problems could have been foreseen even three months ago. They have emerged rapidly, and it is impossible, at this time, to say how long they will last. Is any further proof needed of the folly of counting on imported oil? The events of the past weeks should have made it abundantly clear to all that this nation must preserve a strong domestic producing industry. If it is a matter of higher priced oil, or no oil, the choice is obvious.

Mr. Speaker, the Washington Post contained an article on Friday, August 7, which points up the seriousness of this situation and declares:

> In a nutshell, the political situation in the Middle East has drastically reduced the amount of foreign oil available on the East Coast, as well as raising its cost to a dollar per barrel more than oil piped from Texas.
>
> This has come to pass for several reasons: (1) the new leftwing government of Libya has restricted production by foreign companies; (2) Syria is demanding higher transit fees before it will allow repair of the closed-down trans-Arabian oil pipeline to the Mediterranean; and (3) the closing of the Suez Canal and trans-Arbian pipeline requires Persian Gulf oil to be brought to Europe or the U.S. by tanker around South Africa, a trip which calls for twice as much tanker time, so that the existing tanker fleet is inadequate. (Tanker costs on all foreign oil have therefore skyrocketed.)
>
> If the quota system were abolished and overseas political circumstances were to permit several years of unimpeded flow of cheap imports, oil industry spokesmen maintain that many U.S. producers, already strained by depletion allowance reduction, would be priced out of business. (This would reduce not only U.S. oil production, but related natural gas production, of which there is an increasingly dangerous shortage.)
>
> Then the next time the Middle East exploded—can anyone doubt that there will be a next time?—there would be substantially less domestic oil production to fall back on. Even with high U.S. oil production and limited import reliance, the current Middle East situation and cololiary tanker shortage threaten the northern United States with a severe heating and industrial fuel shortage next winter.

Mr. Speaker, there is little comfort in being able to say, "We told you so." Yet, that is the fact. For years, many of us in Congress have been warning our Government policymakers to see to it that this Nation maintained a strong and healthy oil and gas producing industry and that one of the vital policies to accomplish this was a stable, reliable mandatory oil import program. However, due to special exceptions made in the operation of the program, unrelated to national security, the program has been weakened to the extent that domestic crude oil prices are unrealisticly low and there has been brought about a serious cost-price squeeze which has shattered the confidence of domestic oil and gas producers.

The average cost of drilling an oil and gas well has increased from $54,000 to $92,000 over the past decade with prices for oil and gas at the wellhead remaining about the same during this period. It is easy to understand why today there are 35 percent less wells being drilled than were drilled in the last decade.

Mr. Speaker, this Nation is not just facing a serious energy crisis. It is in one right now.

This Nation is now experiencing a real and serious shortage of natural gas Likewise, due to a 12-year decline in oil and gas exploration, our ratio of proved reserves to consumption of crude oil has dropped from 10.2 years to 7.6 years during this period.

During 6 of the last 10 years, we have produced more crude oil than we have found. In 1969, for the second straight year, we consumed more natural gas than we found. Last year, we produced 20.7 trillion cubic feet of natural gas and only found 8.5 trillion cubic feet, with the result that our proved reserves dropped 12 trillion cubic feet.

Since the Federal Power Commission began fixing the price of natural gas at the wellhead in 1960 through the area rate procedures, the reserves to production ratio has fallen from 20.1 years to 13.3 years in 1969.

It is inexcusable that governmental policies allowed this situation to come about. This serious situation did not happen overnight. It has been coming on for years despite the numerous warnings presented to Government by the industry and concerned Members of Congress.

This picture, regarding our overall fuel and energy supply, suggests in a clear and strong way that the Congress must come to grips with the problem of meeting our future fuel and energy requirements. This Nation has been lulled into complacency because historically we have enjoyed an abundance of fuel and energy. It is difficult for many to realize that it is possible for our Nation to be encountering serious shortages in this vital area. However, the facts cannot be ignored.

Our Nation has attained a position of preeminence among the nations of the world. It has been able to do so because we have had an ample supply of fuel and energy. If we expect to continue to enjoy an economy and a standard of living as we know it today, and our position in world affairs, which we now hold, it is imperative that we begin now to face up to our responsibilities and develop realistic fuels and energy policies.

Fortunately, our oil and gas explorers have found some large and promising reserves on the north slope of Alaska. This is good. However, due to the many difficult roadblocks facing the bringing of this oil and gas to the lower 48 States for consumption, including great amounts of opposition to the building of a pipeline to haul this oil and gas by the environmentalists and ecology advocates, this oil is at least 5 or more years away from filling the growing demands here in the lower 48.

Thus the lower 48 States not only provide the best prospects as a source for the safe and large quantities of oil and gas needed in the future but are also a source which can provide future needs at reasonable costs.

Our Government must begin at once to provide the needed incentives to get the job done. This Nation can ill afford to become energy hungry nor can it afford to look to unreliable foreign sources for its energy needs.

BEHIND THE WHEEL OF EVERY 50TH CAR

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

Mr. SPRINGER. Mr. Speaker, behind the wheel of every 50th car lurks death because behind that wheel is a drunk driver.

Last year, there were 48,000 people killed in automobile accidents on the highways of this country. The startling fact is that 28,000 of these people were killed by drunk drivers. In addition, these same drunk drivers were responsible for more than 800,000 traffic accidents in which people were injured.

Let me put it another way by comparison. The war in Vietnam has lasted approximately 9 years in which some 43,000 Americans have given their lives. During those same 9 years, drunk drivers killed 240,000 persons on this Nation's highways.

We are all concerned, and rightly so, about the loss of life in Vietnam. We seem strangely complacent, however, about the traffic toll inflicted by those who drink and drive.

Four years ago, I helped to write the National Traffic and Safety Act. The motor vehicle standards set up by that act—requiring such equipment as safety belts, energy-absorbing steering columns, and improved windshields—have undoubtedly saved many lives and reduced injuries. We all know that the car of the future will come equipped with even better safety devices.

I think all of us realize that efforts will be made to produce safer cars. However, the fact remains that abusive consumption of alcohol is the largest single factor in fatal automobile crashes.

What can we do about it? The facts about the known and tested methods of control and prevention of drunken driving suggest the need for tough laws for dealing with people who insist on driving while under the influence of liquor.

Most States have laws presuming that a driver is drunk if the alcohol in his blood is over a certain level. The recommended level is no more alcohol than one-tenth of 1 percent. Illinois, I am glad to say, is one of about 25 States that has adopted this measurement of intoxication.

The National Highway Safety Bureau also has urged the States to adopt "implied consent" laws. Under such laws a person who obtains a license to drive must, at the same time, consent to take a chemical test if arrested for drunk driving. Only four of the 50 States do not have this law. One of them is Illinois.

Experience has shown that statutory levels of intoxication and implied consent laws are important first steps toward reducing highway accidents. Their effectiveness, unfortunately, is diminished by the fact that many persons continue to drive even after their licenses are revoked for drunken driving. We have to develop better methods for insuring that cars and other vehicles are operated only by validly licensed drivers.

So far in the 20th century, traffic accidents have killed more than 1,700,000 people. This is more than all the military personnel killed in every major war from the American Revolution to Vietnam. Unless effective steps are taken, this slaughter will continue to mount long after the last American leaves Vietnam.

Mr. CLEVELAND. Mr. Speaker, I want to congratulate the gentleman from Illinois for the work he has done in trying to make highway traffic more safe for the public. His authorship of the National Traffic and Safety Act is one of the most progressive pieces of legislation enacted by the Congress in recent years to keep down traffic accidents and to make driving safer.

Driving by intoxicated operators of motor vehicles has been one of the most serious traffic problems in recent times. At the present time, nearly all legislation having to do with this rests with the States. We still have a long way to go to make an impact on keeping the highways safe from drunk drivers.

Again, I extend my best to the gentleman for all of his good work.

Mr. SPRINGER. Mr. Speaker, I thank the distinguished gentleman from New Hampshire (Mr. CLEVELAND), for his kind words. He has been probably the outstanding leader in the Congress on this very important problem of reducing automobile accidents by drunk drivers. He has recently inserted in the CONGRESSIONAL RECORD 10 splendid articles from the Christian Science Monitor on highway safety. He is to be congratulated on this fine work.

His important position on the Committee on Public Works gives him a better opportunity to see all that has happened in this area than other Members of the Congress. I hope the gentleman will continue the excellent job that he has done up to this time.

MISTREATMENT OF BLACK SERVICEMEN

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

Mr. STOKES. Mr. Speaker, for several months I have received a series of letters from black servicemen who are alleging brutal and inhuman treatment at the 3d Marine Amphibious Force correctional facility in Danang. I have attempted to pursue these allegations through administrative channels. An April letter to the Commandant of Marines produced a report stating "maltreatment is literally nonexistent." Two meetings in May with Secretary Laird raised promises of action, but a subsequent phone call confirmed that the allegations had merely been returned to the same military authorities that had previously denied the existence of any problems. Meanwhile, the protests continued.

Last week new and convincing evidence reached my attention which strongly indicated a need for immediate remedial action. First, I came into posession of a small handbook of procedures for the 3d Marine Amphibious Force facility. Included therein were such gruesome regulations as one allowing the imposition of a 700-calorie per meal diet for an unspecified length of time, and another providing that the detainees, many of whom are convicted of nothing, may not be "moved or transported outside the confinement facility without handcuffs, leg-irons, and an armed escort."

Then, 2 days later, I spoke long distance to one of my constituents currently confined at the facility. He stated that his cell is approximately 6 by 9 feet and that he shares it with another prisoner. Their urinal is a can of diesel fuel, emptied only once a day. Under the "restricted diet" regulation, his weight has dropped from 165 to 132 pounds in a month.

What is this war doing to us, Mr. Speaker? If we are shocked by the North Vietnamese POW hut now displayed here in the Capitol, how should we react to the brutalization and starvation of American facility? I have telegramed the President, seeking his intercession. I urge all members to do likewise. If we allow the exigencies of war to stoop our

moral standards to these levels, we will have lost far more than any battlefield triumphs can ever regain.

CHIEF JUSTICE SHOULD ADDRESS JOINT SESSION ON STATE OF THE JUDICIARY

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

Mr. McCLORY. Mr. Speaker, earlier today I listened and watched the Chief Justice of the United States, Warren Burger, as he spoke on the state of the judiciary to the American Bar Association convention in St. Louis. I was impressed by what the Chief Justice had to report. But what is more important, I was even more impressed with the urgency and the sincerity of his description of the state of the Federal Judiciary.

Those of us who are concerned with finding solutions to the problems confronting Federal judges and Federal courts should be most grateful to the American Bar Association for providing Chief Justice Burger with the forum upon which he was able to speak out on judicial problems. However, Mr. Speaker, I firmly believe that it is the Congress, in joint session, to which the Chief Justice should, in the future, be permitted to deliver such a report. Therefore, I have introduced today, with Congressman WILLIAM MCCULLOCH, the ranking minority member of the House Judiciary Committee, a joint resolution to provide that the Chief Justice of the Supreme Court shall from time to time address a joint session of Congress.

The adoption of this joint resolution would do nothing more than provide an important opportunity for an eloquent spokesman to refocus our attention on the problems of the Federal judiciary in particular, and the American judicial system in general. At this time in the life of our Nation, when our political system is under serious strain, it seems to me terribly important that we provide a method of reemphasizing to the people of the Nation the great importance of the judicial process in a free nation. A forthright statement by the Chief Justice to the Congress, with the mature consideration that will be given to such statement, will do much to bring the needs, the problems, and the importance of the Federal Judiciary forcefully to the attention of the Congress and the public.

Mr. Speaker, we are all familiar with some of the pressing problems of the Federal courts. Expanding criminal dockets, multiplying petitions from State and Federal prisoners for Federal habeas corpus relief, increasing complexity of subject matter requiring longer trials and closer judicial scrutiny, and most importantly, the drastic increase in the national crime rate, all have placed heavier burdens on our Federal judiciary.

In his speech before the Bar Association today, the Chief Justice pointed to certain reforms he considered essential. He spoke of more efficient court management, better judicial use of systems analysis and the institution of the position of Federal court executive to remove the burden of administration from the shoulders of our judges. He characterized our present judicial system as "cracker-barrel justice in a supermarket world."

It is exactly this kind of attention and these kinds of suggestions we can expect to receive from the Chief Justice, and I strongly believe they should be given to the Congress first hand.

Mr. Speaker, I urge prompt and careful consideration by the House Judiciary Committee of this proposal which the gentleman from Ohio (Mr. MCCULLOCH) and I have introduced today. Thereafter, I hope that the committee and this House will express their overwhelming approval.

DON FALK—"A MAN OF ACTION AND COMMUNITY DEVELOPMENT"

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

Mr. DON H. CLAUSEN. Mr. Speaker, I have just been advised of the untimely passing of one of my closest friends, Mr. Don Falk, of Eureka, Calif. This outstanding attorney, at 51 years of age, the son of Harry Falk, Sr., was a member of one of Humboldt County, Calif.'s, most respected families.

While he distinguished himself in the family of legal scholars. Don Falk also will be remembered by his countless friends and business associates as a man who worked day and night for his community and his beloved Humboldt County.

There were literally hundreds of community activities that Don Falk became involved in. He always knew where the action was and what was required to "keep things moving." In the words of Don O'Kane and more recently Mike Johnston of the Humboldt Times-Standard newspaper:

If Don Falk doesn't know about it, it just isn't happening.

I have never known a man, with the capacity for knowing what was going on as did Don Falk. He knew the forest products industry and its impact on our economy like a book. And, speaking of books, his brother, Harry Jr., wrote a masterpiece, a book on timber law. Talent is in abundance in this illustrious family.

Don was a trusted counselor and adviser on many matters affecting our redwood region. His insight, judgment and depth of knowledge will be missed tremendously by those of us who counted on him so much in the past.

For many years, Don served as chairman of the Transportation Committee for the combined Eureka Chamber of Commerce and the Humboldt Board of Trade. Many of my colleagues in the House of Representatives, will remember the decision by the FAA to close some 42 flight service stations a few years ago. Among them, was the Arcata Flight Service Station in my congressional district.

In order to properly illustrate my description of Don Falk as "a man of action," I need only recall his efforts during this one instance and, I might add, this is only one of many.

It was obvious, at the outset, that we, a small segment of our Nation's population, were going to have to unite and consolidate our efforts to "take on Uncle Sam" in opposition to a decision made by one of its agencies. Along with Dave Zebo, aviation director, Don Falk and I developed the strategy and format for a local meeting to support our cause to "Save the Arcata Flight Service Station" from closure.

The successful results of this effort are now history, but the magnitude of their importance will long be remembered by local people because it was during and after the "Big floods of 1964" that our position in defense of retaining the flight service station, really came into prominence. With the harbor closed by debris, all roads north, east, and south unusable due to extensive bridge damage, it was air transportation access and, in particular the landing aids, the approach, navigation and communications systems of the Arcata Flight Service Station, that proved to be the necessary equipment required to maintain contact with the outside world at this very critical time in our history.

In attempting to eulogize a close friend, it is difficult to single out the most significant or most representative example of an outstanding man's many contributions to his community for the benefit of his fellow man.

This confrontation with Uncle Sam, however, will always come to mind when I think of and remember Don Falk. He was a fighter for his clients, his community, and those causes he believed in. Our success and rewards for fighting for what was right will stand as a monument to his tenacity, thoroughness, and objectivity.

Transportation—Land, Sea and Air access to Humboldt County Holds the Key to our Future Development.

These were and are the words that shall ring forever in my ears because they came from the lips of my close and trusted friend, Don Falk.

As an aviator, and as a member of the Roads, Rivers and Harbors Subcommittees in the House of Representatives, I shall do everything within my power to carry on in fulfilling Don Falk's dreams and objectives. It is my hope that the decade of the 1970's will see full realization of the ultimate in benefits for the friends and neighbors of Don Falk, the man who literally gave his life to his community and his country.

To his family and friends, let me say, "Don lived his life, performed his duties and did his deeds as he wanted to do them." What more can we expect of any man? He gave his full measure of devotion to all that was constructive and beneficial to those he served—his contributions were many.

WILL JUNK MAILERS WRECK THE NEW POSTAL SERVICE?

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and

extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, there is grave danger that the junk mailers and slick magazines will control the new Postal Rate Commission, and thereby force the average person in this Nation to pay skyrocketing first-class postage rates.

Postmaster General Blount put his finger squarely on this serious problem in an interview over the weekend. The Postmaster General, in commenting on the new five-member Rate Commission, stated:

> Now the postal lobbies will be able to concentrate on just five Commissioners where they have been lobbying all 535 Members of Congress.

We have seen the way in which the Interstate Commerce Commission and its staff, as well as other Federal regulatory agencies, have all too often developed cozy relationships with the very interests they are supposed to regulate. To carry out the intent of Congress, we must insist that the President appoint to the Rate Commission men of high integrity and personal courage. We must also insist that the members and staff of this new Rate Commission operate in a goldfish bowl, with no free trips to vacation spots or conventions of junk mailers, no meetings or conversations with junk mailers except when the full stenographic record is made public, and no under-the-table deals to raise first-class postage rates while second- and third-class rates remain ridiculously low.

Mr. Speaker, I insert two articles:

PARTS OF POSTAL BILL CRITICIZED BY BLOUNT

(By Isabelle Hall)

Postmaster General Winton M. Blount says he is dissatisfied with the method used in the new postal reform bill to set the price of stamps, and feels the bill should be changed in at least two other major areas.

Blount maintained public silence about his reservations until the bill was safely past Congress. He said in an interview that he was satisfied with the bill in general and felt Congress would correct its faults once members recover from "the whole traumatic experience of postal reform."

The bill, now awaiting President Nixon's signature, would remove the Post Office Department from the control of Congress and set up an independent corporation with an appointed board of governors and a rate-making commission.

Blount also said:

The bill showed favoritism to airlines in refusing to let the postal service negotiate its own contracts with the airlines as it does now with railroads and trucks. "The lobby got to Congress and persuaded them to give favoritism to the airlines that is not given to the railroad and highway users."

The salary ceiling of $60,000 per year for the new director of the postal service is too low. He said the chief executive of a $10-billion-a-year corporation—such as the post office—would be paid $200,000 or more annually. "It's silly to say that you won't pay for management capability."

It is the rate commission that raised the strongest objection from Blount.

The five-man commission is appointed by the President, but is not subject to Senate confirmation. Blount said the only recourse the public would have if it felt rates were unfair would be to appeal to the U.S. Court of Appeals for the District of Columbia, as is the case with all government regulatory agencies.

"Now the postal lobbies will be able to concentrate on just five commissioners where they have been lobbying all 535 members of Congress," he said.

Blount said a ruling of the new rate commission could be overturned only by a unanimous vote of the 11-man board of governors when the commission fails to comply with the law that says the postal service must be self-supporting. He said this sets up "a false kind of power over rates" for the 11 governors, who must be approved by the Senate after they are appointed by the President.

As for his complaint about the low salary of the director, Blount noted that only one U.S. corporation—General Motors—will have more employees than the postal service's 750,000-man force.

BLOUNT SAYS LOBBYISTS WEAKENED POSTAL BILL

(By Philip Shandler)

Lobbyists got to members of the Senate committee that helped write legislation creating a new U.S. Postal Service, Postmaster General Winton M. Blount charges.

As a result, portions of the legislation—due to be signed in the next day or so by President Nixon—are "stupid" and "crazy," Blount said in an interview.

These provisions would severely hamper postal management in its efforts to streamline service, he said.

HE HAILS THE REFORM

Blount emphasized, however, that despite his criticism, the legislation in general is the most important in the nearly two centuries of U.S. postal history, and that Congress and the committees should be commended for approving the reform measures, a major goal of the Nixon administration.

Compromise legislation converting the Post Office Department into a largely autonomous, corporate agency was approved by the Senate on Monday and the House on Thursday.

At a press conference Thursday, Blount, while generally hailing passage of the legislation, deplored provisions which he said give "special benefits to special groups at the taxpayer's expense." He would not elaborate at the time.

But in an interview with The Star later, Blount declared that "the airline lobby . . . got to members" of the Senate Post Office and Civil Service Committee, which developed the legislation.

In addition, views of committee members, as reflected in the legislation, "parallel the interests of the big mailers," he asserted.

He did not identify any senators or say how lobbyists allegedly "got to" them.

One provision which Blount criticizes limits the department's freedom to negotiate with airlines, due to regulations of the Civil Aeronautics Board. With less restriction, Blount argues, he could negotiate better service at cheaper rates.

Under present air schedules, "a letter mailed here at 6 p.m. can't get to Cleveland (about an hours' flight) before the next morning," he said. Meanwhile air-hauling costs approach $300 million a year, he said.

"Why shouldn't we have the same freedom to deal with the airlines that we have in dealing with the railroads and the truckers?" he asked.

The legislation does give the Post Office some leeway in negotiating for air loads of 750 pounds or more. But before the Postal Service can exercise the option, 90 percent of the load must be non-first-class mail, such as catalogues and advertising matter that ordinarily wouldn't go by air.

"That's stupid," Blount said.

The department may choose not to take advantage of this option, he indicated.

PROVISION CALLED "CRAZY"

Blount described as "crazy" the provision of a 13-year congressional subsidy to the Postal Service. The subsidy is to decrease after the first eight years, but Blount said any subsidy leaves the way open for special-interest pressures to be applied on the Postal Service through Congress.

While the subsidy has been authorized, "Congress doesn't have to appropriate the money," Blount said, indicating that postal officials might not ask for the money.

Subsidization was advocated by members of the congressional post office committees, but "it's the philosophy of the appropriations committees that counts" in this case, he said.

Blount indicated he can live with a provision that permits congressmen and others to comment on the character of a person seeking a job, promotion, or transfer. This essentially is what existing law permits. Some reformers had sought to outlaw all comments that smack of politics.

The extent to which politics intrudes in personnel policies "has a great deal to do with the way you run your business," Blount said, noting that he and President Nixon have foresworn political considerations in postal appointments.

WANTS TO STEER CORRECTLY

He said he is troubled by the "burrs" in the postal-reform legislation because he is anxious to set the new Postal Service on a proper course.

"The first few years are terribly important," he said.

"It's like it is in construction," said the former building contractor from Montgomery, Ala.

"If you set the first four or five rows of bricks straight, chances are the wall will go up right," he said.

For the same reason, President Nixon may go slow in choosing his appointees to the service's board of governors, rate commission and advisory council, Blount said.

A provision setting up the rate commission also brought objections from Blount, United Press International reported.

The five-man commission is to be appointed by the President, but not subject to Senate confirmation. Blount said the only recourse the public would have if it felt rates were unfair would be to appeal to the U.S. Court of Appeals, as is the case with all government regulatory agencies.

"Now the postal lobbies will be able to concentrate on just five commissioners," where previously they have had to lobby all 535 members of Congress," he said.

"We've got to focus public attention on this (flaw) . . . put it in a fishbowl," UPI quoted the postmaster general as saying.

Blount said a ruling of the new rate commission could be overturned only by a unanimous vote of the 11-man Board of Governors. He said this sets up "a false kind of power over rates" for the 11 governors, who must be approved by the Senate after they are nominated by the president.

Blount also said the $60,000-a-year salary for the director of the postal service is too low in comparison with pay scales for heads of major private firms, UPI reported.

Noting that the post office is a $10 billion-a-year business, Blount said that the top executive of a major private business might earn $200,000 or more annually.

NO EXCUSE FOR VIOLENT KILLING OF DAN MITRIONE

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

Mr. JACOBS. Mr. Speaker, I commend my colleague, the gentleman from Indiana (Mr. DENNIS) for having spoken earlier today on the subject and extending the sympathy I am sure all Members of the House feel toward the family of Dan Mitrione, from my State of Indiana. I commend the gentleman for his contribution to that colloquy.

The tragedy of Dan Mitrione is a tragedy of our time. Mr. Speaker, I can understand though not like violent revolution. I can understand men driven to civil war. I can understand war itself. I can understand how those things happen. But what I cannot understand is how any human being on this planet could bring himself to fire into the head of a handcuffed man hot lead to end his life. That I cannot understand.

Mr. Speaker, there is a better way of settling things than violence, and that should be adopted by the whole world in terms of world peace. There can be no excuse, no service to a political cause in this kind of dark age brutality.

Mr. Speaker, I extend my sympathy to the children and the family of Dan Mitrione who, I was told just a few moments ago, for several hours before the death of Mr. Mitrione was confirmed, huddled near the city of Washington like frightened people in a storm awaiting the fate of their father.

I know I echo the sentiments of the entire House of Representatives when I say our heartfelt sympathy goes out to that family. Our respect goes out to the memory of a man, who, in the best way he knew how, served his country.

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

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

Mr. FASCELL. I thank the gentleman for yielding.

I want to join with the gentleman in expressing our sympathy to the family of Mr. Mitrione. Here was a good family man, a dedicated public servant, doing nothing but carrying out his duties in a foreign country.

I agree with the gentleman. There is no excuse for anyone killing a man under these conditions, or even kidnaping him. There cannot be any cause which would justify that kind of violence and the death of this individual. It could serve no useful purpose, regardless of what cause the people had in their thoughts.

This is not the first time this has happened to America. It may not be the last time. It does serve notice on all of us of the real dangers our diplomats live in, and the kinds of activities going on in Latin America with respect to the politics there.

I believe that all of us will agree on one thing, and I include not only the United States but also other countries which have representatives there and in other places; that is, we must strive in every way possible to strengthen our own security for our own people and to take whatever efforts may be necessary to punish the criminals, because in any context what was done is an international crime against humanity and it ought not to serve any useful purpose and the criminals ought to be prosecuted and otherwise dealt with.

We must bend every effort, it seems to me, to make sure that international diplomacy and relationships are not disrupted; that these efforts of the terrorists and guerrillas are made extremely difficult and dangerous for them and that they gain no political advantage from what they do. We must see to it that any action of this kind—kidnaping or injury or death—is so costly to the terrorists or the guerrillas, and their political advantage is so minute, that they do not engage in it.

I would hope that the death of this fine father and dedicated public servant would not be in vain and that we could in some way at least in this hemisphere if not throughout the world bring about the kinds of relationships internationally which will not give rise to this kind of thing.

SUMMARY OF STATUS OF FARM LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. MAHON) is recognized for 5 minutes.

Mr. MAHON. Mr. Speaker, I would like to supplement the remarks which I made in the House last week in regard to farm legislation by providing a brief summary as to the present situation, as follows:

First. With regard to the status of legislation providing for a new farm program, the House on August 5 passed a bill providing for a new farm program. The bill includes a $55,000 payment limitation per crop to producers. The House by a nonrollcall vote of 161 to 134 rejected an amendment fixing a $20,000 payment limitation.

Second. The bill is now before the Senate Committee on Agriculture and must be considered by the committee and the Senate. After Senate passage of the bill, conferees of the House and Senate will meet to resolve the differences in the bill and then both the House and Senate will have to vote on the final version. At this time, the actual content of the final version is unpredictable.

Third. A separate bill, the annual appropriation bill providing funds for farm programs and other programs of the Department of Agriculture must be enacted into law. This appropriation bill passed the House on June 9 and passed the Senate on July 9. The Senate, by a vote of 40 to 35, placed a $20,000 per producer payment limitation on the appropriation bill. The House version of this bill has no payment limitation provision.

Fourth. The House must move to send the appropriation bill to conference with the Senate, and a member of the House has served notice that when this happens he will offer a motion instructing the House conferees to concur in the $20,000 limitation. If this effort should prevail, this would nullify the $55,000 payment limitation which was agreed to by the House on August 5, thereby in effect imposing the $20,000 level.

Last year the House, by a record vote of 224 to 142, fixed a $20,000 payment limitation on the agriculture appropriation bill. However, this action was later overturned. The point is that the outcome of the payment limitation question, along with the content of the basic farm program legislation, is still in doubt.

Fifth. It will be a number of weeks before Congress takes final action on the two bills—the appropriation bill and the new farm program bill.

I make these remarks to clarify the status of agricultural legislation. The content of farm legislation is of vital importance to all areas of the Nation, especially farming areas.

WOMEN'S BUREAU AND LABOR DEPARTMENT SUPPORT EQUAL RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, on a day in history when those in support of equal rights for women are standing up to be counted, I should like to call to the attention of my colleagues a very meaningful address delivered at the 50th anniversary celebration of the Women's Bureau by Secretary of Labor James D. Hodgson when he was yet Under Secretary of that Department. This speech is very revealing in terms of Secretary Hodgson's own profound sensitivity to the problem women face in competing in the labor market on a fair and equitable basis and in the dynamic leadership to overcome the problem exercised by Mrs. Elizabeth Koontz, Director of the Women's Bureau. In the drive for passage of the equal rights amendment the support of the Department of Labor and of the Women's Bureau should not be overlooked. The strength of their confidence and the persistence of their efforts have been a pillar in the foundation on which the success of the day was built.

Secretary Hodgson's remarks follow:

REMARKS BY JAMES D. HODGSON

The male of the species is not exactly known for his sensitivity. He frequently evidences this fact by making small jests on the subject of women and women's rights. There is, of course, perhaps no more serious subject around. And if you don't believe it, women's organizations abound who are delighted to remind you of the fact. I know I never choose to jest on this subject, particularly in the presence of Libby Koontz. I know when it is wise to be properly intimidated.

So excuse this discourse if it fails to deal lightly with what were once regarded as the foibles and frailties of the fair sex. Perhaps I shouldn't use the term "fair." It might be interpreted by some as a questionable value judgment.

Arnie Weber, the instant genius of the Labor Department, is quite a word fancier. In our early period in office, he often referred to the term "interregnum," which is roughly defined as that interlude between the rule of one and the rule of another. Perhaps

"interregnum" is the best term to describe current conditions in the Labor Department. Confusions result.

This morning you expected George Shultz—you got Jim Hodgson. But Hodgson is not yet Secretary and Shultz has not yet departed. Perhaps, however, I will feel freer to speak on this subject in my role as Under Secretary than I would some weeks hence.

The acknowledged principal characteristic of American society in the second half of the 20th century is that it has an endless array of problems. Society is complex; the world is insecure. Many of our problems are what might be called "people" problems. And it is "people" problems with which the Labor Department is concerned.

Secretary Shultz categorizes our "people" problems three ways: those of the labor market, the bargaining table, and the workplace. These three cover a lot of territory. And it's interesting that the contemporary problems of sex cut across them all. In the labor market, the Nation ponders how it may assure equal availability of jobs to both sexes. At the bargaining table, labor and management stew over where to differentiate and where not to differentiate in labor contract provisions as they affect the sexes. In the workplace, we find ourselves moving from a time of dual standards to a time of single standards. In each of these three areas, then, problems of sex are present. And if you could visit our staff meetings on Tuesday morning, you would understand me when I say Libby Koontz never lets us forget it.

Today I find special satisfaction in being a part of this conference, not only because it marks the 50th anniversary of the Women's Bureau, but because it may well turn out to be an historic event, drawing together for concerted effort as it does the widely divergent forces that make up what we think of as the women's movement.

Many consider the status of modern American women a contradiction in our society—a contradiction hard to explain and therefore often either ignored or denied. But the fact remains that we cannot reconcile some contemporary remarkable inequalities affecting women with our stated national principle of equality for all citizens.

The Labor Department has a special responsibility in the matter of discrimination in employment. We are concerned on two counts.

In the first place, we must recognize that every person in America has the natural desire to feel useful and needed. For those to whom the route of self-fulfillment is through work, we must help open job opportunities free of discrimination.

Secondly, we are concerned about the conservation and wise use of human resources. As a nation, we have not yet devoted attention to the utilization of our "people" resources nearly as widely as we have our natural resources. A nation devoted to high living standards can ill afford to waste its skills and talents.

The waste of human resources is particularly unfortunate because it is not always discernible for what it is. It is disturbing to realize that society may be denied another Dr. Frances Kelsey or a Rachel Carson because some young woman was dissuaded from a career in medicine or science simply because of her sex. Yet this kind of thing is still not unknown in our schools and colleges.

There are some things that we in the Labor Department can do about the situation. We can see that the Federal laws prohibiting sex discrimination are enforced, where we bear that responsibility.

We have not been idle in this respect. Since the Equal Pay Act of 1963 became effective, the Labor Department's investigations have found over 15 million dollars due more than 46,000 employees, most of them women—this because of underpayment in violation of the law.

The Office of Federal Contract Compliance, which administers the Executive order that prohibits sex discrimination in employment under Federal contracts, has just issued guidelines to spell out what employers are expected to do in order to remain not only within the letter of the law but consistent with its spirit as well. Libby Koontz made the front pages with this story.

We also endorse and support the Equal Rights Amendment.

We are cooperating, too, with the Equal Employment Opportunity Commission. The Commission is responsible for the administration of Title VII of the Civil Rights Act which includes a prohibition against sex discrimination in employment.

In these ways the Labor Department endeavors to be a force for progress.

We must understand that though the need for change in women's rights is manifestly evident, the exact direction for pursuit of that change is less evident. In working together for a worthy goal—the goal of equal rights for women—it ill serves either ourselves or our objective to proceed with more certainty than circumstances dictate.

Fortunately ours is a pluralistic society. Different sectors can go forward in somewhat different directions at the same time. Any loss through lack of uniformity is more than made up for by the opportunity this arrangement provides for experimentation. To experiment locally, and then apply successful results broadly is a traditional American process. The unanswered questions of women's rights can profit, and I believe are profiting, from this process.

This brings to mind what we in the Administration have come to call the New Federalism.

In essence, the New Federalism calls upon us to act as one nation in developing national standards and then to act as a congeries of communities in carrying out those standards. In other words we are seeking to decentralize government so that the detailed administration of government programs will be a local affair while the role of the Federal Government will be one of stewardship to insure that national standards are ultimately attained. National equity, but local control.

The family assistance plan is a good example. It establishes a national minimum on family assistance. As the President puts it, "No child is worth more in one State than in another," as far as the Federal Government is concerned. At the same time, we have local participation in administration and local decisions on what more should be done.

The same theory is applicable to the problem of day care. The President has asked for a Federal program to provide child care for the children of welfare mothers who choose to work, but operational details and experiments in form would be up to the community. The Federal Government may not be able to provide child care for all the children who need it, but local experimentation and initiative can contribute much.

I hope as I have spoken of the New Federalism you may have been able to see your own role in it. Actually, what is being done in many instances is shifting the responsibility for the creation of ideas and program suggestions to the local community, to State, county, and city officials.

Many of you are members of State commissions on the status of women. You have access to your Governors and legislators. Others of you are members of influential organizations. You have the ear of your elected officials. All of you are private citizens with the power of creative action.

What I am really saying is that the New Federalism touches each one of us. It provides a basis for creative effort among all the major forces in America—public sector, private sector, management, labor, and volunteers.

Now in these brief remarks this morning I have deliberately avoided trying to lecture this audience on *what* it should do, or *how* it should think about this subject. I *have* tried to leave the impression that the Labor Department is actively pursuing its responsibilities in this area. I have specifically suggested that in a period of transition from one plateau of values to another, experimentation and diversity are desirable conditions. And I have observed that the Administration's New Federalism concept provides exactly the kind of conceptual framework needed for such widespread creative endeavor. It is my hope, then, that this conference will stimulate the desire for such endeavor. May I wish you every success in your deliberations.

LEGISLATION TO REQUIRE THE OPEN DATING OF PACKAGED FOODS—IX

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

Mr. FARBSTEIN. Mr. Speaker, fresh products supposedly line the supermarket shelves. But only the store manager knows for sure because the freshness dates are indicated on the package in complicated letter and number codes designed to keep the consumer from knowing them.

Last November, I introduced H.R. 14816, legislation aimed at letting the consumer in on the secrets the codes were designed to hide. The bill would require the last date a food item could be sold to appear on the label of all perishable, semiperishable, and canned foods as an indication to the shopper of how fresh the food item is.

The National Association of Food Chains, as the "official spokesman" for the food industry came out in vehement opposition to my legislation. The only rationale they can muster for their position is that "it will increase the cost of food, since if the consumer knows the dates of items on the shelves she will purchase the freshest and leave the rest to go unsold."

The farfetched nature of this is indicated by the number of individual grocery chains which have voluntarily adopted programs of making translations of food codes available to their customers: Jewel Foods in Chicago, Stop and Shop in Boston, and Safeway on the west coast—although not in the east coast. These stores have adopted their policies because they feel they will increase, not decrease their profit levels.

The question comes up then why does the food industry oppose open dating? Or in other words, "What have they got to hide?"

This is the question raised in a recent editorial endorsement of H.R. 14816 by the suburban Chicago Herald.

I insert that editorial as well as a recent Wall Street Journal article on food coding at this point in the RECORD.

The materials follow:

[From the Harald Paddock Publications, Aug. 7, 1970]

THE WAY WE SEE IT: THE CODES MUST GO

The food industry is rapidly building a bad image for itself in the furor over date coding.

The image may be summed up in a question: "What have they got to hide?"

Indeed, what?

Coding has become the basis for the shrillest battle cry of consumer groups, and the defensiveness of the food processors, stores and supermarkets has brought on even more militancy.

We are not especially enamored with the fanatic tactics or personal abuse dished out by some of the consumer militants, but on this particular issue our position is very simple: there is no good reason why the shelf life of perishable food items should not be stamped on the containers in clear, precise terms. That is, by date, month and year, where applicable.

Not by codes, which even some store managers admit they can't figure out, leaving them dependent on delivery men to rotate supplies.

It should be done as it is done for film—with a straight declaration of the date beyond which an item should not be sold.

Instead, we have the elaborate system of secret codes, some by stamped numerals and letters, some by the color of tags. There can be one kind of code for milk, another for cottage cheese, another for bacon, or eggs, or bakery goods. And, depending on the processor and the product, a random date like Feb. 21 can come out as 21, 21049, 2B1, or 2210QA. It's designed for the market's information, not the buyer's.

This has led to a kind of dead serious gamesmanship, in which consumer groups and some processors have battled wits in civilian cryptographics—the consumers cracking codes, the food manufacturers spinning off new and more complex ones.

In all this, the public interest clearly is not being served. Again, why the resistance to simple dating? Why this damaging aura of subterfuge?

The food industry argues that if precise dates of packaging or shelf life are printed on the packages, that consumers will always buy the freshest items and defeat the idea of notating products on a "first in, first out" basis. The result, they say, would be increased waste and cost.

We don't buy that.

In the first place, stores can regulate what actually goes on the shelf, and as long as it's within the allowable shelf life, there's no real problem.

But beyond that, clear dating has been practiced for years with film and drugs, and there's been no untoward effect or serious complaint.

Two New York congressmen have taken the lead in trying to resolve the struggle on behalf of the consumer.

Rep. Benjamin Rosenthal has asked the Agriculture Department to look into the issue, and charges that some groceries are ignoring the codes and leaving food on shelves so long it becomes unfit for human consumption. The department has agreed to a preliminary survey, which could lead to a full nationwide study.

Rep. Leonard Farbstein has been the real gadfly, and has introduced the legislation—H.R. 14816—that would accomplish what the consumer spokesmen want. It would extend the 1966 Truth-in-Packaging Act to require clear labeling of the last date that perishable, semiperishable and canned foods can safely be kept on a grocer's shelves.

We don't think that's asking too much. The real issue here is the public's interest, and some honest guidelines for the already-harried consumer.

[From the Wall Street Journal, Aug. 3, 1970]

TRADE SECRETS: GROCERS' ARCANE CODES TELLING PRODUCTS' AGE COMING UNDER ATTACK

(By James MacGregor)

Neatly wrapped in plastic in the supermarket, one package of sliced bacon looks, feels and smells like all the others. So how can you tell which package is freshest?

Here's a way that usually works: Find the four-digit number stamped on the package. The sum of the first and last digits corresponds to a month of the year. The middle two digits stand for a day of that month (today, August 3, would be 4034). If the number is underlined, it's the day the bacon was packed. If it's not, it's the day the bacon should be removed from the grocer's shelf.

If you didn't know about that code, you have several million housewives for company. Now that modern packaging protects almost everything except fresh vegetables from close shopper scrutiny, the only clue to many a product's freshness is the coded series of letters or numbers marked on the wrapper. Though virtually all the 8,000 or so items in a typical supermarket sport such codes, most shoppers don't know they exist.

And those who do know have other problems: There are hundreds of codes, all different and most expressly designed to be incomprehensible to the average shopper. Under a few simple codes, for instance, today's date appears as 215, 0803, 203C HKB, 152, PP and 8K03.

NO TRANSLATIONS

Deciphering those numbers might not be hard for a cryptanalyst, but even he wouldn't know if the date represented the date of packaging or shipping or the last day the product should be sold or used. Most grocers know the codes, but many say they're under strict orders not to translate them for customers. A few even admit they haven't the faintest idea what some codes mean.

To the consumer advocates who charge the food industry with shoddy handling and deceptive pricing and packaging, secret grocery codes are infuriating. "It's immoral," snaps Marjorie East, chairman of the home economics education department at Penn State University. "The consumer should know just as much as the manufacturer about the quality of the food on the shelf."

"The buyer has a right to know what product is freshest," adds a spokesman for Consumers Union, which publishes Consumer Reports and which regularly surveys the quality of food and other products. "The outrageous thing is that all the food is actually dated, but nobody can read it."

Consumer advocates argue that even the most conscientious grocer can overlook out-of-date food, while some less scrupulous stores keep old products around quite deliberately. These critics argue the consumer should be protected by abolition of secret codes and substitution of easily readable expiration dates on all perishable foods.

"NOT AN INDUSTRY FAILING"

Their crusade is coming to a head. This spring 57 Congressmen introduced a bill to require open dating on all perishables. The Department of Agriculture is also embarking on preliminary study of food dating, and legislators in a half dozen states are pondering bills to require open codes. Some consumer groups are pressing the food industry to institute readable codes before such bills become law.

Responding to their urging, Jewel Cos., last month placed code books in all its Chicago supermarkets so shoppers could translate the codes. Safeway Inc., the giant supermarket chain, is asking some of its suppliers to put open dating on their products; Safeway has for years open-dated the foods it processes itself. Kroger Co., Armour & Co. and National Biscuit Co. are among the companies that say they're examining the implications of open dating.

But most food producers and retailers call the grocery code controversy a teapot tempest. Clarence G. Adamy, president of the National Association of Food Chains, admits "every store has out-dated items from time to time, but it's mostly a matter of individual stupidity, not an industry failing. Stores build their profits on repeat sales. They don't want to sell bad merchandise."

Food industry officials generally say they have nothing against open dating, but they assert secret codes are management tools. They contend the codes allow them to maintain strict quality control without the higher prices they figure would result from shoppers who would read open dates and rummage through the shelves for the freshest food available, leaving behind perfectly good older food.

A reporter armed with translations of some simpler codes found from two to 25 out-of-date items in meat and dairy cases at each of nine Cleveland area stores representing five major supermarket chains. In each instance, store officials said clerical oversight caused the products to remain on sale. But at one store, an outdated package of cottage cheese marked by the reporter was back on the shelf a day later. And the assistant meat manager of another store says, "Those codes don't mean much. We check the meat every day and take it off sale when it begins to smell or change color."

Surveys by consumer groups and by the staff of Rep. Leonard Farbstein (D., N.Y.) found similar situations at supermarkets in Washington, Chicago and Louisville. A shopper for Consumers Union found frozen fish sticks on sale in an Indiana market two years after the company that made them quit the fish stick business.

There may have been nothing wrong with the outdated food found in these surveys, since most coded expiration dates allow substantial time for the product to sit on the housewife's pantry shelf. If the food has spoiled most major supermarket chains have a no-questions-asked policy of taking back or exchanging food returned by an unhappy customer.

But while a housewife may return a product that's stale when she gets home, she isn't likely to do so if it simply spoils faster than it should. That's one reason Rep. Farbstein is pushing open dating. He says it would give the consumer "personal policing power" over the sale of staple foods. John S. Rini, vice president for supermarkets of Cleveland-based Cook United Inc., says "open dating would keep our managers on their toes."

A few states and cities—New Jersey and New York City for instance—do require open dating of milk or eggs, usually in a numeric form like 8-03 for today's date. The date represents when the goods were put on the shelf. Pillsbury Co. open dates its highly perishable refrigerated baking doughs, as does Borden Co. with its fast-ripening Liederkrantz and Camembert cheeses. On most products, though, companies prefer less readable dates.

Some are downright cryptic. A simple date like 803 can be complicated by additional symbols that give production information. Fresh meat is frequently marked by two letters, with O, P, S, T, V, and X standing for Monday through Saturday at one chain. Bread often carries a colored tie-string at the end of the wrapper, each color stands for a different baking day. Canned and dried foods often are marked by long serial numbers of tiny notches on the label—the retailer gets periodic lists from the producer telling him what to take off sale.

"I don't know half the codes, and I've been in the business 16 years," says one Cleveland supermarket manager. "Neither does anyone else, I could put one man checking codes

full-time and I still doubt we'd keep everything up to date all the time."

Food industry spokesmen say this manager's plight isn't serious. They say that with proper handling products will turn over fast enough that in-store expiration dates are strictly an academic question. Many agree, though, that present packaging often provides insufficient instruction to the housewife on how long she should keep products after bringing them home. In fact, industry officials say studies have shown that most spoilage occurs because of improper handling—leaving goods in hot cars and the like—on the part of the buyer, not the packer or retailer.

Many home economists and industry officials are concerned that the controversy over coding misses the point; the real question isn't the legibility of the date, it's the quality of the product. "Open coding may be a panacea for a very complex question," says Jean F. Judge consumer food marketing specialist at Rutgers University. "I'm concerned that consumers would tend to equate a fresh date with quality, which may or may not be valid."

The food industry has improved packaging and storage and distribution, but some critics contend significant improvements could still be made by eliminating secret codes, as in the case of the two-year-old fish sticks found by Consumers Union.

George Pollock, head of Consumers Union's foods lab, says it isn't uncommon for stores to unwrap moldy bacon, wipe it clean and put it back on the shelf. The assistant meat manager of a Midwestern supermarket admits too, that frozen turkeys at his store are regularly rewrapped and recoded "until the store manager catches you." So far, he hasn't been caught.

IMPACT SCHOOL AID PRORATION FORMULA GROSSLY UNFAIR TO MASSACHUSETTS SECOND CONGRESSIONAL DISTRICT: CHICOPEE WILL LOSE $50 PER CATEGORY "A" STUDENT IN FINANCIAL ASSISTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 10 minutes.

Mr. BOLAND. Mr. Speaker, once again several of the school departments in my Second Congressional District of Massachusetts will be shortchanged in Federal school impact assistance because of an inadequate budget request by the administration and underfunding by the Congress.

There is nothing particularly new about this. The school superintendents, members of the school committees, and families in my area have become quite familiar with the actions of this Government in approving extensions of Public Law 874, the so-called impact law, and subsequently denying the full funding to which the school districts are entitled.

What really disturbs me now is that the Office of Education appropriation bill this year goes one step further and sets a precedent by discriminating against school districts within a State as to the amount of impact funds they will receive. This is accomplished by the following distribution formula for school impact funds:

The 100 percent payment for "A" students in school districts having 25 percent or more of their enrollment in the "A" student category.

The 90 percent payment for "A" students in school districts with less than 25 percent "A" students, and 65 percent proration for all "B" students.

Mr. Speaker, under this indefensible formula the city of Chicopee, where Westover Air Force Base is located, will lose some $120,000 to which it is entitled for educating Air Force dependents.

The Chicopee Public School District, with 2,400 "A" students out of a total enrollment of 13,400, falls short of the 25-percent formula. Yet, Chicopee has far many more "A" students than numerous other small school districts that will qualify for full entitlement.

Why should Chicopee be arbitrarily shortchanged 10 percent of its category "A" funds entitlement when at the same time smaller school impact districts throughout the Nation, and two within the same State, Ayer and Bourne, Mass. will get 100 percent funding? Many of these school districts educate less than half of the number of category "A" impact students than attended the Chicopee schools.

I do not think that Chicopee's loss of $50 for every category "A" student is justified. The 1970 student rate approved by the U.S. Office of Education for Chicopee is $500 for impact aid purposes. Therefore, Chicopee will receive only $450 as the per pupil reimbursement for the cost of educating 2,400 "A" students.

The 65-percent proration of funds for category "B" students will mean the loss of thousands of impact aid dollars to school districts in Springfield, Ludlow, South Hadley, Granby, and Belchertown.

Mr. Speaker, the inequities of the impact aid distribution formula must be corrected. Therefore, I urge the administration to include in its fiscal year 1971 supplemental budget request the sum of money necessary for full funding of Public Law 874 for both categories "A" and "B" students.

WILSON PLANS HEARINGS ON ACCURACY OF 1970 CENSUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CHARLES H. WILSON), is recognized for 10 minutes.

Mr. CHARLES H. WILSON. Mr. Speaker, the Subcommittee on Census and Statistics has received a variety of complaints from communities expressing dissatisfaction with the census preliminary counts in terms both of unexpected losses of population and gains of less than anticipated magnitude. It is likely that most of the unhappiness over the census count is due to poor predictions—by the Census Bureau, itself, as well as by local authorities.

Nevertheless, the possibility exists that the new techniques introduced into the 1970 census to improve the enumeration may not have achieved their promise. The subcommittee, therefore, in fulfillment of its responsibility to the people and the Congress, will be holding hearings this coming September in order to evaluate the completeness of the 1970 census enumeration. Of particular interest to the subcommittee will be a description of the actions the Census Bureau has been taking to resolve the complaints it has received to the mutual satisfaction of the local community and the Census Bureau.

In preparation for the hearings, I hope to have the subcommittee staff visit with the official of several of the complaining cities to discuss their census problems with them and evaluate their complaints at first hand. I would also like the staff to visit various of the Census Bureau's regional offices to discuss with the Regional Director and his staff the problems they encountered in conducting the enumeration and the steps that were taken to obtain an accurate census count.

I expect the hearings to produce important and meaningful conclusions.

September, however, is still some weeks away. In the meantime, I believe it important to report to the Congress at this time the purpose served by the preliminary counts—which are essentially hand tallies compiled from enumerator records—may sometimes cause dismay because of the fact that they can be in error, their publication is an integral and necessary part of the census quality control program. The early release of a preliminary count makes it possible for local officials to evaluate the accuracy of the census count as it applies to their own community. If the count appears too low—or as is sometimes the case, too high—it can be called to the attention of the Census Bureau so that potential errors can be corrected.

The final counts, which will include corrections of all errors discovered in the preliminary count, will be based on a computer tabulation—as opposed to the hand tallies on which the preliminary figures were based—of each person listed on the census questionnaires. The computer process involves a number of additional steps to assure the correctness of the final figures. Crew members enumerated on board civilian and naval vessels—a group not included in the preliminary counts—are added to the questionnaires for inclusion in the final tabulations. Persons enumerated away from their usual home are allocated back to their home districts and added if they have not already been listed. Geographic codes are reviewed to make sure they are correct and up to date to make certain that all annexations have been recognized and that each enumeration district is assigned to the correct political subdivision and statistical area.

Certain other actions designed to check for people who may not have been enumerated are also carried out; these include a check against the census questionnaires to make certain that people who report that they may have been missed as well as addresses which the Post Office reports may have been missed, have not been excluded from the census.

And finally, the total population of each State has added to it, as determined from the official records, its share of the count of American military and civilan personnel of the Federal Government who were abroad as of April 1, 1970, and their dependents who were with them.

Mr. Speaker, as I mentioned earlier, part of the unhappiness with the preliminary census counts lies in the sometimes very large discrepancies between the estimates of the population and the census counts—particularly for small geographic areas. During its hearings, the subcommittee also plans to find out the reasons for these differences and hear recommendations as to what could be done to eliminate them in the future. Perhaps we have reached a point in time where population changes are taking place so rapidly that in order to keep up with them we will need censuses more frequently than once every 10 years.

A few days ago, the Census Bureau released a summary of the reasons why some commonly used indicators of population change may not be entirely valid. It is a striking example of the rapidity with which changes are taking place in our society and bears directly upon the concerns the Subcommittee on Census and Statistics. Without objection, I should like to include the Census Bureau's statement in the RECORD at this point:

COMPARING CENSUS RESULTS WITH INDICATORS OF POPULATION GROWTH

As preliminary results from the 1970 census are issued, interested officials and agencies will check these figures against local estimates and opinions as to the extent of population change since the last census. Indicators of change, such as new construction, power and water meter connections, retail sales, automobile registrations, voter registration, etc., are frequently used as a basis for estimating population change. Some of these may more accurately reflect increased purchasing power and spending rather than population change.

For the country as a whole there are a number of trends which may help explain why an increase in the number of housing units, or in other indicators, need not lead to an increase in population. In fact, some increase in the number of housing units is not necessarily inconsistent with a decline in population. Relevant facts include:

1. The decline in the average number of persons per household; from 3.33 in 1960 to 3.17 in 1970.

2. This is in part a reflection on the declining birth rates during the 1960's—the average number of persons under 18 per household declined from 1.21 to 1.12.

3. There was also a decline in the average number of persons 18 and over per household—from 2.12 in 1960 to 2.05 in 1970.

4. These shifts reflect the growing tendency of young persons to leave the parental home and strike out on their own, and the continuing growth in the number of elderly persons who maintain their own households, many of them as 1-person households.

5. The number of persons 65 and over were living alone (or with others who are not related) increased from 3.2 million in 1960 to 5.2 million in 1970—an average increase of 61 percent.

6. The number of young persons 14 to 24 years old living alone or with others who are not related increased from 284,000 in 1960 to 851,000 in 1970—an increase of 200 percent.

7. One-person households increased from 13 percent of all households in 1960 to 17 percent in 1970.

8. An increase of at least 10 percent in the housing inventory from new construction is required to compensate for the demolitions and other losses that have occurred in the past decade.

9. The reduction of station strength, or the closing of a military base, may have serious consequences for the population of an area. Many bases are wholly or partially within city limits and, thus, can have a major effect on the population totals for the area.

10. The total number of persons in the Armed Forces increased from 2,535,000 in 1960 to 3,270,000 in 1970. This includes an increase of 500,000 in the number stationed overseas.

11. Changes in the number of members of the Armed Forces stationed at a base can have a significant effect on the population of the area in which the base is located. It may affect not only the number of such persons, but in many instances their dependants follow them into or out of an area.

12. There has been a substantial increase in occupied mobile homes, from about 750,000 in 1960 to about 2,000,000 in 1970 (or from 1.4 percent of the total in 1960 to slightly over 3 percent in 1970). The fact that these units can be moved into or out of a city may affect rates of population change. Many trailers are used as second homes. In such situations, the census procedure is to designate the people as "Usual residents elsewhere" and the unit as vacant. Since vacant mobile homes are not included in our inventory, our housing unit count omits such units.

13. Since 1920 the suburban areas have been growing much more rapidly than the central cities. Between 1950 and 1960 many of the large cities lost population, but their metropolitan areas gained because of the rapid growth in the suburbs. Census Bureau estimates for 1960–1969 show an increase of only 1.2 percent in central cities, but 27.6 percent in the parts of the SMSA's outside central cities. Special censuses since 1960 in Louisville, Cleveland, Des Moines, Rochester (N.Y.), New Haven, Trenton, Buffalo, Providence (R.I.), and Shreveport all showed declines in the city's population.

14. Increases in the number of persons in school does not necessarily mean an increase in population because—

a) the substantial reduction in the number of school districts and school buildings has meant shifts of pupils into the larger centers.

b) enrollment in private (largely parochial) schools has declined, while total enrollment in the public schools has increased.

c) the increased enrollment of 5-year olds (up from 64 to 78 percent of the total between 1960 and 1969) has raised total school enrollment figures.

d) the enrollment rates for 16 and 17 year olds increased from 83 to 90 percent between 1960 and 1969.

e) in some cities there has been a proportional increase in the Negro population, which generally has more children, resulting in substantial increases in the number of children of school age.

15. Increase in voter registration or in voting may reflect increased interest in an election, rather than any change in the number of persons of voting age.

16. The farm population of the United States declined from 15.6 million in 1960 to 10.3 million in 1969. Some of this loss is a matter of people giving up farming, but remaining in rural areas, but in most cases the loss reflects migration out of farming areas.

17. Since 1959 median family income has risen 74 percent (to $9,433). Increases in automobile registrations, retail sales, hospital admissions, newspaper circulation, and the like may reflect increased buying, more two-car families, more people using hospitals as a result of having more prepaid medical care and medicare, etc.

18. Increased retail sales, increased employment, and other increased use of services in a city may reflect growth in the nearby areas rather than within the city limits. The census figures for a city relate to the population living within the legal boundaries of the city.

"INFLATION ALERT" PROVES HIGH INTEREST RATES MAJOR CONTRIBUTING FACTOR TO INFLATION

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

Mr. PATMAN. Mr. Speaker, for months the administration's economic experts have derided the idea that high interest rates are contributing greatly to inflation.

Last Friday, the administration issued the first of its so-called inflation alerts and this first report confirms that interest rates have contributed to virtually every price rise in recent months.

Buried deep in the inflation alert report is this statement on rising costs in manufacturing:

The largest rises were recorded in net interest. Increases in interest costs and capital consumption allocation occurred in virtually every industry.

The inflation report also talks at length about the rapid acceleration of prices for various consumer services in the first half of 1970. The report says:

Services continued to represent the most rapidly advancing element in the consumer price picture.

The material accompanying this statement makes it obvious that interest charges are the single biggest sector in pushing up the costs of "service." The interest charges are lumped in a category which the report refers to as, "insurance and finance."

The report states:

The rate of increase in insurance and finance has been particularly rapid reaching an annual rate of nearly 22% in the first quarter of 1970 before dropping to about 10% in the second quarter.

Included in this group, the report says, are such items as "mortgage interest and interest on other consumer purchases." The report goes on to say:

The most important single item in this group is mortgage interest which reflects both the rates charged on new mortgages and the amounts of the total interest commitments entered into as influenced by the rising purchase cost of used and new homes.

Later, in an appendix to the inflation alert, entitled "Prices, Wages, Productivity, and Income Shares," the report states:

Net interest charges represent the difference between interest paid and interest received by non-financial corporations. Of all the price components, net interest per unit of output has risen the most rapidly since 1960.

Even more significantly, the "alert" dwells at great length on rising utility costs as a major problem area for the economy. In its coverage of the report, the Wall Street Journal carried the following quote about rising utility costs:

Perhaps the darkest prospects for continuing what has been a relatively stable price picture are those of the electric power in-

dustry, the report suggested, where a combination of formidable inflationary forces is coming to bear.

The "inflation alert" conceded that high interest rates were a prime reason behind the increase in energy costs. I quote directly from the report:

Contributing to higher power prices is the increase in interest rates during the last year. The rate on Aaa bonds has gone up 21.5% in a year. Most power companies have to borrow heavily for expansion and to refinance past borrowings. Thus, capital costs, which are significant in this industry, are up noticeably.

Mr. Speaker, these quotes taken from the "inflation alert" are a clear admission by the administration that high interest rates—which they have heretofore ignored—are major contributing factors to all of the price rises in the economy. Time after time, the phrase "higher interest rates" appears as an explanation for the various price increases listed in the report. It is obvious that if we are to do anything about inflation we must first do something about interest rates.

That is why, last December, this Congress voted specific standby powers for the President to control interest rates. Through Public Law 91–151, the President can control all aspects of credit transactions. For some reason, the administration has refused to use this power.

It is difficult to understand why the administration continues to refuse to use these powers if, as they concede, interest rates are contributing to inflation. It is absurd for the administration's economic advisers to call attention to the role of high interest rates in the inflationary spiral and then allow the standby credit control powers to remain idle.

Such inconsistent behavior destroys what little credibility the administration's economic policies have with the American people. If the administration believes that interest rates are causing inflation then they should do something about them. This is exactly why the Congress gave the President the credit control powers on a standby basis. This authority, under the congressional mandate, was designed to be used by the President when his economic advisers found that high-interest rates were causing inflation.

These advisers, in their "inflation alert" of last Friday, have so found, and it is incumbent upon the President of the United States to use Public Law 91–151 in accordance with the very firm congressional intent.

Mr. Speaker, I urge the President to read his administration's own "inflation alert" and to exercise the powers to control interest rates. The "inflation alert" points up the massive failures of this administration to halt inflation and to hold down interest rates. The "alert" has little meaning if the President ignores its implied warnings about high-interest rates.

AFL–CIO ENDORSES H.R. 16785

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, earlier this month the executive council of the AFL–CIO met in Chicago and strongly endorsed H.R. 16785, the occupational safety and health bill now awaiting action by the Rules Committee. The council called upon Congress to pass Federal safety legislation, saying:

"The need is clear; the facts have been demonstrated repeatedly: the time for action is now.

The AFL–CIO also called upon the Department of Labor to release an unpublished report made to them by Mr. Jerome Gordon which reveals that job accidents and deaths are as much as 10 times higher than those reflected in current statistics on job safety.

I would like to incorporate the entire text of the executive council's statement as well as the resolution adopted by the Industrial Union Department Board, AFL–CIO, at its meeting in Chicago on July 31:

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON OCCUPATIONAL HEALTH AND SAFETY

The AFL–CIO long has urged federal Occupational Safety and Health Legislation. The need is clear; the facts have been demonstrated repeatedly: the time for action is now.

The official statistics alone do not tell the terrible cost in human tragedy of on-the-job accidents, illnesses and deaths: 55 working men and women killed on the job each day—nearly 14,500 a year; 2.5 million Americans are disabled each year on the job and another 7 million are injured.

An unpublished report to the Department of Labor has concluded that as many as 25 million serious injuries and deaths on the job are not counted each year by the federal government. The report's author, Jerome Gordon, said the injury rate is 10 times higher than official figures show. He blamed inadequate standards for counting injuries, faulty reporting and deliberate attempts to cover up. We insist that this report be made public.

The statistics are worse than the casualty figures from Vietnam.

Statistics do not take into account the related effects of death and disablement on the daily lives of families and survivors.

While the toll in human suffering cannot be measured in dollars, there is an economic loss that must be considered. Workers injured or killed lose an estimated $1.5 billion a year in wages. Medical expenses for on-the-job accidents exceed $600 million a year. The total economic loss to the economy is in excess of $8 billion—tantamount to a death and injury tax of $40 a year on every man, woman and child in the country.

The House Education and Labor Committee has reported out the Occupational Safety and Health Act, H.R. 16785, sponsored by Representative Dominick Daniels, (D-N.J.).

This bill has the wholehearted endorsement of all of organized labor.

Aligned against this measure is the Nixon Administration and certain business interests led by the U.S. Chamber of Commerce and the National Association of Manufacturers. The opponents will attempt to substitute a bill containing weaker enforcement powers, watered-down procedural rights for workers exposed to hazardous working conditions, and special industry-dominated boards and courts to handle enforcement matters.

The Daniels Bill contains the provisions which any realistic Occupational Safety and Health legislation must contain:

Full authority for Secretary of Labor to issue occupational health and safety standards, with recourse to federal courts to enforce them.

Provision for penalties against violations and any person who forewarns management of an impending inspection.

Authority for the Secretary to shut down plans or curb operations where an inspector finds an "imminent danger" of loss of life or injury.

Authority for the Secretary and Health, Education and Welfare to undertake research necessary to determine the standards to be issued by the Secretary of Labor, and to issue such criteria along with a list of toxic materials and substances which are hazardous to workers on the job.

Authority for the Secretary of Labor to require monitoring of toxic substances.

In addition to these requirements, a comprehensive occupational safety and health program must be based on the rights of the workers themselves. It must permit the worker to leave his post whenever violations are found and his health or life is endangered. It must guarantee his procedural safeguards in order to take corrective action to remove or avoid the danger. He must have the right to accompany investigation and inspection tours or to be represented by his union in such investigations or inspections.

At a time when the nation is intensely interested in environmental problems, it is inconceivable that there should be resistance to or apathy toward occupational safety and health legislation. For the workplace is the environment for millions of working Americans.

America can no longer tolerate polluted workplaces and dangerous working conditions.

We have said before and we say emphatically again: Workers should never be called upon to pay for their jobs with their health or their lives.

Therefore we demand immediate consideration and passage of the Daniels Bill to protect the lives and limbs and well-being of American workers.

RESOLUTION ON OCCUPATIONAL HEALTH AND SAFETY

The toll of lives, human misery and financial distress resulting from occupational illnesses and injuries continues to mount each day.

Official statistics report that some 14,000 Americans die from job-connected accidents or illnesses each year; and that some 2.5 million Americans suffer injury on the job. But a report sponsored by the U.S. Department of Labor charges that the actual total is 25 million which is a more accurate figure for industrial accidents. The study, after examining the injury problem, charged that for every report of disabling injury in industry, there are actually 10 serious injuries occurring in industry.

The programs of the states, always inadequate, have become travesties in the face of introduction of new industrial chemicals and processes that menace health and life in complex and often unpredictable ways. It is clear that state governments either cannot or will not provide the high standards and financial and manpower resources needed to safeguard America's 80 million working men and women from on-the-job accident or illness.

What is needed is a federal occupational safety and health program that:

1. Empowers the U.S. Secretary of Labor to develop, establish and enforce occupational safety and health standards.

2. Provides for adequate inspection and enforcement machinery.

3. Covers all workers in all types of jobs.

Previous attempts by organized labor to persuade the Congress to enact such a program have failed in the face of the opposition of some business groups, who have used vicious and misleading propaganda to build up massive pressure for the defeat of federal occupational safety and health legislation.

Now, however, H.R. 16785, a proposed Occupational Safety and Health Act, known as the Daniels bill, is before the House of Representatives. This measure would go far toward establishing the type of program so urgently needed to end the senseless and needless slaughter and maiming of our national work force.

Resolved, The Industrial Union Department, AFL–CIO, calls upon the Congress to pass the Daniels bill (H.R. 16785) without delay and to provide the funds needed for its rapid and effective implementation.

Resolved, The Industrial Union Department, AFL–CIO, urges most strongly that the House Rules Committee promptly provide a place on the House calendar for H.R. 16785, in order to dispel suspicion that powerful opposition forces are seeking to "bottle up" this vitally needed legislation in the Committee.

Resolved, The Industrial Union Department strongly urges the public, labor unions, and concerned individuals to demand that members of the House Rules Committee promptly schedule H.R. 16785 for debate and vote by the members of the House of Representatives.

Resolved, The Industrial Union Department, AFL–CIO, calls for a mighty turnout of letters, telegrams and phone calls to members of the House to pass H.R. 16785, the Daniels bill, so that the workers of America may finally achieve a measure of protection for their health and safety while at work.

CONGRESSMAN FRANK ANNUNZIO INTRODUCES NONIMMIGRANT VISA ACT OF 1970

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

Mr. ANNUNZIO. Mr. Speaker, I am introducing in the House of Representatives today the Nonimmigrant Visa Act of 1970 which would grant the Secretary of State and the Attorney General broad authority to waive visa requirements for business and pleasure visits of up to 90 days on the basis of reciprocity or for other reasons determined by the Secretary of State to be in the national interest.

My bill is designed to eliminate unnecessary, cumbersome, and antiquated procedures which have been in force for more than half a century and which are presently inhibiting foreign visitors from traveling to the United States.

Over the past 6 years that I have served as Congressman for the Seventh District of Illinois, I have received thousands upon thousands of letters from anguished relatives in all ethnic groups—Italian-Americans, Polish-Americans, Lithuanian-Americans, Greek-Americans, Lebanese-Americans, Czechoslovakian-Americans, Slovenian-Americans and many others—who have been thwarted in their desire to have a loved one—a niece or nephew, brother or sister, cousin, aunt or uncle—visit them briefly in the United States.

Nonimmigrant visas issued by American consular officers in 1967 totaled 1,443,786; in 1968 they totaled 1,538,070; and in 1969 they totaled 1,759,608. These figures indicating increased issuance of nonimmigrant visas unfortunately are not very revealing, for they do not tell us how many applicants for visitors visas were turned down. State Department records indicate that in 1967, 4.4 percent of those who applied for nonimmigrant visas were turned down; in 1968, 6.1 percent were turned down; and in 1969, 6.7 percent were turned down. However, in past years, it has been estimated that at some individual U.S. consulates, more than 50 percent of the applicants for nonimmigrant visas have been refused.

Our rising standard of living, recent technological advances in air transportation, and the fact that approximately 35 other nations do not require visas from American tourists, have put foreign travel within the reach of millions of Americans. But while unprecedented numbers of Americans are traveling abroad, the number of foreign visitors coming to the United States, by contrast, is not increasing by a comparable rate, and consequently, the United States runs a deficit on the tourism account of over $2 billion annually as a difference between what foreigners are spending to come here and what Americans are spending overseas. This trend has continued over the last several years to the point where the industry-government special task force on travel has estimated our annual travel deficit by 1975 could range as high as $5 billion or more annually. The task force has concluded that the most effective way to close this increasing gap is to stimulate and encourage foreign travel to the United States thereby improving our balance of payments and promoting international understanding.

By imposing complicated requirements for issuance of nonimmigrant visas to foreign visitors, we not only discourage tourism, but in addition, we impose an unnecessary and increasingly expensive workload on our consulate staffs abroad.

My bill, by facilitating the entry of foreign tourists to the United States first, would improve our balance of payments and strengthen the dollar; second, would treat travelers from abroad more considerately, hospitably, and efficiently; third, would promote a better understanding of America and would improve our image abroad; and fourth, would result in a substantial reduction in manhours of work in processing tourist visas by American consular officers thus reducing the need to hire more and more visa officers to meet the projected increase in tourism within the next decade.

Presently, a prospective visitor to the United States—other than a national of Canada and Mexico—must establish to the satisfaction of the American consul to whom he applies for a nonimmigrant visa that first, he is not ineligible for a visa under approximately 30 specified grounds of ineligibility; second, he has a residence abroad to which he intends to return; and third, he will not become employed while in the United States.

My bill would specifically exempt prospective visitors from all but the most serious of the 30-some grounds of ineligibility for nonimmigrant visas. I must emphasize, however, that the security of our country would in no way be jeopardized because foreign nationals who have been convicted of serious crimes would still be barred and entering aliens would still be required to be examined by immigration and naturalization officials at ports of entry. Furthermore, our immigration laws would not be circumvented because an alien who willfully stays beyond the authorized 90 days would be penalized under my bill by a delay of 2 years of his priority date for issuance of an immigrant visa.

Additionally, I want to point out that my bill in no way would prevent a prospective visitor from applying for a regular nonimmigrant visa, but instead, would provide an alternative route for the increasing numbers of bona fide, short-term visitors who must now go through time-consuming and cumbersome procedures in order to obtain nonimmigrant visas. However, persons entering under this 90-day program, under the requirements of my bill, must still possess a valid passport, a nonrefundable round-trip ticket, and cannot change their visitor status while in this country.

Launching a strong and positive national effort to increase travel to the United States is long overdue. We must invite citizens of other countries to discover America for themselves, and in so doing, we must insure that all visitors are made to feel welcome, regardless of their diverse backgrounds, and are able to gain entry to the United States for brief visits with a minimum of redtape. An exchange of visitors enlarges our horizons, it renews our faith in each other, and encourages the friendship of other countries we as a Nation have always sought.

I urge, therefore, as a positive step in this direction, that the Congress take speedy action in enacting the Nonimmigrant Visa Act of 1970.

THE PROBLEM OF PRISON

(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 pleased to be chairman of the Select Committee on Crime. I believe our committee has made good starts in a number of important legislative areas, and I am gratified with results thus far. But I also am grateful with the education I have received. I have learned much to fortify impressions or ideas that I have held for years. And none of these has been more singularly strengthened than my concern about the corrections system.

As our committee has visited dozens of places across the country, we have not only looked at crimes themselves, the breaking of laws, but we have also examined what our society does to criminals. I have long rejected the belief that the simple solution was to catch the criminals and put them away. I have been in-

creasingly concerned with how and where we put criminals, what happens to them while they are in prison, and whether we invite a higher cost to our society when jails and prisons become crime colleges.

I am pleased that the House chose to allocate certain law enforcement assistance agency money to corrections. We must do better to turn men and women back into society equipped to meet its challenges, instead of being brutalized by their incarceration.

I believe my colleagues will find significant a recent series of articles in the New York Daily News by Donald Singleton. I urge attention to this careful examination of the prison system as it operates in the largest city. The series contains lessons for us all, as follows:

THE PROBLEMS OF PRISONS—I

What kind of a place is it where innocent people are stripped of their civil rights and locked away in crowded, fetid cells for long months and years?

What kind of a place is it where the government feeds and houses its animals better than the human prisoners locked behind its bars? Where people who have only been accused of crimes are treated the same as—or worse than—convicts serving prison sentences?

What kind of a place is it where freedom is a commodity with a price tag? Where one man goes free, simply because he has a certain amount of money; and another is locked up, simply because he is poor?

What kind of a place is it where officials operate behind locked doors, unobserved by a public or a free press?

Is that place Russia? Or Cuba? Or Red China? Is it some cynical and corrupt South American dictatorship, or an African nation in the throes of birth?

Perhaps.

But, as difficult as it may be to believe, New York City is also that kind of a place. The people who have seen our prison system in operation pray that they may never be unlucky enough to be caught up in the crude, slow-grinding cogs of the medieval machine called the New York City Department of Correction.

MORE THAN 8,000 WAIT TRIAL

Right now, more than 8,000 men and women are being held in the department's severely overcrowded detention facilities to await trials. The conditions of their confinement are inhumane, unsanitary, even barbaric. Most of the rights of citizenship are taken from them.

Yet it is one of the most basic concepts of our system of justice that every man is innocent until he has been proven guilty. That is not merely rhetoric, but the spirit of our law. So the 8,000 detainees in our prisons are legally innocent people.

Every night, dozens of detention prisoners in the Manhattan House of Detention for Men (The Tombs) are forced to sleep in a cell, with the third man on the cement floor. The cells were built for one man; they are 6 feet wide and 7 feet, 9 inches long, or a total of 46½ square feet of floor space—15½ square feet per man.

Yet the Bronx Zoo's male spotted hyena is given a cage which is 18 feet wide and 22 feet long, or 396 square feet of floor space—396 square feet for a hyena, 15½ square feet for a man.

We boast that our system of justice is fair and unbiased. We like to think that no one is penalized unfairly for any reason.

Yet, take a look in any cellblock of any city prison and you will see a sea of black faces—unofficially estimates are that the prison population is 60% black, 20% Puerto Rican and 20% white.

DE FACTO SEGREGATION

This may stem from complex causes. It is surely a manifestation of society's broader racism, the racism which leaves black at the bottom of the economic heap, possibly more involved in crime, certainly less able to afford high-quality legal counsel or bail. Whatever the causes, city prisons reflect at least de facto segregation.

Ask City Correction Commissioner George F. McGrath for the cause of his problems, and he will cite, among other factors, a lack of public interest in the prison system, and a correspondingly low priority in allocation of city funds.

Yet the city's correctional institutions are, by McGrath's own orders, practically off-limits to the public. The official policy is that "responsible individuals and groups" are invited to visit prisons; but the security checks, personal interviews and other clearance procedures set up by the department stand as effective barriers to visits. Only a relative handful of people actually do enter the prisons.

Even representatives of the news media are not given truly free access to these public buildings. Prior to my tour of the institutions, I expressed concern that since my schedule was known to the wardens, giving them time to prepare for my visit, I might not see a true picture of what goes on. McGrath assured me that no special preparations would be made.

NEWS ACCESS LIMITED

Yet, after the visit, I obtained a copy of an official confidential memo to one of the wardens, informing him of my impending inspection tour and warning him: "As warden of the institution, you are the only person permitted to be interviewed by Mr. Singleton. No correctional personnel nor inmates are to be interviewed."

I made a written, formal request for permission to interview inmates, on the ground that this was a journalistic necessity.

McGrath denied the request, saying that there were plenty of ex-prisoners around to interview, and adding "On the negative side, the intrusion you request could and probably would be considered by the inmates as a solicitation to come up with stories, the more imaginative the better, to satisfy a newsman who wants to sell papers, and might even precipitate disturbances depending upon the extent of provocation which became engendered in such discussions."

Furthermore, McGrath has gone out of his way on more than one occasion to suppress criticism of him or his prison system.

In 1969, for example, a Brooklyn grand jury reportedly issued a presentment which is believed to have documented, in scathing terms, a number of scandalous conditions in the Brooklyn House of Detention.

McGrath, together with the office of the City Medical Examiner, reportedly went to State Supreme Court, then to the Second Department of the Appellate Division, where an order to suppress the document was granted. To this day, the presentment has not been released.

CONTROL AND CORRECT

Ask McGrath what his job is, and he will say it is primarily to control people. But second, he says, it is also to correct people—to straighten out their attitudes, to uplift them, to rehabilitate them, to teach them trades, to give them basic education, to break their cycles of crime.

Yet, the number of prisoners involved in real rehabilitation or training programs on any given day is only two or three hundred—a mere fraction of the total sentenced population of 6,000 (more than 2,000 of whom have been transferred to bleak state-operated institutions upstate because of crowding problems in city prisons).

There are a few training programs; but far too few to treat every inmate. There are a few academic classes; but there are empty classrooms that are unused because of shortages of teachers. There are vocational courses; but in many of the trades taught, ex-convicts are not eligible for employment in the outside world.

In the shortest, bluntest of terms, our correction system is a failure, a flop. It doesn't work.

This failure is a tragedy from the viewpoint of those who are caught up in the system, because it makes their prison time pure punishment, sheer torture. In place of rehabilitation, there is boredom. In place of scholastic lessons, there are the lessons given freely by experienced criminals of all kinds.

Furthermore, the people behind bars usually feel powerless to protect themselves against brutal, criminal treatment at the hands of other inmates or of the guards. There are stories of homosexual gang-rapes, of beatings by guards or other prisoners, of all manner of harassment.

SILENCE ON SURFACE

The actual extent of this brutality, however, cannot really be ascertained. Because of their feelings of helplessness inmates are reluctant to report such incidents. If an inmate complains about a brutal guard, that same guard may be back in the same post in a week, with a new grudge; if an inmate complains about a fellow prisoner one of the man's buddies may slide a shank (a knife-like weapon made from a spoon handle) into the complainer's back some afternoon in the day room.

The result is a calm sea of silence on the surface, and a wrenching undercurrent of stories too convincing, too probable to be scoffed off.

McGrath's official position is that every serious complaint is turned over to the appropriate district attorney for investigation and prosecution. But it is obvious that the official position is more windowdressing than anything else. Because the vast majority of complaints are never even made, except possibly in silent prayers after the cellblock lights have been switched off for the night.

The prisoners are not the only ones who suffer, however. Because of the failure of our city's Department of Correction—and for that matter the failure of most correction efforts throughout the nation—society is the real victim.

70 PERCENT REPEATERS

The injury to society can be measured in the statistics compiled by police departments, courts and prison systems from one end of the country to the other, statistics which show that up to 70% of those convicted of crimes are repeaters. If they had been "corrected" the first time around, they would not have been back.

Think of it this way: If we could truly correct every person convicted of a crime, our crime rate would show an immediate drop of up to 70%. Up to 70% fewer stolen cars. Up to 70% fewer burglaries. Up to 70% fewer robberies and muggings and assaults. Up to 70% fewer men behind bars.

Making changes in our correction system would be difficult and expensive, but how expensive is the alternative? As the President's Commission on Law Enforcement and Administration of Justice wrote in its Task Force Report in 1967:

"The costs of action are substantial. The costs of inaction are immensely greater. Inaction would mean, in effect, that the nation would continue to avoid, rather than con-

front, one of its most critical social problems; that it would accept for the next generation a huge, if now immeasurable, burden of wasted and destructive lives. Decisive action, on the other hand, could make a difference that would really matter within our time."

THE PROBLEMS OF PRISONS—II

It is not easy to work up a strong case of sympathy for James Overstreet, who died on Dec. 22, 1967, in a cell in the reception area of the Tombs, Manhattan's house of detention for men.

Overstreet's official records contain little except negative information about the 40-year-old ex-con. He was arrested on Oct. 18, 1967, on the sidewalk at Eighth Ave. and 41st St., where, according to police, he was seen standing over a fallen victim, brandishing a knife and screaming. The victim struggled to his feet, staggered to the curb and fell dead.

HELD WITHOUT BAIL

Overstreet was booked on a murder charge and remanded to the Tombs without bail. A short time later the murder charge was dropped, however, as police had come up with a new suspect who they said actually struck the fatal blow. But Overstreet was still held on parole violation.

There are only two other unusual entries in the prisoner's records .The first is a notation that on Dec. 22, 1967, he went berserk outside his seventh-floor cell in the Tombs, attacking Correction Officer Lawrence Watson and biting off Watson's ear.

The second entry, on the same day, is Overstreet's autopsy report—he was brutally gang-beaten to death following his attack on the guard.

Although the case was presented to a grand jury, which returned a no-bill finding, the details of the murder never have been fully reported to any news medium.

My investigation of Overstreet's death involved many hours of tape-recorded interviews with public officials who took part in the formal probe. I spoke at length with one eyewitness who had never been questioned in the case. And I obtained several documents which never have been released to the press before.

What emerged from all of this was two distinct and conflicting versions of the last few minutes in the life of James Overstreet.

OFFICIAL VERSION CITED

The first version—the official one—is that Overstreet was beaten to death by his fellow inmates, who jumped on him and attempted to restrain him from attacking the guard. According to this version, the inmates were too vigorous in their restraining of Overstreet, and injured him fatally.

The essence of this official story can be found in the autopsy report by Associate Medical Examiner Elliott M. Gross.

The report shows that Gross talked to five "Witnesses or Informants": Assistant District Attorneys Gina Gallina and Mel Ruskin; Pasquale Cafaro, deputy warden of the Tombs; Albert Nenna, warden of the Tombs; and Dr. Nicholas Saliani, attending surgeon of the Department of Correction.

After interviewing those officials, Gross wrote the following:

"Deceased was in a common passageway on seventh floor of prison where he had been incarcerated since Oct. 1967, awaiting disposition on a homicide charge. While Correction Officer Lawrence Watson was in the process of locking in inmates after the lunch period, deceased, unprovoked and from behind, assaulted Officer Watson and bit off his ear.

"Other inmates attempted to restrain the deceased while Correction Officer Arthur Hodges, the second officer on the floor, sounded an alarm. This was recorded as 11:55 a.m.

"Eight officers, including a superior, responded and assisted in the restraint of the deceased, placing his hands behind his back and handcuffing him; his legs were bound in a straightjacket.

TAKEN TO ELEVATOR

"The officers then took the deceased into an elevator, at which time he was described by Officer Wilds as 'somewhat limp,' and he was brought down to the reception area on the first floor.

"Dr. Saliani attempted resuscitation with a positive displacement respirator without response, and deceased was pronounced dead at 12:10 p.m. by him. The clinic record of the deceased shows that he reported for sick calls almost daily and was given tedral and benadryl for asthma.

"Body of the deceased is examined while it is lying on its back in detention cell No. 1 of the reception area. The body is fully clad in a blue sweater, gray trousers, white undershirt, and green boxer shorts. Traumatic injuries of the scalp, face and left chest are evident."

The report goes on to list as "Cause of Death":

"Contusions of face and neck; fractures of skull, hyoid bone and larynx; contusions of brain; shock; (Contributory)—granlomatous inflamation of liver, spleen, lungs and kidneys. History of assault while being subdued after unprovoked assault on prison guard. Homicidal."

When I talked to Gross, I asked him whether the asthma could have been a contributory factor in the death. "It might have made him die a second or two earlier, I can't say," Gross replied. "But the beating would have caused the death in any event."

This version of the murder is backed up in Warden Nenna's report to Correction Commissioner George McGrath:

"With the sounding of the emergency alarm, Captain Hugo Hansen and a number of correction officers responded (and) found Overstreet, still being held from furthering his attack upon the two officers, who were, at this time, both incapacitated.

"The emergency squad officer thereupon removed Overstreet from the 'D' section to the bridge, and placed handcuffs upon him and bound his legs with a restraining cloth . . . Overstreet was removed from the seventh floor to the receiving room. Dr. N. Saliani began to examine Overstreet. The inmate lapsed into unconsciousness and ultimate death."

"It seemed clear to me at the time that the prisoners had injured Overstreet fatally in restraining him," said Ruskin, the former assistant district attorney who is now in private law practice on Long Island.

SECOND VERSION TOLD

But there was a second version of the affair, and neither Ruskin nor, possibly, the grand jury, ever heard it.

I got the second version from a man who was incarcerated on the seventh floor of the Tombs on the day of Overstreet's death. He is reluctant to have his name published, or to testify, although he did not rule out the possibility of testifying. He gave me the names of several men who allegedly witnessed the incidents he described. This information is available to the district attorney upon request.

Here is my interview with this former inmate:

Q: "What happened that day?"

A: "Overstreet he went crazy, berserk, and he bit the officer's ear off. I was looking at the whole thing. About four or five inmates grabbed him off the officer. They just restrained him—didn't one inmate hit him. They held him back, and then the officers came.

"When the officers came up on the floor, the inmates were just holding him, over on the side, there. You know, his eyes were real wild, like, and he wasn't hurt. And they handcuffed him behind. They put his hands behind him and handcuffed him, and they marched him to the elevator.

They got on the elevator and closed the door, but we run up like to go to the barbershop. There's a catwalk, and you can look flat down into the elevator. The elevator started down and then it stopped, between floors, like. We could see down through the top of the elevator, you know, the little glass door.

"Then this big black officer, the one I recalled his name to you, he got in front of this boy and he started beating him all in his stomach, all in his body. He weighed two-something, and he was just throwing them up into the boy's midsection and all, and we seen the boy go down.

ACTION IN ELEVATOR

"I imagine there were eight or nine of us watching in the elevator, because we were all looking down from the catwalk, then the officer hollered: 'All clear the catwalk,' but at first there were eight or nine of us looking down there.

"And then the elevator went on down, and a few fellows in the receiving room, inmates, you know, coming back from court and all, said he was dead when they got him off the elevator. And we didn't believe that he was dead, you know, until later that night the report was confirmed by officers changing shifts. But he was definitely alive when he left the floor . . . those guards beat the man to death."

Q: "Were you called to testify before the grand jury?"

A: "No, I didn't want nothing to do with it. Like the captains came around and asked who saw it, you know, what happened. I saw it all but I didn't want to be involved. The inmates who went to help restrain Overstreet, they went to testify, you know. I think they took them and gave them a special meal or something in the officers' dining hall and all."

Q. "Did they lie?"

A. "Well, you see, all those guys that gave statements, they had heavy charges, you know, and they was looking for a way out. And they was like drowning men grabbing for a straw."

Q. Why didn't you and some of the others testify truthfully as to what you really say happened, them?"

A. "You know why? Because if I was to go and give a statement as to the true facts, as I gave you, I would receive the short end of the stick as long as I would be there."

"Because it's all to your disadvantage. You know your mail would be misplaced. Just little things. You'd get shook down (searched) for nothing at all, and you'd go to the bing (punitive segregation) for every little thing, like talking to somebody in the commissary line or in the movie, you know. And one of the sick police (guards) might try to discipline you physically, you know. . . ."

WORDS MAY BE UNWISE

Those are the two versions. You can believe either one. Or, you can believe that both are partly true—perhaps Overstreet was beaten both by the inmates and by the guards.

The grand jury made it clear which version it believed. In its one-paragraph finding, it wrote:

"The Grand Jury of the County of New York, after hearing witnesses who testified in the death of James Overstreet, who was killed on Dec. 22, 1967, by the concerted actions of several inmates of the Manhattan House of Detention for Men, in attempting to prevent the deceased from killing a correction officer, dismissed the proceedings and made an entry upon its record."

You can believe what you want.

I know that I would not be surprised if a group of prison guards beat up an inmate who had just bitten off the ear of a fellow officer.

I know that I would not be surprised to learn that several men accused of murder had lied under oath in the hope that their action would buy them some favored treatment.

I know the man who told me about the assault in the elevator. I spent a lot of time with him. And I do not believe he is a liar.

But, most of all, I know that if I were a prisoner in the Tombs, or any other jail, for that matter, I would think twice or three times before I testified against a brutal guard.

THE PROBLEM OF PRISONS—III

"The name of it, the Tombs, that's the best name in the world for it. You couldn't think of a better name. Because that's just what it is: A big old tomb full of mummies. Just sitting there. You walk in and look at the guys, see them sitting at tables, staring into open space, some of them playing cards like dead people.

"You ever picture dead people playing cards? You know, they don't even care if they win or lose: 'By me,' they say, 'by me.' You know, being an amateur writer, I observe these things a little more closer than the average guy. So I looked, and said to myself that this is just like a real tomb full of mummies, everybody in a daze, day after day, every day the same. You just come out of the cell and sit at the table. Flop down. Every day like every other day."

His name is Avery, Junius Ellis Avery, and he's from Baltimore. He's 36 years old. He has children, but no wife.

He's sitting in the very gloomy parlor of his home, actually his mother's home, one of those little row houses in North Baltimore with the white marble stoops. They don't look like slums on the outside, but on the inside they are old, crumbling slums, with thick layers of damp, worn linoleum on the floors, and extension cords snaking through the pink roach powder along the baseboards. The parlor is tiny, but Avery sits, bunched up, on a corner of the sofa, hugging his knee like a security blanket. Because to Avery, this room is terrifyingly huge. This is his first full day home since he became the World's Greatest Living Expert on the Tombs.

FIRST DAY IN TOMBS

"When I first came there they didn't have no mattresses. For 18 months, I slept on the springs. I used to get blankets, I guess I had 20 blankets, and I'd put them on the springs. Every time they had a shakedown they'd take them but when they'd leave I'd go and get 20 more. I'd steal them off the big hand truck in the hallway. Now they got mattresses and they don't even clean them. You know, a bum will come in, a skid, and he'll lay down on it and wet himself and everything, and after he's gone they'll just put the mattress over in the corner and give it to the next guy * * *"

Junius Avery arrived in The Tombs on April 4, 1967, as a fugitive from justice, on a warrant charging him with breaking into a house in Baltimore. At his arraignment that day in Criminal Court, it was explained to him that if he wished, he could sign papers and waive his rights to extradition proceeding. He did not wish. Bail was set at $5,000. It might as well have been $5 million.

"The worst part of being there, I guess, is being around those police that are fools, that come in with attitudes. That's the hardest thing about it. It's hard against the inmates. They come in there, they might have domestic problems, or, you know, you don't know what happened to them on the street, but they take it out on certain inmates. I've seen them, man, just unnecessarily take things away from inmates.

"Each time the shift changes, you know, if you don't know what guard is coming on, you say to yourself, well, what if one of those fools is coming on, you know. That means a hard way to go. They're not going to turn the TV on, or the radio on, or they make you wait to get out the mail. You know, just a hard way to go. It's a mental strain, a lot of mental strain. The guards that are fools, I just stayed away from them. I didn't go anywhere near them. If there was something I needed or wanted, and they were the only ones around, I'd just do without it, that's all."

DESCRIBES PRISON FOOD

Avery is wearing a new sport shirt, slacks and loafers. The first thing he did when he got out of jail was to buy new clothes. They don't let you buy clothes in The Tombs—no new clothes, no Playboy magazines, no midnight snacks. None of that, even if the law does say you are an innocent man, as those who are in The Tombs are. For The Tombs is a detention house for those who have not been tried, and people are still innocent until it's proved otherwise.

"One thing they could do would be to give a man more decent food. The food's rotten. It's nothing. They don't prepare it correct. They just don't care. Like the rice; they give you a lot of rice. The rice is dry, it don't have no taste. Like the Spanish rice, it's dry like paper, and it has some kind of dry meat cut up in it. Chicken, some of the chicken you bite into is so half-raw that blood runs out.

"I used to hate that powdered eggs. It made me sick. I could smell it when it came up on the floor. Powdered eggs. They give you powdered eggs, string beans, white potatoes. The potatoes have lumps in 'em, the eggs have lumps in 'em, the string beans are cold and hard. I used to hate that meal."

Avery says he fought extradition for one simple reason: Innocence. He admits he's done plenty of wrong in his life, but not the wrong he was accused of doing. So he fought stubbornly, represented by a succession of Legal Aid Society lawyers, against extradition. In his hearings and appeals, he says, his case was postponed time and time again, usually because the district attorney was not able to proceed. Avery said he stopped counting after the 50th postponement. He was finally extradited to Baltimore on May 19, 1970, after three years, one month and two weeks in The Tombs, a facility for temporary detention. Although he did not receive a certificate, that made Avery The World's Greatest Living Expert on The Tombs—no one had ever been there that long before. The bitter irony in Avery's story is the twist at the ending: When the housebreaking charge came up in court in Baltimore the day after his extradiction from The Tombs, it was dismissed for lack of prosecution.

TELLS OF HIS DAYS

Q. How did you pass the time in jail?

A. When I first went there, I studied law books a lot. I wanted to know everything I could about extradition, you know? And I guess for my first 15 months, that's mostly what I did, I stayed in those law books all the time. I read.

Q: How about recreation, exercise?

A: Recreation is poor. Actually, the only recreation you have, you have the movies, from around October to May. Our cellblock used to go to the movies every Monday at 1 o'clock. And when the movies isn't in process, you go up on the roof, up on top of The Tombs. They have a square place with wire net over the top. It used to be that if it was sunshine, you'd just go up there and walk around, walk around in a circle. But last year, Mr. Green, the library official, he started to bring the band up there, you know, the band from the prisoners that's doin' time. That was nice.

Q: Did you ever have three men in your cell?

A: Yeah, but each time I complained about it so much that they took the third man out. Because it's too crowded, you know. I realize that they did it because they had to do it, because everybody has three men in his cell. But I always told them, you know, I've been there so long, and I'd say I had a nervous condition or something, and they'd take the third man out.

Q: What did you miss most?

A: Well, the first of all, my family, my mother. Then, I tell you, a lot of times I wish I could just buy one decent meal, you know, a medium rare steak, candied sweets, green peas, maybe a little cole slaw. And maybe a tall glass of orange juice. I love orange juice.

Q: What about sex?

A: Well, that's something you just have to adjust your mind to, say you can't have, that you have to do without. Face it, you know.

Q: Did you have many visitors?

A: No, well, see, like, people . . . you know, the only thing, I didn't like them to come all the way there to see me.

Q: Well, did you have any visits at all in three years?

A: No.

TIME LAG MONSTROUS

If anything, Junius Avery's story is a searing indictment of our judicial system. No legal procedure should take longer than eight or nine months, from arrest to final appeal, according to the President's Crime Commission and other study groups. A three-year extradition proceeding is a monstrosity by anybody's definition.

But Avery's story is also an indictment of our city's detention facilities. Why should a legally innocent man be forced to share a small, dirty, locked cell with one or two other men, with dirt, with roaches and lice and mice? Why should he be deprived of recreation, exercise, of contact with his family? Why should he be given less humane treatment than sentenced convicts?

What might three years of this do to a man?

"My writing was the most important thing to me, I guess. It was a means of escape. Actually, I would write so much I would escape reality, you know, get away from it for days and days at a time. Just write, write, write, and actually get away from that place. I'd write letters, and then I'd write stories and send them to magazines and things."

CLAIM AVERY AT FAULT

I asked the Department of Correction to comment on Avery's case. This was the official statement: "Junius Avery was incarcerated on April 4, 1967, and discharged from the Manhattan House of Detention on May 19, 1970. He was held on an extraditon charge to the State of Maryland. This unusual delay was caused almost entirely by the activity of Mr. Avery and his counsel in resisting extradition." In other words, it was Avery's own fault. I asked him about this reaction when I spoke with him in Baltimore:

"Well, you see, that's unfair," he answered. Because that's what extradition is to not be taken bodily across a state line. This is what the extradition law is for, so if you just sign, you're not getting your privileges. What would be the purpose of having the extradition laws, if you had to waive them? I just wanted to know that was happening against me."

All Junius Avery wanted from New York City was the item that is written down in the Fourteenth Amendment to our Constitution. The item is called due process.

Q: How did it feel when you walked out of the court in Baltimore?

A: "Oh, man, I can't even describe it. Too good to be true. One of the best feelings I

ever had in my life. Better than I had even imagined. Better. Fresh air, nobody holding onto you, no handcuffs. Oh, man. It was being born again . . ."

THE PROBLEM OF PRISONS—IV

The branch of city government which operates our prisons is called the Department of Correction. Considering the amount of the department's energy and resources which go into the business of correcting people, that is a generous title.

For Correction Commissioner McGrath is only able to spend $3.5 million—out of a $61.3 million budget in 1969–70—on pure rehabilitation.

Even with funds coming from outside, McGrath's department manages to make rehabilitative training available to only a relative handful of the 6,000 sentenced prisoners who have been placed in his custody.

Worse yet, many of the programs which pass for rehabilitation actually have the potential for doing more harm than good. Consider a few examples:

One of the most popular vocational training courses on Rikers Island is the barber school in the New York City Reformatory, a part of the Board of Education's PS 189. The instructor, well liked by the boys, has had remarkable success in turning out students who are highly skilled in hair styling. Indeed, most of his graduates could go to work in any barber shop in the city. There is a hitch, however—New York State often delays or denies applications for an apprentice barber's license when the applicant has a prison record.

SOME BOYS UNTAUGHT

The by-laws of the New York City Board of Education state that a public school education must be provided for every child between the ages of 6 and 17. There are an estimated 600 boys in this age group housed in the Adolescent Remand Shelter on Rikers Island, charged with crimes, awaiting trial. Four hundred of the boys are getting schooling. Another 200 boys have requested schooling, but there are not enough teachers. For the past two years, Warden James Thomas has had several additional classrooms available, and has made repeated requests to the school board for another eight teachers. The requests have never been filled, and the 200 boys spend their long days with the rest of the 2,000 inmates of the shelter, slouched in front of day room television sets.

More than half of the juvenile offenders who complete their sentences are discharged with followup services in the community. They are taken in a green Department of Corrections bus to the Astoria Blvd. station of the BMT subway and dropped off.

Hundreds of prisoners have been trained as truck drivers, plumbers, electricians and bakery workers during their prison terms. Yet, the Department of Motor Vehicles sometimes denies licenses to ex-cons for long waiting periods. And many of the unions representing plumbers, electricians and bakery workers exclude ex-cons.

There is no way to measure the harm done by any of the above examples, but it is certain that harm is done.

BITTERNESS RISKED

Most prisoners are people who have been beaten down so hard, and for so long, that they are practically without hope. To raise their hopes by teaching them a useful, valuable trade and then to dash those hopes on the rocks by making it difficult for them to work at that trade, can only breed bitterness.

Much of what passes for rehabilitation, of course, is not capable of raising the hopes of even the most uncrushable Pollyanna. Many of the programs are little more than charades which seem designed strictly for the sake of appearance.

Examples of this type of program are the typing class and the sewing factory in the Women's House of Detention.

The typing class consists of a tiny room with a few tiny desks, a chartboard and a half-dozen broken-down, beat-up looking typewriters. The sewing factory is a big room with a lot of big tables and sewing machines, where inmates' uniforms are manufactured.

On the day I toured through the house, the six students in the typing class, tapping the keys disconsolately, looked bored to death; the 12 women in the sewing factory, stitching drab swatches of gray cloth together, looked worked half to death.

These examples only cover a small minority of prisoners, those fortunate enough to receive even a smidge of rehabilitation. For the rest, the vast majority, there is nothing but the boredom and the kind of make-believe training to be found in the many "work gangs" which paint, cook, clean and otherwise simply keep people busy.

COMMISSION IS CITED

Here is what the President's Commission on Law Enforcement and the Administration of Justice had to say about such programs in its 1967 report:

"When labor is forced and unrewarded either in money or in pride of accomplishment, there is little motivation to strive for diligence or skill."

"These features have characterized much of the drudgery to which prisoners have been subjected. When the period in which assigned work is expected to be done is several times the period really needed to complete it, there is little motivation to work diligently.

"When 'work' involves only the most menial tasks or is carried out with antiquated equipment and methods, it is of little help in training offenders for later employment."

That, then, is the state of correction within the New York City Department of Correction. There is education, but not enough for everyone who is legally entitled to receive it; there is job training, but for jobs which sometimes are not open to ex-convicts; there is work, which ranges from menial to meaningless. And then there is boredom.

The single best-selling item in most prison commissaries is Pall Mall cigarets. These are popular for two reasons. First, because they are long and unfiltered, they can be cut in half—this, in effect, doubles one's supply of smokes. But second, the cigarets are prized for their red-and-white patterned packages. Inmates save the packages and pass the endless hours folding them into intricate, checkered picture frames, chains and crosses to decorate their cells. The decorative value is second to the therapeutic.

FAILURE NOT RARE

Does the Department of Correction frequently fail? Perhaps. But no more so than practically every other correctional system in the world. Most prison systems are short of money, facilities and ideas. Most fail.

And perhaps the failure is a human one—perhaps there simply is no way to take a human being off the wrong track and put him on the right track.

This is the possibility raised by Warden Raymond McAlonan of the New York City Reformatory. McAlonan likes to tell this true story to illustrate his point:

In 1966, prior to McGrath's arrival, the manager of a well-known Park Avenue hotel became interested in the problems of rehabilitating prisoners, and he decided to do something about it. So he went to Rikers Island and obtained special permission to start a training program for select inmates.

The warden assisted the man is selecting eight inmates who seemed to be the best-motivated, most willing and most intelligent available. The hotel manager then set about teaching the inmates all he knew about salad-making and pastry-baking, which was considerable.

For the next four months the man spent one or two evenings a week with his students, working in the prison's kitchen. At the end of this time, he was satisfied that the boys were all qualified enough to hold down jobs in any fine hotel kitchen.

The man told the boys that when they were released, there were jobs beginning to be filled. All they had to do, he said, was call him at the hotel the day they were released, and he would either hire them himself or make arrangements for them to be hired in a competitor's hotel. The pay would be at least $135 a week.

OPPORTUNITIES UNUSED

That would seem to be a near-perfect rehab program: the training was thorough; the job was meaningful; the pay was good; there was a certainty of employment.

How many of the boys called upon their release?

None.

The story may not really prove anything. But it does give some idea of how easily these rehabilitation programs can break down without full aftercare services—who knows, if someone had simply driven the boys directly to the hotel, they might all be employed regularly today.

McGrath is well aware of the difficulties, but he insists that, despite evidence to the contrary, progress is being made. He points with pride, for example, to the community-based work-release program in Brooklyn, where a small group of prisoners are allowed to go to work outside by day and return to custody by night.

But that program involves only a maximum of 60 men, and it is totally dependent upon federal Model Cities funds. If the federal funding is cut, the city's program goes down the drain. There is another work release program, too, operated by McGrath's department on Rikers Island. But it involves only 28 men out of the more than 4,000 on the island.

There are other federal possibilities, like the progressive bill sponsored by Rep. Edward L. Koch, the Manhattan Democrat-Liberal. This, if adopted, would pump hundreds of millions of dollars into the effort to upgrade state and local prison systems. But Congress has never given any indication that it is willing to spend large sums of money on the problems of correction. The future of Koch's bill is far from certainly.

Finally, McGrath says this:

"When you come right down to it, you can take 10 psychiatrists, 10 psychologists, 10 social workers, 10 teachers, 10 guidance counselors and 10 parole officers, and give the 60 of them just one convict to correct, and you can't be sure that they'd correct even that one person.

"There are no easy answers in this business. No easy answers and certainly no guarantees."

THE PROBLEM OF PRISONS—V

When George McGrath came to take over New York City's correctional programs five years ago, he had a grand plan in his briefcase, a plan to establish an organization worthy of the name Department of Correction.

But five years have passed, five years of the tough realities of life in New York City, and McGrath has been forced to lower his sights and watch helplessly as many of his goals fade further into the distance.

"I came here to be Administrator of Correctional Services," he said in a recent interview. "I was supposed to head up the prisons, parole and probation— the whole ball of wax. That was the way it was supposed to be."

Most experts believe that this is the way

it should be—no correction system can really function properly if it includes nothing but locks and bars. There should be a continuum of care, from the instant that a person is arrested to the instant of his release.

There should be humane, confortable detention facilities for those unable to post bail and for the minority—the few hundred accused murderers—not eligible for release on bail. Those who are detained, those who are innocent until found guilty, should have minimum restrictions on their civil rights.

There should be probation, a sort of controlled, monitored release, for guilty persons deemed not in need of imprisonment.

TASK DIFFICULT

There should be the correctional institution—the prison—for those considered to be in need of vigorous handling. This institution should be capable of performing the seemingly impossible task given it by society of rehabilitating people while punishing them.

And finally, there should be parole, an aftercare operation to assist the prisoner in making the difficult transition from the totally controlled world of prison to the chaotic world outside the bars; from his role as prisoner to his role as productive citizen.

This was not to be in New York, however:

Instead of such a single, centralized system, the administration of the city's correctional affairs has been divided—chiefly to cut the city's costs—between state and municipal governments. But at the price, unfortunately, of bureaucratic entanglements.

"As it turned out, there was so much opposition to control of probation being taken away from the courts—and there still is such opposition—that they decided to leave probation out," McGrath said. "Then, we did have parole, but about a year after I got here the state expressed a wilingness to take over parole, at their expense.

"Now, it was an agonizing decision to make. The mayor relied on me very heavily. But I have to say that the State Parole Commission is one of the best in the nation, standards-wise, program-wise, etc. Now, looking at the city's financial situation, I could not see beefing up our parole system to those standards. So, reluctantly, I joined in the dissolution of the empire here, and I let the state take over parole.

"So I am left with prisons."

MAJORITY WAIT TRIAL

The problem goes beyond centralization. When McGrath arrived on the scene on March 30, 1966, his institutions held two-thirds sentenced prisoners, those in need of "correction," and only one-third detention prisoners, those awaiting trials and unable to post bail. At that point, McGrath's main job was correction.

But now the ratio has reversed itself—of the 14,000 prisoners in McGrath's care, more than 8,000 are awaiting trial and less than 6,000 are under sentence. Subtract the 2,000 sentenced prisoners who have been transferred to state institutions, and that leaves McGrath with only 4,000 of his 14,000 prisoners to be corrected. Thus most of McGrath's energies necessarily must be devoted to what he calls "warehousing people" instead of rehabilitating them.

By far the most significant result of this reality has been the squeeze which has been placed on the detention prisoners. The Tombs almost always has three men sleeping in cells designed for one. The Adolescent Remand Shelter on Rikers Island is perpetually crowded above its optimum capacity.

This crush will be eased when a new Rikers Island facility for 1,000 adolescents is completed in 1971. There also is a scheme—backed so far by $200,000 for planning purposes—to build an addition to the Tombs.

PRESSURE ON SITE

The newest building under construction within the system, a new Women's House of Detention on Rikers Island, could provide, some obviously needed relief. When the new women's facility opens, within the next few months, this will empty the present house in Greenwich Village. Hundreds of male prisoners could be moved from their overcrowded quarters in The Tombs to this building, which is more modern than most prisons in the state, which is structurally sound, which is more aesthetic than most prisons and which would cost untold millions of dollars to replace.

But political considerations being what they are, this partial solution may never occur. Community groups in the chic Village area have long made unpleasant noises about having all those unsavory prostitutes and their visitors in the area. And the site of the building at 10 Greenwich Ave. would be worth millions of dollars as an office or apartment building site. Thus, pressure has been applied on City Hall.

Should the Women's House be taken away from McGrath's department, a new building would be needed. That would cost huge quantities of money. But money is in short supply in the department.

Indeed, most U.S. correction departments are hampered by a lack of money in their attempts to develop good systems.

McGrath has schemes for improved detention methods. For example, he is eager to expand work-release programs to include detention prisoners. "That three-in-a-cell business is just horrifying, it's a crime," he says. But, always, a shortage of money prevents plans from becoming realities.

What is a good system? There are as many answers to that question as there are experts.

SAYS ATTITUDE VITAL

Mel Rivers, president of the Fortune Society, an organization of ex-convicts striving for prison reform, says the key to correction work is attitudes—the attitudes of the wardens, correction officers and others working within the system. If correction officers are guards, and if the prisons are primarily for punishment, then there can be no real rehabilitation, Rivers says.

The attitudes among some guards are clearly evident. As I toured through the various prisons in the company of a warden or other high-ranking officer, many correction officers we encountered snapped a military salute. "We are a quasi-military operation," one officer said.

"As long as they come on like cops or soldiers, they're not going to be giving off positive vibrations," Rivers comments.

There is one prison in the nation where most of the very latest theories have been put on trial. This institution, which could become a model for all future prison development, is the Robert F. Kennedy Youth Center in Morgantown, W. Va., operated by the Federal Bureau of Prisons.

At Morgantown, there are no bars. The 250 inmates are called students; and the correction officers are called counselors. The students wear civilian clothes (except for newcomers, who wear khakis for a short while after arrival), and counselors wear slacks and blazers.

OFFICIALS OPTIMISTIC

While the Kennedy center has only been in operation for a couple of years—too short a time to measure its success or failure—federal officials are optimistic that the results will be measurably better than the results of traditional approaches.

The Youth Center is expensive—the daily cost per inmate is $25, as compared with a daily per-inmate cost of $9.02 for the New York City Reformatory on Rikers Island. But if boys are corrected in Morgantown and only housed on Rikers Island, who is to say which system costs society the most in the long run?

And that brings us to the final question in the matter of corrections: Can you rehabilitate criminals without rehabilitating the society that breeds criminals? Can you stop a boy from stealing by teaching him a trade, and then send him into a society which stops him from getting a job because he is an ex-con, or because he is black, or poor, or on welfare, or without a high school diploma?

This is how Warden James Thomas of the Adolescent Remand Shelter on Rikers Island summed it up one recent afternoon:

"Rehabilitation? I'll tell you what. If you'll take all these boys, and give each one of them a nice house, and two cars, and a pretty wife and a few beautiful kids, and a good, challenging job at $10,000 a year—give them all that, and then I'll promise to rehabilitate at least 80% of them.

"But give them a few classes here, and a little vocational training, and a prison record, and send them back out into the slums of the city, and I'm not making any predictions at all about rehabilitation."

HIGHWAY SAFETY NO. 6—SOME STATES ARE ACTING

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

Mr. CLEVELAND. Mr. Speaker, the appalling slaughter on our highways which is being caused by drunk drivers has been well described in the Christian Science Monitor articles which I have inserted in the CONGRESSIONAL RECORD during previous weeks. Last week's article described some of the local programs which have been set up to deal with this problem. The sixth article in this series discusses what some States are doing—and what others are not doing—to combat this death toll.

This whole subject is rather disheartening, both because of the shockingly high death and injury toll and because of the seeming apathy which stifles any corrective measures which do get proposed. Encouragement is needed for those few who are inclined toward action and to jolt the disinterested into supporting the effort.

Today's offering is constructive journalism at its best. States which are acting are given due credit. States which are not acting are left to suffer from the contrast. In reporting the measures being taken by some States, the article offers a wealth of suggestions to those interested in cutting down on the death toll.

It is clear from this article that it will not be easy to get the drunk driver off our highways. There are not any simple solutions. Reformed procedures, tough new laws, and increased expenditures will all be required. The necessary measures will not always be popular. Yet this series of articles has made clear that action must be taken.

Any doubt about that conclusion fades away in the face of the estimates of 28,000 deaths a year being caused by drunk drivers. While the first six articles were appearing in the Christian Science

Monitor at least 3,000 people have been killed by drivers who got behind the wheel drunk.

The article referred to follows:

WE ARE DETERMINED TO REDUCE FATALITIES

(By Guy Halverson)

DES MOINES.—Back in January, 1969, Wyoming Gov. Stanley K. Hathaway urged his Legislature to adopt an important safety package that included:

An implied-consent statute (which requires that a person arrested for drunken driving submit to a chemical blood test or face a license suspension).

A reform of the state's licensing system.

New standards for operation of motorcycles, including mandatory use of helmets.

The Wyoming Legislature responded by turning him down. Some bills were scuttled in committee, others failed to even catch the attention of the indifferent legislators. And since Wyoming's Legislature meets biennially, the program can't be reintroduced until 1971.

Meantime, drunken drivers killed 110 people on Wyoming highways in 1969 and this year's total may well surpass that number.

In far too many states, this reporter's research has indicated, there remains an amazing degree of apathy toward the problem of the drunk driver. Indeed, what's happened in Wyoming illustrates only too vividly what is happening in dozens of other states today.

STATE ACTION NEEDED

Safety experts are in total agreement that if there is to be an easing of the death rate caused by drunken drivers—now running at an estimated 28,000 people annually—there must be coordinated and stepped-up safety action at the state level. For it is the states, after all, which have final control over such crucial areas as licensing and records systems, driver-education programs, and state traffic patrol.

It is the states, moreover, that are tasked with passage of both implied-consent statutes and presumptive blood-level statutes, as was noted in the second article of this series.

Here in Iowa, Gov. Robert Ray also called for a stepped-up assault for traffic safety during the past legislative session. The response? Excellent.

A lowering of the state's presumptive blood level, defining intoxication from a loose .15 percent to a stiff .10; a $20 tax for reinstatement of a driver's license, after revocation or suspension, the beginnings of an across-the-board computerization of the state's license and motor-vehicle registration systems, an upping of pay for the highway patrol and a new state breathalyzer program throughout Iowa.

DETERMINATION STRESSED

Why here and not in Wyoming? Determination, for one thing, and public support.

"We're determined to reduce highway fatalities in this state," Governor Ray says grimly, leaning across a conference table at his basement-floor working office at the Iowa Statehouse. "Last year we had 90 fewer fatalities. But you know, we don't feel right bragging about that fact, We still had 780 deaths.

"But we're all together on this now—the public, the Legislature, the administration. We're going to cut into those numbers."

Despite the success of the Ray program here in Iowa, few of the state's chief executives today are carrying the battle cry of highway safety in the way that former governors Abraham Ribicoff of Connecticut and Arthur B. Langlie of Washington did back in the 1950's.

One exception is Gov. Louie B. Nunn (R) of Kentucky, a hulking, deep-voiced former municipal court judge who has decided to tackle the drunken-driver problem with all the enthusiasm of a professional football player charging toward a touchdown.

Last May Governor Nunn whipped off letters to all of the state's top law-enforcement officers and key jurists announcing that Kentucky would no longer tolerate mounting highway casualties. The drunken driver, he said, had to be stopped, no matter how strong the public resistance.

The Governor then took to the stump, button-holing newspaper editors and civic leaders for support, blasting low conviction rates from jurists. Breathalyzer machines were distributed to each of the state's 120 counties and the highway patrol has been told to intensify its arrest rates.

Though it is still too early to measure results, many feel that the Governor's campaign has gone far in reversing the apathy which has clouded the problem for so long in Kentucky.

"Governor Nunn really means business when he says he's going to clear the streets of the drinking driver," say Arthur Beard, executive director of the Kentucky Traffic Safety Coordinating Committee. "I know of at least five occasions when the Governor had his chauffeur stop a drunk driver right out on the highway and call in the state police."

While Governor Nunn's singleness of purpose in attacking the problem of the drunk driver is somewhat exceptional, many states have made progress worth noting.

All but four states and the District of Columbia have enacted implied-consent statutes, while some 25 states have adopted a .10 percent presumptive blood level defining intoxication. These presumptive level laws, however, need tightening throughout the nation.

POINTS USED IN 36 STATES

According to National Safety Council tabulations, moreover, some 36 states now have adopted some type of point system, which makes it easier to identify drinking drivers. Studies indicate that drinking drivers tend to gradually accumulate more moving violations and hence more "points" than most drivers.

States are also quicker to enact vehicle inspection laws than in past years and now are spending larger sums on highway safety. Since the passage of the National Highway Safety Act of 1966, some $200 million in federal funds has been made available to the states for highway safety. Many federal officials now are mulling possible new areas of financing (see accompanying box on this page).

A score of organizations, including the National Safety Council, have banded together into an informal program to effectively implement federal highway standards.

MANY DETAILS REMAIN

Still, there is much that remains to be done:

1. Records systems. In most states there is as yet no systematic correlating of traffic records with license and vehicle-registration records. Yet, this step is essential if a judge is to be properly guided in adjudicating a drunk-driver case.

In many situations now, a judge may believe that he is dealing with an offender facing a first conviction for drunkenness, when in fact the motorist may be up on a second or third violation, as records from other jurisdictions would indicate.

The inefficiency in present records systems is sometimes almost downright ludicrous. Take what happened recently in Rhode Island.

In early April an oil-delivery man was killed by a motorist, even though the victim was standing behind his well illuminated truck at the time. The driver was not held or charged.

RECORDS CODIFIED

Several months after the accident, according to the victim's sister, who wrote to Rep. James C. Cleveland (R) of New Hampshire, a member of the House Public Works Committee and a staunch safety advocate, "the registry (of motor vehicles) mailed a certified letter with 51 cents postage to my dead brother informing him that his license is suspended . . . for failure to file (an) accident report."

In some of the larger states, such as California and New York, codification of records is well under way. In Michigan, nongovernmental records are being meshed with state records, a move that has triggered criticism from some civil libertarians.

State mental health institutions, for example, now report all admissions and discharges for treatment of alcoholism to licensing authorities, and hospital administrators are often called on to provide an opinion as to the discharged patient's fitness to drive.

REFORM CALLED NEED

2. Administrative consolidation. One answer to a coordinated attack against the drinking driver, some experts feel, is consolidation of all traffic related units under a single umbrella agency. In Minnesota, where drinking drivers kill more and more people annually, the state has created a new department of public safety, which will oversee such agencies as the highway patrol, drivers' license bureau and department of motor registration.

3. Licensing. Reform is vitally needed in this area. Most licensing standards are more relevant to 1940 road conditions than to the age of the fastback and the twisting cloverleaf. For the hard-drinking driver, the existing standards are a gigantic loophole.

In half the states he can renew his license by mail. In two-thirds of the states he needn't worry about a written test or road test for a license renewal. And even where states require reexamination, he is favored. In Illinois, for example, he need only take a renewal test every nine years.

In Nevada, a new resident need not replace his old license for six months, a lengthy grace period which can easily hide a grim driving record. Since many alcoholic drivers tend to be transients, this in effect means, some feel, an invitation to virtually unrestricted driving.

4. Driver-education programs. Greater stress on the drinking driver is needed in safety courses at the public-school level. Excellent textbooks and study guides are available, such as "Sportsmanlike Driving," a teacher's handbook published by the Webster division of McGraw-Hill Book Company.

TREATMENT EMPHASIZED

5. Alcoholism-treatment programs. They are desperately needed in most states, where the primary treatment is still coming from state mental-health hospitals or from private physicians. Here in Iowa, 53,000 of the state's 2.7 million population can be classified as alcoholics or problem drinkers, according to Charles A. Churan, executive director of the State Commission on Alcoholism.

Yet, Iowa's response has been outstanding. All told, the state helps underwrite 17 service centers and two detoxification clinics. The Harrison Treatment Center here in Des Moines is considered one of the finest in the nation.

6. Imagination. It's perhaps what's most needed at the state level if the drinking-driver problem is to be resolved. Sometimes it pays off in unexpected—and big—dividends. Officials of the Arkansas State Police, for example, used it when they started to ask themselves where the drinking drivers were coming from. They began looking at arrest records and quickly realized that many drivers were coming from the same bars. Soon blue-and-white Arkansas patrol cars were conspicuously parked in front of those establishments.

Oklahoma's Highway Patrol came up with a similar program by using a bit of imagination.

DAN MITRIONE

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

Mr. FASCELL. Mr. Speaker, I know my colleagues share my horror and dismay at the news that U.S. AID adviser, Dan Mitrione, was found shot to death by Communist terrorists in Montevideo, Uruguay, this weekend.

The violent kidnaping, and the brutality exhibited by the abductors, can only be described as maniacal and cannot be justified for whatever cause might be purported. His killing was inhumane, callous, and premeditated. It is a crime for which the criminals must be punished.

Reports of the kidnaping indicate that Mitrione was abducted and shot while on his way to work. His wound was described as having entered the right side of his chest and exited under the left armpit—the kind of wound most likely to have been made while lying on his side. Notes from the kidnapers said that he was being intensely interrogated—this, in spite of a serious wound, the fact that he was allergic to penicillin, and required immediate hospitalization.

This is not the first such terrorist kidnaping and killing of a diplomat in Latin America, and I fear it may not be the last unless every possible step is taken by the governments of the countries involved to protect diplomats and punish the criminals.

The Subcommittee on Inter-American Affairs held hearings on this very subject last April, at which time, we heard the testimony of State Department officials on what could be done to protect against and prevent further incidents. The possibility of OAS or United Nations jurisdiction was discussed as an appropriate forum for seeking a solution. Continued efforts should be pursued between nations to effectively deal with this serious problem.

We cannot penalize the government of a country for the actions of terrorists. On the other hand, the terrorists claim that their governments are oppressive and are holding political prisoners without just cause. In any case, there can never be justification for the brutality which resulted in Dan Mitrione's death—a man who was the representative of the U.S. Government, carrying out his assigned mission.

Diplomatic relations, or work connected with our foreign assistance programs, cannot be conducted in an atmosphere of constant terror. Innocent third parties must not be subjected to kidnaping and death as a result of a struggle between a particular foreign government and its opponents.

We should not withdraw our diplomatic delegations because that is part of what the terrorists want—to disrupt diplomacy and international relations.

However, we must continue to make every stringent effort to protect our U.S. representatives overseas. We must make such acts of kidnaping and murder extremely costly to the terrorists and politically disadvantageous. Only then will they stop.

Kidnaping, injury to, and killing of diplomats and other country representatives is an international crime against humanity. In the interest of safety, international law and relations, the most stringent safety precautions must be taken and the criminal perpetrators punished.

Dan Mitrione was 50 years old on August 4, married and the father of nine children. As chief of police at Richmond, Ind., for 5 years before he became an AID public safety adviser in 1960, and for 10 years before that as a Richmond police official, he devoted his energies to the social welfare of that city. He served on the boards of directors of the Child Guidance Council of Wayne County, and the Public Health Nursing Association of that county. He served his church, the Holy Family Church of Richmond, as a member of the adult council in an advisory capacity to the pastor, and as an usher. He was also on the board of the Wayne County Welfare Council, and served as leader in the Reid Memorial Hospital fund drive and the YMCA fund drive annually.

Dan Mitrione was a dedicated public servant, a loving husband and father. His shocking murder at the hands of terrorists in a foreign land is inexplicable to his loved ones.

I am certain that all my colleagues join me in extending our deepest sympathy to the Mitrione family in their grievious sorrow over their loss.

THE SLIGHTLY HOARSE VOICE OF THE U.S. INFORMATION AGENCY

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

Mr. FASCELL. Mr. Speaker, I would like to call to the attention of my colleagues in the Congress an article appearing in the Boston Sunday Globe of August 9, 1970, entitled, "The Slightly Hoarse Voice of the U.S. Information Agency."

The article, by Dr. Edward L. Bernays of Cambridge, Mass., deserves attention because it forcefully focuses on the need for a reappraisal of our Government's information program.

I know that Dr. Bernays is a man of boundless energy and great determination. He is an author and a public relations expert—many call him dean of public relations—and a man of profound convictions. As Chairman of the Committee for Reappraisal of U.S. Overseas Information Policies and Programs, he has exerted tremendous effort in urging new directions, new duties, and new emphases in the U.S. Information Agency.

I commend Dr. Bernays for his stimulating and important article. His urgent call for new directions and new dimensions for U.S. public diplomacy is one which our Government is grappling with. I know all my colleagues will be interested in what Dr. Edward L. Bernays has to say.

The article follows:

THE SLIGHTLY HOARSE VOICE OF THE U.S. INFORMATION AGENCY

The testimony of experts at a House Foreign Affairs Subcommittee hearing 18 months ago to explore the future of United States public diplomacy produced the disheartening disclosure that the reputation of the United States was at its lowest point in the last 50 years.

In a worldwide survey I made and reported to the subcommittee, I found that people had lost faith in the ability of the United States to lead the free world. Public opinion studies of George Gallup Jr. and Lloyd Free, also reported at the time, disclosed ambivalence towards the United States. People deplored happenings in the United States. But they admired our strength, idealism and generosity, the desire of our people to do good, and our scientific and cultural contributions.

The assassinations of President John F. Kennedy, Senator Robert Kennedy and the Reverend Martin Luther King Jr., and the Vietnam war depleted the reservoir of goodwill towards the United States. All over the world, people were shocked and disheartened at what they believed was the shattering of the American dream.

A more recent survey abroad by Gallup indicates that our troop withdrawals from Vietnam, somewhat reduced violence in the United States, the moon landing and the Soviet invasion of Czechoslovakia have somewhat bettered the reputation of the United States globally, "not dramatically, but decisively."

In a more peaceful and stable world, there might be less urgency in meeting this crisis in international understanding. We have neither world peace nor stability today. Our present status in world opinion demands immediate action. Fantasies and illusions, prejudices and distortions must not be permitted to dominate attitudes of other people towards us.

A new powerful instrumentality is available to help achieve our goals of international understanding—public diplomacy. Public diplomacy aims to affect the relations of the people of one nation to another through the mass media and other channels of open communication. Previously, secret diplomacy, carried on by diplomats behind closed doors, dominated relations between one nation and another. Now publics everywhere have their say in helping determine foreign policy decisions. Public opinion expresses itself in public pressure to bring about the action it wants.

Governments now deal with other peoples through public diplomacy. The world has become a room and a whisper is conveyed to its far corners. The nations of the world have acted on this reality. They practice public diplomacy.

Public diplomacy is of increasing importance to us as a nation for several reasons: Governments all over the world have recognized that attitudes of one people towards another may rest on distortion, ignorance, prejudice or other false assumptions. If critical situations arose between our country and other countries, we might find that fantasy and illusion of its people governed their attitudes and actions toward us.

The communications revolution of the last half century, through radio and television, gave many people around the world instantaneous perception of life in other places. Events were brought to the eyes and ears, hearts and minds of millions previously unexposed to them.

With the communications revolution came an information explosion. With an expanding sense of the world around them, people

read more, became more interested in the world. Greater curiosity provided millions of additional readers and viewers for public diplomacy.

The United States first practiced public diplomacy formally in World War I. The United States Committee on Public Information under George Creel, of which I was a staff member, was given this task. President Woodrow Wilson and the Committee were handicapped by slowness of communication, the non-existence of social scientists who could be depended on for guidance. The important work of such social scientists on international political communications as Harold Lasswell of Yale, David McClelland of Harvard and W. Phillips Davidson of Columbia was still in the future.

Attempts at public diplomacy were primitive, compared to today's resources. Yet the United States Committee on Public Information brought the words of President Wilson and his war to end all wars and to make the world safe for democracy over the heads of emperors and kings to the people. Despite handicaps, historians at the end of World War I wrote that words won the war.

After World War I, the arm of the government that had so tentatively but effectively carried on public diplomacy was abolished. Activity in this general area from 1919 to 1953 in the State Department, passed through many vicissitudes. In 1953 the Smith Mundt act, calling for an independent agency for public diplomacy, created the United States Information Agency. In that early Cold War period it emphasized counter-communist propaganda. Most non-communist countries believed that monolithic communism intended to take over the world.

Accelerating impact of the communications revolution, rising expectation of people everywhere, unsettled world conditions induced each succeeding administration to continue public diplomacy lest we become the victims of the imbalanced viewpoints of our neighbors. The United States Information Agency continued to function.

Our instrument of public diplomacy, the USIA, today is a huge organization, headquartered in Washington. Its global staff of over eleven thousand tells the United States story to the rest of the world. It telecasts programs to over 90 countries. Its 104 transmitters of the Voice of America beam over 1000 broadcasts in 36 languages via short and medium wave. It uses movies, books, printed matter and other media. It directs cultural activities through overseas missions and binational centers, operates 200 overseas libraries and reading program and supervises United States participation in international affairs and exhibitions. It conducts public opinion researches overseas and assesses for other departments of government the effect overseas of present and proposed policies. We taxpayers will, according to President Nixon's recent budget figures, pay $194,917,000 for the United States Information Agency next year.

Unfortunately the promise of the Agency has not been fulfilled. It is inefficient and ineffective. The Agency over the last years has been evaluated by Congressional authorities, by the United States Advisory Commission on Information, the watching agency set up by Congress, by scholars and by voluntary groups, such as the Emergency Committee for a Reappraisal of United States Information Policies and Programs, of which I am chairman.

On October 22, 1969, at the Overseas Press Club of New York under the auspices of the Oversea Press Club Foundation and our Emergency Committee, an all day session of experts presented the case for a reappraisal of the Agency.

Some deficiencies of the Agency brought to light: The Agency puts too much emphasis on words and too little on policy. It functions as a huge mimeograph machine. Chester Bowles once said, "A good information policy can aid a positive policy, but cannot assist a mistaken one." Our foreign policy begins at home in domestic policy and action. After news is transmitted abroad, a civil rights riot in the South becomes a part of our international relations.

The Agency since its creation has had continuing problems of administration, programming, personnel, news distribution, transmitter construction and location, of public opinion research and of assurance of receiving adequate continuing support. After some fifty years, seventeen of them of independent existence, no fundamental operation assumptions and no defined objectives prevail.

Neither the public nor the members of Congress, with exceptions of course, understand clearly how vital a role the Agency could and should play in international relations.

The enabling act creating the Agency, which prohibits it from carrying on activities aimed at the American public, may be partly to blame. The lawmakers rightfully believed that a domestic program might be a danger to the country. The example of Goebbel's propaganda in Hitler Germany was still fresh in their minds. With a Congress and public uninformed and apathetic, the Agency's objectives, budgetary needs, the qualifications of its director remain serious questions, unasked and unanswered.

The Agency lives below the surface of public visibility. Without overt public support of its director remain serinous question, unasked and unanswered.

Sometimes the Agency's fear of Congressional criticism has diluted its program. The Agency is still mindful of the Joseph McCarthy period, when unjustified attacks upon it raised havoc in its overseas and domestic offices. And too many agencies interfere with the USIA, the State Department, the Pentagon and Congress itself.

Under these conditions, the Agency functions as a holding operation, often merely to advance the party in power.

The goals of the USIA have never been defined on a long range basis. Each of the seven Agency directors in the past seventeen years has defined his goals or the President has done it for him. None today knows what its future goals are. Are they to promote the flow of ideas about the United States to the world, to support current United States foreign policy? Are they to further goodwill for the United States, to provide counsel on public relations to the United States on foreign policy? Or are they to further the interests of the United States with the rest of the world or to balance distortions of attitudes to this country or to counter anti-U.S. propaganda? And what are the priorities and the relative importance of each of these?

Probably as a result of public apathy, the Agency's directors picked for the job have not possessed the qualifications they should have for this highly professional assignment. They were chosen because they were cronies of the President, able to get along with Congress, paid off political debts, were well known. The position requires someone who is a social scientist, student of world history, social psychologist, professional persuader, practitioner in the art and science of communication and administrator. Today's director does not have all the requisite qualifications.

The Agency today functions without professional knowledge of the art and science of communication or the culture patterns of target areas. In the use it makes of them, social sciences might as well not exist. The USIA functions on a horse and buggy basis in a jet age. Only a fraction of what is necessary is spent for public opinion research to ensure that the message is geared to its prospective audience. Dean Gerhart D. Wiebe of the Boston University School of Public Communication said bluntly of the agency: "It talks too much and listens too little."

The experts' conclusions show indisputably that the United States Information Agency urgently needs new directions, new dimensions, new duties and new emphases. The Agency can only begin to fulfill its role after a clear redefinition of its objectives, its current needs and a thorough overhauling of operations. The Agency should participate fully in formulation of foreign policy. It should cooperate with social scientists in working out its strategy which should serve as a basis for its tactics.

In its new mission, greater emphasis must be placed on personal contact of the Agency's staff, an effective liaison with other government departments, on much more public opinion research abroad and more use of available research. A stable budget and better personnel training are needed. And of course, a qualified professional should head the Agency.

Public diplomacy is fraught with many hazards. We must tap the social sciences. We know one people views another simplistically. False stereotypes often dominate attitudes. The media in one country tend to emphasize stereotypes to their constituencies. Effective international political communication requires special knowledge and skill. A one-way mimeograph operation may have the opposite effect intended. Overseas information programs some years ago, without benefit of public opinion research, bragged about our electric refrigerators and vacuum cleaners and created envy instead of goodwill.

Recommendations for a thorough going reappraisal of the Agency by a Presidential Commission have come from responsible knowledgeable quarters: the Subcommittee on International Movements and Organizations of the House Foreign Affairs Committee chaired by Congressman Dante B. Fascell, the United States Advisory Commission on Information, the watchdog commission, chaired by Frank Stanton, president of the Columbia Broadcasting System. In their last report they said, "How are the two hundred million of us to assure the thirty-three hundred million of them that we are on the right path and that it is wide enough for all to travel?

Eventually if not now, it must be through knowing each other, then trusting each other. And if eventually, why not now?"

Numerous newspapers, the McClatchy newspapers of California, the New York Daily News, the Los Angeles Times have editorially supported this reappraisal.

Congressmen have introduced bills in the House calling for a reappraisal by a bipartisan Presidential Commission, among them Dante B. Fascell (Fla.), John A. Anderson (Ill.), Robert Taft, Jr. (O.), J. Glenn Beall, Jr. (Mo.), Daniel Button (N.Y.), Howard Pollock (Alaska), George Andrews (Ala.) and Samuel N. Friedel (Md.). But because of public apathy these bills have languished.

In the United States, Joint Senate Resolution 157 was introduced by the chairman of the Foreign Relations Committee, J. William Fulbright, and is now pending. It calls for a Commission to Study Organizational Reforms in the Department of State, the Agency for International Development and the United States Information Agency and to recommend the most efficient and effective means for the administration and operation of the United States programs and activities in the field of foreign relations.

The commission is to consist of twelve members, eight of whom are not government officials and to be appointed by the President: two Senate members appointed by the President of the Senate and two representatives appointed by the Speaker of the House. The appropriation is for $500,000.

This Resolution, number 157, deserves the support of forward looking Americans. It should bring about the results the country needs. The proposed Commission should focus public opinion on the failings of the present USIA and its deficiencies and should recommend a new setup. The close association of the President with the Commission should assure that at long last the culture time lag we have been suffering from is eliminated. Then the USIA can function professionally and efficiently in the field of public diplomacy to improve our international relations and increase trust and understanding between the United States and the rest of the world.

ROBB SAGENDORPH—"A MONADNOCK OF A MAN"

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

Mr. CLEVELAND. Mr. Speaker, recently New Hampshire lost one of its leading citizens, Robb Sagendorph. He embodied the best in the term "Yankee," and as such was eminently qualified to be editor of the well-known magazine bearing that name. To quote the words of the Keene Evening Sentinel, Robb was "one of New England's most outstanding citizens and a champion of rugged individualism and enterprise who had devoted many years to preservation of Yankee ideals and interests, and had achieved national prominence in the literary field."

Outside of his part of New Hampshire, Robb Sagendorph was most widely known as the editor and publisher of the famed Old Farmer's Almanac, the oldest continually published booklet in America. From the time he became editor in 1939, the circulation grew from fewer than 86,000 to over a million in 1968.

Within New Hampshire, however, Robb Sagendorph was known and admired as much for his personal character as for his business success. In an excellent editorial the Peterborough Transcript has succeeded in conveying an accurate image of the Robb Sagendorph who was respected, admired, and loved by his friends and his neighbors. This editorial was written for an audience composed almost entirely of friends and neighbors of Robb, the readers of the weekly newspaper. It was written for people who knew Robb, and for us the article truly describes the man we knew:

ROBB SAGENDORPH: "A MONADNOCK OF A MAN"

We lost a friend, and the area lost one of its most distinguished citizens, with the death of Robb Sagendorph.

The Dubin publisher had achieved almost legendary status in his long career here as publisher-founder of Yankee magazine, and publisher-owner of the Old Farmer's Almanac.

Robb was an activist. He was at times intolerant, and often impatient. He had a quick humor which could be misunderstood, but knowing the man attested to his sincerity. In sports they claim that success is measured by a man's "color." Robb Sagendorph was colorful, and we must add, controversial.

The celebrated "Dublin Furnace Case" was perhaps his most controversial moment. Some may have forgotten that issue, or "heating crisis" which occurred 20-or-more years ago, but for those who remember it, most will concur that the central issue was a challenge to Robb's integrity and leadership as a town official.

Then there was the time Senior Selectman Sagendorph ordered the Town Hall "closed" after it had "shook like crazy" at a square dance. This issue, like the furnace argument, made for considerable news copy, and we always felt Robb never exactly disliked how we handled the reporting.

He had a biting disregard for convention, and though raised in a blue-blood tradition, Robb appeared much happier at his hideaway on Long Pond in Stoddard than at the Dublin Lake Club. He was a "have" in a community where the "have nots" can kick over the traces, but he was respected on both sides.

As village moderator, he ran meetings "my way", and the people loved it.

It was not unusual for Robb to phone us just to say hello, if for no more important reason. He would call to complain how we'd "spoiled" his week by an editorial position we had taken, or how we should be more alert to the "crime influence" at the region's doorstep. He would call to give us a news tip, or ask about the week's events.

Most significant was when he called us last January to ask how we were feeling. We had missed some time at work because of the flu, and Robb had heard about it. He phoned from his hospital bed to wish us a speedy recovery. This was Robb Sagendorph, who knew then that his own days were numbered, but whose thoughts were on others.

Robb was described recently as a "Monadnock of a man." He sure was.

POWER OF IMPEACHMENT

(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, I was gratified when the distinguished chairman of the Committee on the Judiciary agreed publicly to open hearings on the impeachment of Associate Justice William O. Douglas, with witnesses examined under oath, as I asked from the outset.

The gentleman from New York's commitment is conditioned, however, as to time and circumstances. Public hearings will be in order, he stated in an August 5 news release:

When the special subcommittee is satisfied that the facts indicate that an impeachable offense may have been committed.

The definition of "an impeachable offense" thus becomes crucial to the conduct of free and full public hearings.

The Constitution clearly entrusts the determination of this question to the conscience of the whole House of Representatives, which has the "sole power of impeachment."

In response to an earlier request from the chairman, Mr. CELLER, as detailed in my August 5 letter to him, last week I provided members of the Committee on the Judiciary with an independent and comprehensive legal memorandum on this question which was prepared by the Detroit, Mich., law firm of Dykema, Gossett, Spencer, Goodnow & Trigg.

I now make this excellent study by Attorneys Bethel B. Kelley and Daniel G. Wyllie available to all Members, together with two covering letters which are self-explanatory:

CONGRESS OF THE UNITED STATES,
Washington, D.C., August 5, 1970.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Last May 15 you requested me to furnish your Special Subcommittee with my views on the "good behavior" provision of the Constitution with respect to the tenure of office of Federal judges and justices.

I responded on May 20, stating that my views on this subject had been set forth rather fully in my April 15 speech to the House, but adding that a more compelling and learned legal exposition certainly was possible and that I was in the process of obtaining such a study.

I requested the distinguished Detroit, Michigan law firm of Dykema, Gossett, Spencer, Goodnow & Trigg to independently research this important question and provide me, without reference to any current impeachment proceedings or to my personal conclusions of last April 15, a comprehensive and objective opinion. I felt that this would be of greater value to Members of the House and of your Committee than any mere elaboration of my views.

The resulting "Kelley Memorandum" with covering letter to me from Bethel B. Kelley is enclosed pursuant to your request.

I most respectfully renew my request to you in my letter of July 29, 1970 for a copy of the June 1 submission by Judge Rifkind setting forth the views of the attorney for the accused on the "Role of Counsel and Related Procedural Matters" and his May 18 legal submission described in his letter of that date as "a separate legal memorandum on what constitutes grounds for impeachment." I would like to have an opportunity to study the legal questions raised in both these papers.

Warm personal regards,

GERALD R. FORD,
Member of Congress.

DYKEMA, WHEAT, SPENCER, GOODNOW, & TRIGG,
Detroit, Mich., June 23, 1970.

Re: The Impeachment Process.

Hon. GERALD R. FORD, Jr.,
The Capital,
Washington, D.C.

DEAR CONGRESSMAN FORD: Some time ago, you asked me to review the authorities relating to the Impeachment Process as it applies to the Federal Judiciary, and to discuss the authorities dealing with the subject. In particular, you requested an opinion as to whether judicial "misbehavior" as it relates to the Judicial Tenure Article of the Constitution (Article III, Section One) may constitute an independent ground for impeachment of a judicial officer even though such misbehavior might not constitute an indictable "crime or misdemeanor" under Article II, Section Four. With the assistance of my associate, Daniel G. Wyllie, we have prepared and enclose herewith a Memorandum concerning the matter. We conclude, that misbehavior by a Federal Judge may constitute an impeachable offense though the conduct may not be an indictable "crime or misdemeanor". We refer you to the enclosed Memorandum for our complete discussion of the subject and for our reasons for our conclusions.

Sincerely,

BETHEL B. KELLEY.

MEMORANDUM CONCERNING THE CONGRESSIONAL IMPEACHMENT POWER AS IT RELATES TO THE FEDERAL JUDICIARY

I. INTRODUCTION

The United States Constitution, Article III, Section One, provides that "The judges, both of the Supreme and inferior Courts, shall hold their offices during good behavior..." Article II, Section Four provides that "The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors." The relationship of these provisions has been the subject of much controversy in virtually every impeachment proceeding brought against a Federal judge which has resulted in a Senate trial. The purpose of this memorandum is to trace the development of this controversy and to attempt to delineate the exact nature of the impeachment power as it relates to the Federal Judiciary. The problem basically involves the definition of an impeachable offense. The basic source material for such a determination is, first, the Constitution itself, second, the debates of Congress in interpretation of that power, third, the application of the constitutional provision in the nine (9) impeachment proceedings involving the Federal Judiciary, and fourth, the comments of scholars who have analyzed the problem.

Before an extensive examination of the debates is made, a brief review of the various impeachment proceedings resulting in a Senate trial of a Federal judge is in order. The first impeachment of a Federal judge, and the first impeachment to succeed, was that of John Pickering, United States District Judge for the District of New Hampshire. Judge Pickering was charged with the violation of a United States Statute by wrongfully releasing a vessel which had been seized by the government without requiring the prescribed indemnity bond. He was also charged with conducting court while intoxicated and with blasphemy on the bench. Judge Pickering did not respond to the Articles of Impeachment but his son did and was allowed to introduce testimony to show that the judge was mentally irresponsible. The Senate convicted the Judge on each of the articles and removed him from office on March 12, 1804.

On the same day, the House of Representatives voted to impeach Samuel Chase, Associate Justice of the Supreme Court on eight articles. He was charged with certain misconduct to the prejudice of impartial justice in the course of a trial for sedition, with misconduct in improperly inducing or coercing a grand jury to return an indictment against an editor of a newspaper for an alleged breach of the sedition laws and with misconduct in addressing an inflammatory harangue to a grand jury. In the course of the trial an extensive debate was had concerning the nature of the impeachment power. The impeachment failed for want of a two-thirds majority even though a majority voted to convict on several of the articles.

James H. Peck, Judge of the United States District Court for the District of Missouri, was impeached in 1830 on one general article, containing eighteen specifications, charging abuse of official power and arbitrary conduct in severely punishing for contempt of court an attorney who had published a criticism of one of the judge's opinions. In his answer, the judge alleged that his conduct was legally correct and justifiable, and he denied the existence of a malicious motive. The trial resulted in a majority of the Senate voting against impeachment.

In 1862, Judge West H. Humphries was impeached and convicted for activities relating to the secession of Tennessee and for serving as a Confederate Judge. Judge Humphries did not appear to defend the articles and was removed by a unanimous vote of the Senate.

The next impeachment affecting the judiciary was that of Charles Swayne, United States District Judge for Florida. In 1904, Judge Swayne was impeached on twelve articles, charging that he had rendered false claims in his expense accounts; that he had appropriated to his own use, without making compensations therefor, a certain railroad car belonging to a defunct railroad company, then in the hands of a receiver appointed by the judge; that he had resided outside of his judicial district in violation of the statute; and that he had maliciously adjudged certain parties to be in contempt of court and had imposed excessive punishments upon them. The judge defended, and was acquitted by a majority on each article.

In 1912, the House of Representatives impeached Robert W. Archbald, United States Circuit Judge for the Commerce Court, upon thirteen articles. The articles charged the judge with the use of his official power and influence to secure business favors and concessions. He was also charged with various misconduct while a District Court Judge, but was acquitted thereon apparently because the Senate did not wish to set a precedent of impeaching a person for acts occurring while in a former office. The judge was found guilty on five of thirteen articles.

In 1926, George W. English, United States District Judge from Illinois, was impeached for an abuse of power in the suspension and disbarment of two attorneys and for using his office for personal gain by appointing a personal friend as the sole bankruptcy referee for his court. The charges against Judge English were dropped after he resigned from office.

In 1933, Harold Louderback, United States District Judge from California, was impeached by the House of Representatives. The articles charged the judge with using his office for the enrichment of his personal friends and political allies by appointing them as receivers even though no receiver should have been appointed and though the persons appointed did not qualify. Judge Louderback was acquitted on all articles.

The last impeachment proceeding was brought in 1936 against Halsted L. Ritter, United States District Judge for Florida. Of the seven Articles of Impeachment, the first six alleged specific instances of wrongdoing on the part of Judge Ritter involving the use of his office for personal gain, including the receipt of "kickbacks" from legal fees he awarded to his former law partner. Judge Ritter was acquitted on all six of these articles. The seventh article was a recitation of the first six and charged the judge with bringing his office into disrespect by his questionable conduct. On this article, Judge Ritter was convicted and removed from office. As will be noted later, the Ritter case is one of the most enlightening because it was the only trial in which individual senators filed written opinions expressing their reasons for their votes.

The impeachment trial of Judge Pickering affords little precedental value because of the tragic circumstances under which he was impeached and because he did not actually defend himself at the trial. However, a minor debate took place over the form of the question to be put to the Senate. Some senators insisted that they should be asked whether the judge was guilty of "high crimes and misdemeanors". They took the position that the Senate must first determine whether the facts alleged in the Articles of Impeachment were true, and then it must decide whether they constituted impeachable offenses. However, a majority of the Senate decided that the question should be merely whether the judge was guilty as "charged". 3 Hind's Precedents of the House of Representatives 707 (1970), [Hereinafter cited Hind]. Although this form of question was used in subsequent impeachment trials, little emphasis has been placed on the fact that it implies that the Senate is not limited to removal by impeachment for "high crimes and misdemeanors" only.

The first extensive debate concerning the nature of the impeachment power occurred during the trial of Justice Chase. In that case, counsel for Chase stoutly maintained that impeachment would only lie for "indictable offenses". Counsel for Chase advanced three major arguments in support of this proposition. The first contention was that the very definition of the words "high crimes and misdemeanors" means an "indictable offense". As Luther Martin, a member of the Constitutional Convention, said on behalf of Justice Chase:

"There can be no doubt but that treason and bribery are indictable offenses. We have only to inquire, then, what is meant by high crimes and misdemeanors? What is the true meaning of the word 'crime?' It is the breach of some law which renders the person who violates it liable to punishment. There can be no crime committed where no such law is violated.

"Thus it appears crimes and misdemeanors are the violation of a law exposing the person to punishment and are used in contradistinction to those breaches of law which are mere private injuries, and only entitle the injured to a civil remedy." 3 Hind 762.

The second assertion made in support of the proposition that impeachable offenses must be "indictable" was that all the provisions of the Constitution relating to impeachment are couched in the terminology of the criminal laws. Thus, a civil officer must be "convicted of high crimes and misdemeanors". U.S. Const. Art. II, Sect. 4. "The trial of all crimes, except in cases of impeachment, shall be by jury." U.S. Const. Art. III, Sect. 2. "No person shall be convicted [of impeachment] without the concurrence of two-thirds of the members present." U.S. Const. Art. I, Sect. 3. These clauses of the Constitution, argued counsel for Chase, support the principle that impeachment is in effect a criminal prosecution which cannot be maintained without the proof of some indictable offense of the laws. 3 Hind 767.

The third point raised by Chase's counsel was that the framers of the Constitution intentionally restricted impeachment to indictable offenses to safeguard the independence of the judiciary. A judge must be free to decide the cases before him based on his own conscience without having to fear impeachment because two-thirds of the Senate disagree with him. It should be noted that the impeachment of Justice Chase was apparently motivated, to a large degree, by political factors. Justice Chase was a Federalist who had incurred the wrath of the Jeffersonian Republicans by many of his rulings. His counsel contended that the stability and integrity of the Supreme Court demanded a strict interpretation of the impeachment clause. As one of his counsel stated in the debate:

"I have considered these observations on the necessary independence of the judiciary applicable and important to the case before this honorable court, to repeal the wild idea that a judge may be impeached and removed from office although he has violated no law of the country, but merely on the vague and changing opinions of right and wrong—propriety and impropriety of demeanor. For if this is to be the tenure on which a judge holds his office and character; if by such a standard his judicial conduct is to be adjudged criminal or innocent, there is an end to the independence of our judiciary." 3 Hind 760.

In response to the position advanced by the counsel for the Justice, the House Managers contended that impeachable offenses

are not limited to indictable crimes. They argued that the Constitution, in restricting punishment for impeachment to removal from and disqualification for office, makes a distinction between "indictable" offenses and "impeachable" offenses. Insofar as the conduct of a judge is injurious to society because it is an abuse of the office he holds, it is impeachable. Insofar as the conduct is criminal in nature, it may be indictable and punishable under the criminal law. 3 Hind 739. The Managers also contended that the Justice, by violating his oath of office to be fair and impartial in the administration of justice, committed an impeachable offense. 3 Hind 753.

The most illuminating argument advanced by the House Managers is that a judge may be impeached for misbehavior without resort to the impeachment provisions in Article II, Sect. 4. Said the Managers:

"The Constitution declares that 'the judges of both the Supreme and inferior Courts shall hold their commissions during good behavior.' The plain and correct inference to be drawn from the language is, that a judge is to hold his office so long as he demeans himself well in it; and whenever he shall not demean himself well, he shall be removed. I therefore contend that a judge would be liable to impeachment under the Constitution, even without the insertion of that clause which declares, that 'all civil officers of the United States shall be removed for the commission of treason, bribery, or other high crimes and misdemeanors.' The nature of the tenure by which a judge holds his office is such that, for any act of misbehavior in office, he is liable for removal. These acts of misbehavior may be of various kinds, some which may, indeed, be punishable under our laws by indictment; but there may be others which the lawmakers may not have pointed out, involving such a flagrant breach of duty in a judge, either by doing that which he ought not to have done or in omitting to do that which he ought to have done, that no man of common understanding would hesitate to say he ought to be impeached for it." 3 Hind 740.

According to this argument, the tenure provision of the Constitution draws a distinction between judges and other civil officers. Both judges and other civil officers may be impeached for "treason, bribery, or other high crimes and misdemeanors." But judges may also be impeached for misbehavior. This additional ground for impeachment is required in the case of judges because of their life tenure while other civil officers are subject to periodic removal for misbehavior through the ballot box. This contention also relies on a construction of the impeachment provision. Article II, Section 4 provides that "civil officers *shall* be removed . . ." [Emphasis added]. Thus, it is a mandatory but not a restrictive provision. It leaves the power in the Congress to determine what, if any, other offenses or conduct is impeachable. This argument is important because it supplies the basis for other arguments which were raised in subsequent impeachment proceedings.

Although Justice Chase was acquitted, it cannot be said that his trial set a precedent that only indictable offenses are impeachable. It is impossible to determine upon which factors the vote of an individual senator turned. A vote for acquittal could have meant that the facts charged were not proven or that the facts proven did not constitute an impeachable offense. Unquestionably, some votes also were politically motivated. However, at least one commentator stated that:

"A precedent was established to the effect that the judges are not to be removed from office because of the content of their decisions or because of unusual or offensive mannerisms. Removal from office is in order only for serious misconduct, or charges bordering on the criminal." Blackmur, *On the Removal of Judges: The Impeachment Trial of Samuel Chase,* 48 J. of Am. Jud. Soc'y, 183, 184 (1964).

The proposition that an impeachable offense need not be "indictable" was assumed to have been settled by all parties in the trial of Judge Peck in 1830. The Managers for the House of Representatives defined an impeachable offense on the part of a judge as follows:

"A judicial misdemeanor consists . . . in doing an illegal act, *colore officii*, with bad motives, or in doing an act within the competency of the court or judge in some cases, but unwarranted in a particular case from the facts existing in that case, with bad motives." 3 Hind 798.

Former President Buchanan, then a member of the House of Representatives, stated in the course of argument that misbehavior on the part of a judge is a forfeiture of the office. He conceded that the Chase trial settled that the judicial misbehavior must consist of a violation of the Constitution or some known law of the land, but it need not be "indictable" because misbehavior could consist in the abuse of a power granted to the judge, such as the contempt power, as well as in the usurpation of authority. 3 Hind 800.

Counsel for Peck did not dispute this position, but argued that the abuse of official power must have been intentional. Their position was that a mere mistake on the part of the judge as to what his powers were could not constitute an impeachable offense. They claimed that a judge must act with the knowledge that he was violating the law in order to commit an impeachable offense. 3 Hind 802. Since the discussion of the power of impeachment in the Peck case was merely preliminary with the main force of the arguments going to the question of law as the right of the judge to punish for contempt and the question of fact as to his intention, the Peck trial added little definition to the precise nature of the impeachment power.

The major point of debate during the impeachment trial of Judge Swayne in 1904 was whether a judge could be impeached for misconduct not directly related to his judicial duties. As noted earlier, none of the misconduct charges against Judge Swayne took place while he was actually holding court. His counsel argued that all previous impeachments, both English and American, conclusively established that impeachment would lie only for misconduct in the exercise of the office since none had ever involved the personal misbehavior of a judge. Their position rested on the proposition that the term "high crimes and misdemeanors" was a term of art which must be construed in light of English parliamentary usage. 3 Hind 322–25. As counsel for Swayne stated:

"In English and American Parliamentary and Constitutional law, the judicial misconduct which rises to the dignity of a high crime and misdemeanor must consist of judicial acts, performed with an evil or wicked intent, by a judge while administering justice in a court, either between private persons or between a private person and the government of a State. All personal misconduct of a judge occurring during his tenure of office and not coming within that category must be classed among the offenses for which a judge may be removed by address, a method of a removal which the framers of our Constitution refused to embody therein." 3 Hind 336.

The reference to "removal by address" referred to a practice used in England. In England, impeachment had a much broader scope since it could be used against any subject of the king and the penalty was not restricted to removal from office. A majority of both houses of Parliament could request the king to remove an official without convicting him of impeachment. Counsel for Swayne contended that the refusal to adopt this method of removal showed that the impeachment power was intended to be restricted to "high crimes and misdemeanors" committed in an official capacity. Counsel pointed out that "removal by address" was deliberately left out of the Constitution "with a view of giving stability to those who hold the offices, and especially the judges." 3 Hind 329. Counsel for Swayne placed emphasis on the fact that during the Constitutional Convention, Randolph opposed the motion to include "removal by address" because it would weaken too much the independence of the judges. 3 Hind 329. Counsel also argued that the substitution of the term "high crimes and misdemeanors" in Article II, Section 4, for the original term "maladministration" added further proof of an intentional restriction of the impeachment power. 3 Hind 327.

In the Swayne case, the managers for the House of Representatives contended that the Constitution was not intended to restrict impeachment to conduct directly related to the official duties of a judge. They referred to the absurdity in holding that a judge, who had been convicted and imprisoned for murder, could not be impeached because of his conduct did not occur while on the bench. 3 Hind 328. Instead, the managers submitted that the Constitution gave Congress the power to impeach a judicial officer for any misbehavior that showed disqualification to hold and exercise the office, whether moral, intellectual or physical, since the judicial tenure is expressly conditioned upon the good behavior of the judge. 3 Hind 339.

The House Managers in the Swayne trial again advanced an argument which had been raised in the Chase trial. They contended that Article I, sections 2 and 3, which give the House and Senate the sole impeachment power are merely jurisdictional and not definitional clauses. Article II, Section 4, they said, is a mandatory provision directing Congress to remove those officers who are convicted of treason, bribery, or other high crimes and misdemeanors. The managers stated that there may be other offenses for which an officer may be impeached. Article III, Section 1 provides a definition of such additional grounds in the case of the judiciary, i.e., misdemeanor. 3 Hind 340. The managers concluded that:

"Our fathers adopted a Constitution under which official malfeasance, and nonfeasance, and in some cases, misfeasance, may be the subject of impeachment, although not made criminal by act of Congress, or so recognized by the common law of England, or of any State of the Union. They adopted impeachment as a means of removing men from office whose misconduct imperils the public safety and renders them unfit to occupy official position. All American text writers support this view." 3 Hind 340.

Indeed, the textual authorities have in fact unanimously rejected the position that a "high crime or misdemeanor" must be an "indictable" offense before an impeachment will lie. As was stated by Roger Foster:

"The Constitution provides that 'the judges, of both the Supreme and inferior courts, shall hold their office during good behavior.' This necessarily implies that they may be removed in case of bad behavior. But no means, except impeachment, is provided for their removal, and judicial misconduct is not indictable by either a statute of the United States or the common law." 1 R. Foster, Commentaries on the Constitution of the United States 569.

George Curtis looked to the purpose of the impeachment power in his statement:

"The purposes of an impeachment lie wholly beyond the penalties of the statute or the customary law. The object of the proceeding is to ascertain whether cause exists for removing a public officer from office. Such a cause may be found in the fact that,

either in the discharge of his office or aside from its functions, he has violated a law or committed what is technically denominated a crime. But a cause for removal from office may exist when no offense against positive law has been committed, as when the individual has from immorality or imbecility or maladministration become unfit to exercise the office." 2 G. Curtis, History of the Constitution of the United States 260.

See also Cooley, Principles on Constitutional Law 178; 1 Story on the Constitution § 796–799 (5th Ed); 2 Watson on the Constitution 1034; Rawle on the Constitution 209. As was stated in the American and English Encyclopedia of Law:

"The cases, then, seem to establish that impeachment is not a mere mode of procedure for the punishment of indictable crimes; that the phrase 'high crimes and misdemeanors' is to be taken, not in its common law but in its broader parliamentary sense, and is to be interpreted in the light of parliamentary usage; that in this sense it includes not only crimes for which an indictment may be brought, but grave political offenses, corruptions, maladministration, or neglect of duty involving moral turpitude, arbitrary and oppressive conduct, *and even gross improprieties,* by judges and high officers of state, although such offenses be not of a character to render the offender liable to an indictment either at common law or under any statute." XV American and English Encyclopedia of Law 1066 (2d Ed) (Emphasis added).

Although many excellent arguments were raised by both sides in the Swayne trial, it cannot be conclusively stated which position carried the day. Judge Swayne's acquittal could have been due to the fact that the Senate thought that impeachable misconduct must be directly related to the office or that the facts charged were not proven, or even that the judge's proven conduct, although impeachable, did not warrant removal from office. However, it is difficult to understand how the Senate could have adopted the first position because of its obvious result in leaving no remedy as to removal of a judge who has been imprisoned by a State or Federal Court for crimes committed in his personal life, totally unrelated to his office or judicial duties.

The impeachment trial in which Judge Robert W. Archbald was found guilty in 1912 was the first proceeding resulting in removal in which the nature of the impeachment power was extensively debated. In adopting the Articles of Impeachment, the House of Representatives took the position that a breach of judicial "good behavior", regardless of its criminality, was impeachable. The Chairman of the Impeachment Committee conceded that none of the Articles would sustain a criminal charge. 3 Proceedings of the United States Senate in the Trial of Impeachment of Robert W. Archbald 1745 (1912). The Chairman of that committee stated the charges as follows:

"From 1908 to the present time we have shown that he has been acting improperly and violating good judicial ethics by prostituting his official position for personal profit and otherwise." Id. at 747.

In the Senate, counsel for the judge adhered to the argument which had been made previously on the part of the counsel for Justice Chase that an impeachable offense must be, by the very terms of the Constitution, an indictable offense, or at the very least, must have the characteristics of a crime. They attempted to sustain this proposition, as did counsel for Chase, by referring to the fact that the impeachment power throughout the Constitution is couched in the terminology of the criminal law. See 6 Cannon's Precedents of the House of Representatives 636–37 (1936) [Hereinafter referred to as Cannon].

On the other hand, the House Managers advanced several theories to prove that non-indictable judicial misbehavior was impeachable. The broadest of these theories was that the Constitution left the definition of the "high crimes and misdemeanors" and judicial "good behavior" to Congress, placing no restrictions on the impeachment power except to limit its use to civil officers and its punishment to removal and disqualification from office. As Manager Sterling said in his final argument:

"And so, Mr. President, I say, that outside of the language of the Constitution which I quoted there is no law which binds the Senate in this case today except that law which is prescribed by their own conscience, and on that, and on that alone, must depend the result of this trial. Each Senator must fix his own standard; and the result of this trial depends on whether or not these offenses charged against Judge Archbald come within the law laid down by the conscience of each Senator himself." 6 Cannon 634.

In rebutting the argument that conduct to be impeachable must be indictable, the managers pointed to the object of the impeachment power. Impeachment, they said, is not intended to punish the individual but rather to protect the public "from injury at the hands of their own servants and to purify the public service." 6 Cannon 643. Thus, according to this argument, a Federal judge should be removed "whenever, by reason of misbehavior, misconduct, malconduct, or maladministration, the judge has demonstrated his unfitness to continue in office." Id.

The managers also advanced the theory based upon a construction of the judicial tenure provision [Article III, Section 1] and the removal provision [Article II, Section 4]. It must be assumed that the two provisions were not intended to be mutually antagonistic, therefore, the judicial tenure provision is of necessity either an addition to the enumerated offenses of the removal section or a definition of "high crimes and misdemeanors" as applied to the judiciary to include misbehavior. Any other interpretation would destroy the effect of the "good behavior" clause which would be a violation of the basic rule of constitutional construction which gives full effect to all words. 6 Cannon 643. Thus, the managers contended that the Constitution adopted one standard for the judiciary and another for all other civil officers, saying:

"In other words, our forefathers in framing the Constitution have wisely seen fit to provide a requisite of holding office on the part of a judge that does not apply to other civil officers. The reason for this is apparent. The President, Vice President, and other civil officers, except for judges, hold their positions for a definite fixed term, and any misbehavior in office on the part of any of them can be rectified by the people or the appointing power when the term of office expires. But the judge has no such tenure of office. He is placed beyond the people or the appointing power and is, therefore, subject only to removal for misbehavior. Since he cannot be removed unless he be impeached by the House of Representatives, tried and convicted by the Senate, *it must necessarily follow that misbehavior in office is an impeachable offense.*" 6 Cannon 650 (Emphasis added).

In rebutting an argument that the independence of the judiciary demands a strict interpretation of the Constitution, the managers replied that the Constitution was not meant to establish an irresponsible judiciary. The office is a public trust and someone must determine whether that trust has been abused. The Constitution required that Congress make the determination. Said the managers:

"In requiring first of all a majority of the House of Representatives in order to prefer articles of impeachment and then two-thirds of the Members of the Senate to convict, they hedged the power about with all the safeguards necessary to protect the upright official and yet leave it sufficient play to preserve the public welfare." 6 Cannon 648.

In summation, the Managers submitted that a judge ought to be removed when his acts are "calculated with absolute certainty to bring the court into public obloquy and contempt and to seriously affect the administration of justice." 6 Cannon 647.

In commenting on the outcome of the Archbald trial, one of the House Managers subsequently wrote:

"[I]t will be observed, none of the articles exhibited against Judge Archbald charged an indictable offense, or even a violation of positive law. Indeed, most of the specific acts proved in evidence were not intrinsically wrong, and would have been blameless if committed by a private citizen. *The case rested on the alleged attempt of the respondent to commercialize his potentiality as a judge,* but the facts would not have been sufficient to support a prosecution for bribery. Therefore, the judgment of the Senate in this case has forever removed from the domain of controversy the proposition that the judges are only impeachable for the commission of crimes or misdemeanors against the laws of general application." Brown, *The Impeachment of the Federal Judiciary,* 26 Harv. L. Rev. 684, 704–05 (1913) (Emphasis added).

During the trial of Judge Harold Louderback, all parties agreed that the Archbald impeachment did so settle the question. In fact, counsel for Judge Louderback expressly adopted the position that the judicial tenure provision implies that a judge may be impeached for a breach of good behavior.

"The Constitution of this country provides that an appointment of this kind is for life, depending on good behavior. So I have concluded, and I respectfully submit to you, that "high crimes and misdemeanors" so far as this proceeding is concerned, means anything which is bad behavior, anything which is not good behavior." Proceedings of the United States Senate in the Trial of Impeachment of Harold Louderback 796 (1933) [Hereinafter cited Louderback Proceedings].

Judge Louderback's defense basically was that the judge's conduct was not intrinsically wrong and did not amount to impeachable misbehavior.

In attempting to define what constituted impeachable misbehavior, the House Managers pointed to the defensive nature of the impeachment power. Since it was not a punitive measure, the criminal law standard of guilt beyond a reasonable doubt need not be met. Louderback Proceedings 779. Rather, if it be proven that a judge's conduct cast substantial doubt on the integrity of the judiciary, he has committed impeachable misbehavior.

"The duty of the Senate is to protect the Federal Judiciary and to protect the people from those persons connected with the Judiciary whose conduct arouses doubts as to their honesty. . . . From an examination of the whole history of impeachment and particularly as it relates itself to our system of government, when the facts proven with reference to a respondent are such as are reasonably calculated to arouse a substantial doubt in the minds of the people over whom that respondent exercises authority, that he is not brave, candid, honest, and true, there is no other alternative than to remove such a judge from the bench, because wherever doubt resides confidence cannot be present. It is not in the nature of free government that the people must submit to the government of a man as to whom they have substantial doubt." Louderback Proceedings 815.

In the last impeachment trial held, that of Judge Halsted L. Ritter in 1936, the Managers of the House of Representatives reiterated the position asserted in the trial of Judge Louderback. The Managers insisted that conduct on the part of a Federal judge which casts doubts as to his integrity constitutes impeachable misbehavior. Their position was that the public confidence in the Judiciary demands a strict standard of judicial conduct. Manager Summers said in final argument as to the meaning of "good behavior":

"It means obey the law, keep yourself free from questionable conduct, free from embarrassing entanglements, free from acts which justify suspicion, hold in clean hands the scales of justice. That means that he shall not take chances that would tend to cause the people to question the integrity of the court, because where doubt enters, confidence departs . . . When a judge on the bench, by his own conduct, arouses a substantial doubt as to his judicial integrity he commits the highest crime that a judge can commit under the Constitution. It is not essential to prove guilt. There is nothing in the Constitution and nothing in the philosophy of a free government that holds that a man shall continue to occupy office until it can be established beyond a reasonable doubt that he is not fit for the office. It is the other way. When there is resulting from the judge's conduct, a reasonable doubt as to his integrity he has no right to stay longer." Proceedings of the United States Senate in the Trial of Impeachment of Halsted L. Ritter 611 (1936) [Hereinafter cited Ritter Proceedings].

Since Judge Ritter was convicted by the Senate and since the counsel for the Judge did not dispute the standard applied but attempted to prove that the judge's conduct was proper, it is reasonable to conclude that the Senate, in a relatively contemporaneous trial, has adopted this standard for impeachment of a Federal judge. In this connection it is important to note that Judge Ritter was acquitted on the first six articles which accused him of specific acts of wrongdoing. His conviction and removal was based on Article Seven which charged that:

"The reasonable and probable consequences of the actions or conduct of Halsted L. Ritter . . . since he became a judge of said court, as an individual or as such judge, is to bring his court into scandal and disrepute, to the prejudice of said court and public confidence in the administration of justice therein, and to the prejudice of public respect for and confidence in the Federal judiciary, and to render him unfit to continue to serve as such judge." Ritter Proceedings 34.

The import of the Ritter trial is emphasized by the fact that various Senators filed written opinions explaining their vote. As Senator Key Pittman, who voted to acquit on the first six Articles said:

"I voted for Article 7 because it contains a general charge that the judge, by reason of his conduct in the various matters charged, has raised a substantial doubt as to the integrity of the judge and destroyed confidence in such court and in the efficiency of the judge." Ritter Proceedings 644.

Senators Borah, LaFollette, Frazier and Shipstead stated in a joint opinion:

"It is our view that a Federal judge may be removed from office if it is shown that he is wanting in that "good behavior" designated as a condition of his tenure of office by the Constitution, although such acts as disclose his want of "good behavior" may not amount to a crime. . . . If a judge is guilty of such conduct as brings the court into disrepute, he is not to be exempt from removal simply because his conduct does not amount to a crime. . . . *We sought only to ascertain from these facts whether his conduct had been such as to amount to misbehavior, misconduct—as to whether he had conducted himself in such a way that was calculated to undermine public confidence in the courts and to create a sense of scandal.*" Ritter Proceedings 644–45. (Emphasis added).

Senator Elbert D. Thomas noted in his opinion that the standard of impeachable offenses of a Federal judge is different from that of other civil officers. This is due, he stated, to the fact that the judicial tenure of office is for life on good behavior whereas other offices have a fixed time duration. The judicial office is a public trust and the judge who abuses that trust must be removed. Ritter Proceedings 646.

This then, is the Congressional authority as to what constitutes an impeachable offense on the part of a Federal judge. It amounts to an evolutionary adoption of the principle that a judge whose conduct casts a doubt on the integrity of the Federal Judiciary has committed an impeachable offense. It is a complete rejection of the notion that "high crimes and misdemeanors" which amount to indictable crimes are the only standard of impeachment. Through the years, Congress has interpreted Article III, Section 1, as providing either additional grounds of impeachment or a definition of "high crimes and misdemeanors" as applied to Federal judges. Congress has recognized that Federal judges must be held to a different standard of conduct than other civil officers because of the nature of their positions and the tenure of their office. Congress has rejected impeachment as a method of removing those judges whose only "offense" is to render unpopular opinions in the course of their duties or espouse unpopular political philosophies on or off the bench.

III. ANALYSIS

A review of the past impeachment proceedings has clearly established little constitutional basis to the argument that an impeachable offense must be indictable as well. If this were to be the case, the Constitution would then merely provide an additional or alternate method of punishment, in specific instances, to the traditional criminal law violator. If the farmers had meant to remove from office only those officials who violated the criminal law, a much simpler method than impeachment could have been devised. Since impeachment is such a complex and cumbersome procedure, it must have been directed at conduct which would be outside the purview of the criminal law. Moreover, the traditionally accepted purpose of impeachment would seem to work against such a construction. By restricting the punishment for impeachment to removal and disqualification from office, impeachment seems to be a protective, rather than a punitive, device. It is meant to protect the public from conduct by high public officials that undermines public confidence. Since that is the case, the nature of impeachment must be broader than this argument would make it. Much conduct on the part of a judge, while not criminal, would be detrimental to the public welfare. Therefore it seems clear that impeachment will lie for conduct not indictable nor even criminal in nature. It will be remembered that Judge Archbald was removed from office for conduct which, in at least one commentator's view, would have been blameless if done by a private citizen. See Brown, *The Impeachment of the Federal Judiciary*, 26 Har. L. Rev. 684, 704–05 (1913).

A sound approach to the Constitutional provisions relating to the impeachment power appears to be that which was made during the impeachment of Judge Archbald. Article I, Sections 2 and 3 give Congress jurisdiction to try impeachments. Article II, Section 4, is a mandatory provision which requires removal of officials convicted of "treason, bribery or other high crimes and misdemeanors". The latter phrase is meant to include conduct, which, while not indictable by the criminal law, has at least the characteristics of a crime. However, this provision is not conclusively restrictive. Congress may look elsewhere in the Constitution to determine if an impeachable offense has occurred. In the case of judges, such additional grounds of impeachment may be found in Article III, Section 1 where the judicial tenure is fixed at "good behavior". Since good behavior is the limit of the judicial tenure, some method of removal must be available where a judge breaches that condition of his office. That method is impeachment. Even though this construction has been criticized by one writer as being logically fallacious, See Simpson, *Federal Impeachments*, 64 U. of Penn. L. Rev. 651, 806–08 (1916), it seems to be the construction adopted by the Senate in the Archbald and Ritter cases. Even Simpson, who criticized the approach, reaches the same result because he argues that "misdemeanor" must, by definition, include misbehavior in office. *Supra* at 812–13.

In determining what constitutes impeachable judicial misbehavior, recourse must be had to the previous impeachment proceedings. Those proceedings fall mainly into two categories, misconduct in the actual administration of justice and financial improprieties off the bench. Pickering was charged with holding court while intoxicated and with mishandling cases. Chase and Peck were charged with misconduct which was prejudicial to the impartial administration of justice and with oppressive and corrupt use of their office to punish individuals critical of their actions. Swayne, Archbald, Louderback and Ritter were all accused of using their office for personal profit and with various types of financial indiscretions. English was impeached both for oppressive misconduct while on the bench and for financial misdealings. The impeachment of Humphries is the only one which does not fall within this pattern and the charges brought against him probably amounted to treason. See Brown, *The Impeachment of the Federal Judiciary*, 26 Har. L. Rev. 684, 704 (1913).

While various definitions of impeachable misbehavior have been advanced, the unifying factor in these definitions is the notion that there must be such misconduct as to cast doubt on the integrity and impartiality of the Federal judiciary. Brown has defined that misbehavior as follows:

"It must act directly or by reflected influence react upon the welfare of the State. It may constitute an intentional violation of positive law, or it may be an official dereliction of commission or omission, a serious breach of moral obligation, or other gross impropriety of personal conduct which, in its natural consequences, tends to bring an office into contempt and disrepute . . . An act or course of misbehavior which renders scandalous the personal life of a public officer shakes the confidence of the people in his administration of the public affairs, and thus impairs his official usefulness." Brown, *supra* at 692–93.

As Simpson stated with respect to the outcome of the Archbald impeachment:

"It determined that a judge ought not only be impartial, but he ought so demean himself, both in and out of court, that litigants will have no reason to suspect his impartiality and that repeatedly failing in that respect constitutes a 'high misdemeanor' in regard to his office. If such be considered the result of that case, everyone must agree that it established a much needed precedent." Simpson, *Federal Impeachments*, 64 U. of Penn. L. Rev. 651, 813 (1916).

John W. Davis, House Manager in the Impeachment of Judge Archbald, defined judicial misbehavior as follows:

"Usurpation of power, the entering and enforcement of orders beyond his jurisdiction, disregard or disobedience of the rulings of superior tribunals, unblushing and notorious partiality and favoritism, indolence

and neglect, are all violations of his official oath . . . And it is easily possible to go further and imagine . . . such willingness to use his office to serve his personal ends as to be within reach of no branch of the criminal law, yet calculated with absolute certainty to bring the court into public obloquy and contempt and to seriously affect the administration of justice." 6 Cannon 647.

Representative Summers, one of the managers in the Louderback impeachment gave this definition:

"When the facts proven with reference to a respondent are such as are reasonably calculated to arouse a substantial doubt in the minds of the people over whom that respondent exercises authority that he is not brave, candid, honest, and true, there is no other alternative than to remove such a judge from the bench, because wherever doubt resides, confidence cannot be present." Louderback Proceedings 815.

IV. CONCLUSION

In conclusion, the history of the constitutional provisions relating to the impeachment of Federal judges demonstrates that only the Congress has the power and duty to remove from office any judge whose proven conduct, either in the administration of justice or in his personal behavior, casts doubt on his personal integrity and thereby on the integrity of the entire judiciary. Federal judges must maintain the highest standards of conduct to preserve the independence of and respect for the judicial system and the rule of law. As Representative Summers stated during the Ritter impeachment:

"Where a judge on the bench, by his own conduct, arouses a substantial doubt as to his judicial integrity he commits the highest crime that a judge can commit under the Constitution." Ritter Proceedings 611 (1936).

Finally, the application of the principles of the impeachment process is left solely to the Congress. There is no appeal from Congress' ultimate judgment. Thus, it can fairly be said that it is the conscience of Congress—acting in accordance with the constitutional limitations—which determines whether conduct of a judge constitutes misbehavior requiring impeachment and removal from office. If a judge's misbehavior is so grave as to cast substantial doubt upon his integrity, he must be removed from office regardless of all other considerations. If a judge has not abused his trust, Congress has the duty to reaffirm public trust and confidence in his actions.

Respectfully submitted,

BETHEL B. KELLEY,
DANIEL G. WYLLIE.

NATION'S CONFIDENCE IN PRESIDENT NIXON IS ON INCREASE

(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, efforts by those who would cut and run in South Vietnam to discredit the President and usurp his constitutional authority as the elected Commander in Chief are failing on all fronts.

The latest indication of this is the Harris poll which came out today. The poll shows that the Nation's confidence in President Nixon is on the increase.

Sixty-one percent now approve of the President's decision to send troops into the Cambodian sanctuaries of the North Vietnamese Communists. This is the same percentage according to the last Gallup poll who believe the President overall is doing a good job.

In addition, the Harris poll found that increasingly the people believe the President will be able to withdraw 150,000 troops from Vietnam by next May.

Mr. Speaker, I believe President Nixon has made remarkable strides in achieving America's national objectives in Southeast Asia with honor.

I append the text of the Harris poll as it appeared in the Washington Post:

SIXTY-ONE PERCENT NOW BELIEVE NIXON JUSTIFIED IN CAMBODIA MOVE

(By Louis Harris)

In the aftermath of the U.S. move into Cambodia, 61 percent of the American people believe that President Nixon was "justified" in ordering the action.

Perhaps the most significant finding of a special Harris Survey on Cambodia is that Mr. Nixon has scored an impressive turnaround in what seemed to be a growing credibility gap over the Vietnam war.

Between May 25 and 30, after the dispatch of troops into Cambodia and again between July 25 and 30, after their return, cross sections of households across the nation were asked:

"As far as the war in Vietnam and Cambodia is concerned, do you think President Nixon has been frank and straightforward about the war, or do you think he has not told the American people the real truth about the situation there?"

[In percent]

	July	May
Frank and straightforward	48	42
Not told real truth	38	46
Not sure	14	12

Not only did the President's credibility rating sharply improve, but confidence that he would keep his pledge of troop withdrawal from Vietnam also turned completely around. The two cross sections were asked:

"President Nixon has said that we still will be able to withdraw 150,000 U.S. troops from Vietnam by next May. In view of the operations in Cambodia, do you think he will be able to bring back the 150,000 U.S. troops by then or not?"

	July	May
Will be able to	50	38
Won't be able to	30	49
Not sure	20	13

They were also asked:

"In undertaking the military operations in Cambodia, do you think the Vietnam war has now been widened into a bigger war in all of Indochina, including Laos and Cambodia, or do you think the move into Cambodia prevented a widening of the war?"

	July	May
Prevented widening of war	42	33
War has been widened	29	53
Not sure	29	14

By 57 to 23 per cent, a majority believe "that U.S. troops were successful in destroying North Vietnamese bases in Cambodia." By 56 to 24 per cent, the public also denies the allegation that the incursion was a "mistake." In addition 55 per cent agree with Mr. Nixon's claim that by moving into Cambodia, "the lives of American fighting men in Vietnam were protected."

Just after the action started, most people believed that Mr. Nixon "had widened the war in Indochina—by 53 to 33 per cent." But now that U.S. troops have been taken out of Cambodia and the fighting in Vietnam has tended to wind down, a plurality of the public (42 to 29 per cent) holds the view that "the war has been prevented from widening."

The public also has reversed its view that Mr. Nixon "did not act properly by not asking permission of Congress to commit U.S. troops in Cambodia." Just after the action started, a majority was critical of the propriety of Mr. Nixon's action, by 54 to 37 per cent. Now, by a narrow 45 to 42 per cent, most people say the President's course of action was "proper," even though Congress was bypassed.

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. Life expectancy in the United States increased from 54.1 years in 1920 to 70.5 years in 1967.

RICHARDSON ON THE NEW FEDERALISM

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, ever since the start of the New Deal, except for the brief breathing spell represented by the Eisenhower administration, Government in this country has meant the Federal Government. There was built here in the Nation's Capitol a kind of Washington Wailing Wall where all and sundry took their problems. During all our prior history, Americans had always possessed a fear and distrust of power aggregates, particularly the power of Central Government. It is a distrust I am glad to see ready to be reborn in the New Federalism of the Nixon administration. Some of us had long forgotten that Federal Government meant State governments as well as the National Government, and even included local government. That is the meaning of the term "federal." Today, the Nixon administration is engaged on what Elliot L. Richardson, our new Secretary of Health, Education and Welfare, has termed "a great new mission of reform." He refers to the New Federalism and his remarks are published in the current edition of the Republican Congressional Committee's weekly newsletter. I include them in the RECORD:

FEDERALISM CHANGES ARE SPELLED OUT

What the New Federalism does and does not mean, in reaching the problems of people, has been sharply spelled out by a top Administration spokesman—Secretary of Health, Education and Welfare Elliot L. Richardson.

Richardson, in a speech to the annual meeting of the National Association of Counties, said the Nixon program avoids the "Washington syndrome—the simple-minded theory that social problems will just disappear if the Federal Government throws enough dollars and statute books at them." He said the Nixon Administration has embarked on a "great new mission of reform" in the arena of Federal, State and local relations—to realize the ideals of liberty, equality and justice.

The "non-system" is near a breakdown at some points in government, he said, since it operates under cumbersome, outmoded, overlapping procedures.

A pillar of New Federalism is revenue-sharing. Richardson pointed out that localities face diminishing sources of tax revenues, while Uncle Sam has prospects of increasing collections. This dollar mismatch would be corrected under the Nixon plan of sharing Federal wealth with local government. It would, Richardson declared, be a means of decentralizing government, moving the administrative authority closer to the areas in which problems exist.

Richardson said the present grant system is paralyzing government. Red tape requires hours of bookwork by grant applicants and a vast Federal establishment for processing. The solution, he stated, is not in retreat, but in reform.

The Administration, he declared, is moving on these four fronts to straighten out the labyrinthian maze that has frustrated the functioning of many Federal programs now in existence:

Grant consolidation—The President has sought authority to consolidate existing grant-in-aid categories. Richardson noted that there are five library grant programs, seven medical library grant programs. There are nine vocational educational formula grant programs and six project grant authorizations.

Fund transfers—This plan would allow Governors to transfer up to 20 percent of Federal grant funds from any one program to another of higher priority. Thus, funds could be directed to high-priority programs, instead of being spent where there is little need.

Grant streamlining—Getting a Federal grant is a laborious process now. Processing involves 28 steps, with up to 50 actions required under each step.

The Administration already has cut out 867 man-years by eliminating some of these steps. Some 182 of the 516 steps were cut out of 23 projects in a special HEW pilot study.

Decentralization—The Administration has moved decisively in its effort to bring the Government back to the people, Richardson said. Regional officers are given more authority. The various domestic agencies now have the same regional boundaries with headquarters in the same cities, slashing travel time required.

State and local leadership will be upgraded under the New Federalism, Richardson said.

FISCAL RESPONSIBILITY ACT OF 1970

(Mr. BOW asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BOW. Mr. Speaker, today a majority of the Republican members of the Appropriations Committee and the Republican leadership are joining together to introduce the "Fiscal Responsibility Act of 1970." This act would establish a new limitation on spending for fiscal year 1971 that will enable Congress to control the results of its own actions on individual appropriation bills.

For the benefit of the Members I include the following statement explaining the various sections of the bill:

STATEMENT

Section 1 of the bill would establish a limitation of $205,600,000,000 on expenditures and net lending (budget outlays) of the Government for the fiscal year 1971. Limitations of the same general nature have been established in several recent fiscal years.

The figure of $205,600,000,000 is the revised estimate of budget outlays for fiscal 1971 which was made by the President in his statement of May 19, 1970. It reflects increases, over the original February Budget estimate ($200,800,000,000), of $2.3 billion in uncontrollable programs and $2.5 billion in other programs.

Section 2 of the bill would provide for increasing the limitation by the amount of increases, over the May 19 estimate, in certain designated uncontrollable programs, such as Social Security benefits, interest, veterans' benefits, and farm price supports. Similar provisions for adjustments in limitations on outlays have been contained in comparable legislation enacted in several recent fiscal years.

Section 3 of the bill would provide for further adjustments in the limitation on outlays in the event of a shortfall of estimated receipts from the sale or lease of certain Government assets, such as mortgaged properties held by the Department of Housing and Urban Development and the Veterans Administration and leases of lands on the Outer Continental Shelf. Similar provisions for adjustments have been contained in other comparable legislation establishing limitations on outlays.

Section 4 of the bill is intended to prevent the limitation on outlays, as adjusted for increases in uncontrollable items and shortfalls in estimated receipts, from being exceeded because of action by the Congress which would increase expenditures above the President's estimates. This section would require the Director of the Office of Management and Budget, at the close of the current session of Congress, to report to the President and to the Congress his estimate of the effect of Congressional action on expenditures recommended by the President. If the Director's estimate indicated that expenditures would exceed the adjusted limitation, the Director would be required to specify the pro rata reduction in expenditures, for each activity increased by the Congress, which would be necessary to bring total budget outlays within the adjusted limitation. Agencies would be required to manage their programs so that outlays would not exceed the reduced figures specified by the Director. There are no exceptions.

Section 4 thus provides a method by which Congress would control the results of its own actions on individual appropriation bills. This is in marked contrast to bills establishing outlays in previous years because such bills generally have established a limitation which was increased when Congress increased appropriations for individual activities beyond the President's estimates.

Section 5 of the draft bill relates to the method of distributing funds for activities which involve the application of a formula to the amount appropriated. As in the case of some of the previous statutes establishing limitations, this section would provide that the reduced amount available for any particular activity—in accordance with the determination made by the Director of the Office of Management and Budget—be substituted for the amount appropriated when applying the formula. This section also provides that the Government shall not be liable for any difference between the amount appropriated and the amount as reduced to comply with the limitation.

Section 6 would repeal Title V of the Second Supplemental Appropriations Act, 1970. That title establishes a limitation on outlays which would be increased whenever appropriations by the Congress might be in excess of the President's recommendations.

LEGISLATIVE REORGANIZATION ACT OF 1970

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, I would like to paraphrase the lyrics from the musical play "1776" to indicate my feelings on the subject of congressional reform in 1970:

On this humid Monday morning in this congressional incubator,
We're waiting for the chirp, chirp, chirp, of Congress being reformed.
We're waiting for the scratch, scratch, scratch, of that tiny fellow being born,
God knows it's hot enough to hatch a stone, but will it hatch an egg, the egg of congressional reform?
Dear God!
For four solid weeks we've been sitting here.
Four weeks! Doing very little on reform!
I do believe you've laid a curse on North America
A curse that we once rehearsed in Philadelphia.
A second flood, a simple famine, plagues of locusts everywhere
Or a cataclysmic earthquake I'd accept with some despair.
But no! You send us Congress!
Good God, Sir was that fair?
I say this with humility in Washington
We're your responsibility in Washington
If you don't want to see us hanging from some far-off voting booth,
If you don't want the voice of independency to be forever stilled
Then God Sir—get Thee with it!!
For Congress never will.
You see, we piddle, twiddle, and resolve, not one damn thing do we solve or evolves that changes things
Piddle, twiddle, and resolve—nothing's ever solved.
In foul, feated, fuming, foggy, filthy, Washington.
Good God!
We may sit here for years and years in Washington.
These indecisive grenadiers of Washington.
They can't agree on what is right and wrong or what is good or bad.
I'm convinced the only purpose this Congress ever had
Was to gather here specifically to drive Fred Schwengel mad!!
You see, we piddle, twiddle, and resolve, not one damn thing do we solve
In foul, feated, fuming, foggy, filthy, Washington.
Dear God!
Is anybody there?
Does anybody care?

AMENDMENT OF DEFENSE PRODUCTION ACT OF 1950—CONFERENCE REPORT

Mr. PATMAN submitted the following conference report and statement on the bill (S. 3302) to amend the Defense Production Act of 1950:

CONFERENCE REPORT (H. REPT. 91-1386)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I—DEFENSE PRODUCTION ACT AMENDMENTS

§ 101. Extension of Act

The first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended—

(1) by striking out "August 15, 1970" and inserting in lieu thereof "June 30, 1972"; and

(2) by striking out "section 714" and inserting in lieu thereof "sections 714 and 719".

§ 102. Definitions

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended—

(1) by inserting "space," after "stockpiling," in subsection (d); and

(2) by adding at the end thereof a new subsection as follows:

"(f) The term 'defense contractor' means any person who enters into a contract with the United States for the production of material or the performance of services for the national defense."

§ 103. Uniform cost-accounting standards

Title VII of the Defense Production Act of 1950 is amended by adding at the end thereof a new section as follows.

"COST-ACCOUNTING STANDARDS BOARD

"SEC. 719. (a) There is established, as an agent of the Congress, a Cost-Accounting Standards Board which shall be independent of the executive departments and shall consist of the Comptroller General of the United States who shall serve as Chairman of the Board and four members to be appointed by the Comptroller General. Of the members appointed to the Board, two, of whom one shall be particularly knowledgeable about the cost accounting problems of small business, shall be from the accounting profession, one shall be representative of industry, and one shall be from a department or agency of the Federal Government who shall be appointed with the consent of the head of the department or agency concerned. The term of office of each of the appointed members of the Board shall be four years, except that any member appointed to fill a vacancy in the Board shall serve for the remainder of the term for which his predecessor was appointed. Each member of the Board appointed from private life shall receive compensation at the rate of one two-hundred-sixtieth of the rate prescribed for level IV of the Federal Executive Salary Schedule for each day (including traveltime) in which he is engaged in the actual performance of duties vested in the Board.

"(b) The Board shall have the power to appoint, fix the compensation of, and remove an executive secretary and two additional staff members without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to appointment in the competitive service. The executive secretary and the two additional staff members may be paid compensation at rates not to exceed the rates prescribed for levels IV and V of the Federal Executive Salary Schedule, respectively.

"(c) The Board is authorized to appoint and fix the compensation of such other personnel as the Board deems necessary to carry out its functions.

"(d) The Board may utilize personnel from the Federal Government (with the consent of the head of the agency concerned) or appoint personnel from private life without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to appointment in the competitive service, to serve on advisory committees and task forces to assist the Board in carrying out its functions and responsibilities under this section.

"(e) Except as otherwise provided in subsection (a), members of the Board and officers or employees of other agencies of the Federal Government utilized under this section shall receive no compensation for their services as such but shall continue to receive the compensation of their regular positions. Appointees under subsection (d) from private life shall receive compensation at rates fixed by the Board, not to exceed one two-hundred-sixtieth of the rate prescribed for level V in the Federal Executive Salary Schedule for each day (including traveltime) in which they are engaged in the actual performance of their duties as prescribed by the Board. While serving away from their homes or regular place of business, Board members and other appointees serving on an intermittent basis under this section shall be allowed travel expenses in accordance with section 5703 of title 5, United States Code.

"(f) All departments and agencies of the Government are authorized to cooperate with the Board and to furnish information, appropriate personnel with or without reimbursement, and such financial and other assistance as may be agreed to between the Board and the department or agency concerned.

"(g) The Board shall from time to time promulgate cost-accounting standards designed to achieve uniformity and consistency in the cost-accounting principles followed by defense contractors and subcontractors under Federal contracts. Such promulgated standards shall be used by all relevant Federal agencies and by defense contractors and subcontractors in estimating, accumulating, and reporting costs in connection with the pricing, administration and settlement of all negotiated prime contract and subcontract national defense procurements with the United States in excess of $100,000, other than contracts or subcontracts where the price negotiated is based on (1) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (2) prices set by law or regulation. In promulgating such standards the Board shall take into account the probable costs of implementation compared to the probable benefits.

"(h)(1) The Board is authorized to make, promulgate, amend, and rescind rules and regulations for the implementation of cost-accounting standards promulgated under subsection (g). Such regulations shall require defense contractors and subcontractors as a condition of contracting to disclose in writing their cost-accounting principles, including methods of distinguishing direct costs from indirect costs and the basis used for allocating indirect costs, and to agree to a contract price adjustment, with interest, for any increased costs paid to the defense contractor by the United States because of the defense contractor's failure to comply with duly promulgated cost-accounting standards or to follow consistently his disclosed cost-accounting practices in pricing contract proposals and in accumulating and reporting contract performance cost data. Such interest shall not exceed 7 per centum per annum measured from the time such payments were made to the contractor or subcontractor to the time such price adjustment is effected. If the parties fail to agree as to whether the defense contractor or subcontractor has complied with cost-accounting standards, the rules and regulations relating thereto, and cost adjustments demanded by the United States, such disagreement will constitute a dispute under the contract dispute clause.

"(2) The Board is authorized, as soon as practicable after the date of enactment of this section, to prescribe rules and regulations exempting from the requirements of this section such classes or categories of defense contractors or subcontractors under contracts negotiated in connection with national defense procurements as it determines, on the basis of the size of the contracts involved or otherwise, are appropriate and consistent with the purposes sought to be achieved by this section.

"(3) Cost-accounting standards promulgated under subsection (g) and rules and regulations prescribed under this subsection shall take effect not earlier than the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which a copy of the proposed standards, rules, or regulations is transmitted to the Congress; if, between the date of transmittal and the expiration of such sixty-day period, there is not passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the proposed standards, rules, or regulations. For the purposes of this subparagraph, in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of adjournment of more than three days to a day certain or an adjournment of the Congress sine die. The provisions of this paragraph do not apply to modifications of cost accounting standards, rules, or regulations which have become effective in conformity with those provisions.

"(i)(A) Prior to the promulgation under this section of rules, regulations, cost-accounting standards, and modifications thereof, notice of the action proposed to be taken, including a description of the terms and substance thereof, shall be published in the Federal Register. All parties affected thereby shall be afforded a period of not less than thirty days after such publication in which to submit their views and comments with respect to the action proposed to be taken. After full consideration of the views and comments so submitted the Board may promulgate rules, regulations, cost-accounting standards, and modifications there of which shall have the full force and effect of law and shall become effective not later than the start of the second fiscal quarter beginning after the expiration of not less than thirty days after publication in the Federal Register.

"(B) The functions exercised under this section are excluded from the operation of sections 551, 553-559, and 701-706 of title 5, United States Code.

"(C) The provisions of paragraph (A) of this subsection shall not be applicable to rules and regulations prescribed by the Board pursuant to subsection (h)(2).

"(j) For the purpose of determining whether a defense contractor or subcontractor has complied with duly promulgated cost-accounting standards and has followed consistently his disclosed cost-accounting practices, any authorized representative of the head of the agency concerned, of the Board, or of the Comptroller General of the United States shall have the right to examine and make copies of any documents, papers, or records of such contractor or subcontractor relating to compliance with such cost-accounting standards and principles.

"(k) The Board shall report to the Congress, not later than twenty-four months

after the date of enactment of this section, concerning its progress in promulgating cost-accounting standards under subsection (g) and rules and regulations under subsection (h). Thereafter, the Board shall make an annual report to the Congress with respect to its activities and operations, together with such recommendations as it deems appropriate.

"(1) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

§ 104. Loan guarantees

Section 301 of the Defense Production Act of 1950 (50 U.S.C. App. 2091) is amended by adding at the end thereof a new subsection as follows:

"(e)(1) Except with the approval of the Congress, the maximum obligation of any guaranteeing agency under any loan, discount, advance, or commitment in connection therewith, entered into under this section shall not exceed $20,000,000.

"(2) The authority conferred by this section shall not be used primarily to prevent the financial insolvency or bankruptcy of any person, unless

"(A) the President certifies that the insolvency or bankruptcy would have a direct and substantially adverse effect upon defense production; and

"(B) a copy of such certification, together with a detailed justification thereof, is transmitted to the Congress and to the Committees on Banking and Currency of the respective Houses at least ten days prior to the exercise of that authority for such use."

TITLE II—COST OF LIVING STABILIZATION

§ 201. Short title

This title may be cited as the "Economic Stabilization Act of 1970".

§ 202. Presidential authority

The President is authorized to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, and salaries at levels not less than those prevailing on May 25, 1970. Such orders and regulations may provide for the making of such adjustments as may be necessary to prevent gross inequities.

§ 203. Delegation

The President may delegate the performance of any function under this title to such officers, departments, and agencies of the United States as he may deem appropriate.

§ 204. Penalty

Whoever willfully violates any order or regulation under this title shall be fined not more than $5,000.

§ 205. Injunctions

Whenever it appears to any agency of the United States, authorized by the President to exercise the authority contained in this section to enforce orders and regulations issued under this title, that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation or order under this title, it may in its discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the agency, any such court may also issue mandatory injunctions commanding any person to comply with any regulation or order under this title.

§ 206. Expiration

The authority to issue and enforce orders and regulations under this title expires at midnight February 28, 1971, but such expiration shall not affect any proceeding under section 204 for a violation of any such order or regulation, or for the punishment for contempt committed in the violation of any injunction issued under section 205, committed prior to March 1, 1971.

And the House agree to the same.

WRIGHT PATMAN,
LEONOR K. SULLIVAN,
HENRY S. REUSS,
THOMAS L. ASHLEY,
Managers on the Part of the House.

JOHN SPARKMAN,
WILLIAM PROXMIRE,
EDMUND S. MUSKIE,
WALTER F. MONDALE,
ERNEST F. HOLLINGS,
CHARLES E. GOODELL,
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 House to the bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

GENERAL SUMMARY

The effect of the conference substitute may be summarized as follows:

The House conferees agreed to recede to the Senate version concerning the provisions dealing with uniform accounting standards with two amendments.

The Senate conferees agreed to recede to the House version as it relates to Title II on standby wage, price, salary and rent controls, with an amendment.

The House conferees agreed to recede to the Senate version as it relates to limitations placed on the use of Defense Production Act loan guarantees.

DETAILED EXPLANATION

The House version of S. 3302 established a five-member Cost-Accounting Standards Board appointed and chaired by the Comptroller General, and made up of two members of the accounting profession (one with knowledge of small business accounting practices), one representative of industry and one representative of a Government agency, all serving four-year terms. The Board was given the power to recommend to the Congress by June 30, 1971, and each June 30 thereafter, cost accounting standards designed to achieve uniformity and consistency for use by defense contractors and subcontractors for negotiated contracts.

The version agreed to by the conferees would establish the same five-man Cost-Accounting Standards Board as created under the House version and would include the provision that one of the two professional accountants on the Board must have knowledge of small business accounting. The House conferees agreed to the Senate version that the Board would have the power to promulgate cost accounting standards designed to achieve uniformity and consistency for use by defense contractors and subcontractors for negotiated contracts, but these standards would not be applied to:

(1) contracts of $100,000 or less;

(2) negotiated contracts where prices are established by catalog or market price of commercial items sold in substantial quantities to the general public;

(3) utility rates set by law or regulation;

(4) where the Board finds it is not necessary to apply the standards to certain classes of contractors because of the size of the contracts or otherwise.

In addition, the House conferees insisted that the Senate version be changed to require that any proposed standards, rules or regulations to be promulgated by the Board be transmitted to Congress for 60 days of continuous session, during which Congress could by concurrent resolution block the proposed standards from taking effect.

However, minor and technical modifications in already promulgated standards, rules or regulations which do not in effect constitute the issuance of new standards, rules or regulations would not have to be submitted to Congress prior to promulgation.

The compromise version also contained various administrative and enforcement provisions concerning uniform accounting standards contained in the Senate version of S. 3302.

The House version of S. 3302 gave the President standby authority to stabilize prices, wages, salaries, rents and interest rates at levels not less than those prevailing on May 25, 1970, but adjustments could be made to avoid inequities. This authority would expire February 28, 1971. The Senate conferees receded to the House on this entire provision except for the deletion of interest rates from the standby controls title. This amendment was accepted by the House conferees because the President was already given standby authority to control interest rates under Public Law 91–151 passed by the Congress in December, 1969.

The House version of S. 3302 did not contain any amendments affecting the Defense Production Act loan guarantee program. The Senate version limited these loan guarantees to a maximum of $210 million per contractor, except with Congressional approval. It also prohibits the use of the Defense Production Act loan guarantee program primarily to prevent insolvency or bankruptcy unless the President certifies in detail to Congress that such a business failure would have a direct and substantially adverse effect upon defense production and presents his certification at least ten days prior to such loan guarantee. The House receded to the Senate version on this provision because of the need to prevent unwarranted use of DPA loan guarantees without adequate safeguards.

WRIGHT PATMAN,
LEONOR K. SULLIVAN,
HENRY S. REUSS,
THOMAS L. ASHLEY,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. FLYNT (at the request of Mr. BOGGS) for today, on account of official business.

To Mr. RYAN (at the request of Mr. KOCH) for the week of August 10, on account of illness.

To Mr. O'HARA (at the request of Mr. ALBERT) for August 10, 11, and 12, on account of illness.

To Mr. HAGAN (at the request of Mr. ALBERT) for August 10, on account of official business.

To Mr. MCKNEALLY (at the request of Mr. GERALD R. FORD) for August 10 and 11, on account of serious illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FEIGHAN for 30 minutes, Tuesday, August 11, to revise and extend his remarks and include extraneous material.

Mr. MAHON for 5 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. SCHWENGEL) to revise and extend their remarks and include extraneous matter:)

Mr. SCHWENGEL, for 45 minutes, on August 12.

Mr. COWGER, for 45 minutes, on August 12.

Mrs. HECKLER of Massachusetts, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of Tennessee) and to revise and extend their remarks and include extraneous matter:)

Mr. FARBSTEIN for 20 minutes today.

Mr. BOLAND for 10 minutes today.

Mr. CHARLES H. WILSON for 10 minutes today.

Mr. FARBSTEIN for 20 minutes on August 11.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CLEVELAND, to extend his remarks during Mr. SPRINGER'S 1-minute speech today.

Mr. PHILBIN in five instances and to include extraneous matter.

(The following Members (at the request of Mr. SCHWENGEL) and to include extraneous matter:)

Mr. SCHMITZ in two instances.

Mr. NELSEN.

Mr. MICHEL.

Mr. BOW in two instances.

Mr. GUDE in two instances.

Mr. WYMAN in two instances.

Mr. ARENDS.

Mr. SPRINGER.

Mr. FULTON of Pennsylvania in five instances.

Mr. FREY.

Mr. BOB WILSON in five instances.

Mr. ASHBROOK in two instances.

Mr. BURTON of Utah in five instances.

Mr. TAFT in two instances.

Mr. CONTE.

Mr. QUILLEN in four instances.

Mr. SMITH of New York.

Mr. HORTON in three instances.

Mr. RIEGLE.

Mr. HOSMER.

(The following Members (at the request of Mr. JONES of Tennessee) and to include extraneous matter:)

Mr. FLOOD in two instances.

Mr. VANIK in two instances.

Mr. MONTGOMERY in two instances.

Mr. FISHER in four instances.

Mr. TEAGUE of Texas in 10 instances.

Mr. FARBSTEIN in four instances.

Mr. BURTON of California.

Mr. JONES of Tennessee.

Mr. JACOBS in five instances.

Mr. NEDZI in five instances.

Mr. SCHEUER in two instances.

Mr. BROWN of California in two instances.

Mr. FRASER in 5 instances.

Mr. HARRINGTON in two instances.

Mrs. CHISHOLM in two instances.

Mr. GRIFFIN in two instances.

Mr. MOORHEAD in two instances.

Mr. BRADEMAS in eight instances.

Mr. FOUNTAIN in two instances.

Mr. KLUCZYNSKI in two instances.

Mr. CULVER.

Mr. FLOWER in two instances.

Mr. EILBERG in two instances.

Mr. BINGHAM in two instances.

Mr. MILLER of California in five instances.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles:

On August 6, 1970:

H.R. 14114. An act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes; and

H.R. 14705. An act to extend and improve the Federal-State unemployment compensation program.

On August 7, 1970:

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.

THE LATE HONORABLE G. ROBERT WATKINS

Mr. SAYLOR. Mr. Speaker, I offer a privileged resolution.

The Clerk read the resolution, as follows:

H. RES. 1183

Resolved, That the House has heard with profound sorrow of the death of the Honorable G. Robert Watkins, a Representative from the State of Pennsylvania.

Resolved, That a committee of 63 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER pro tempore. The Chair appoints as members of the funeral committee the following Members on the part of the House: Messrs. CORBETT, ALBERT, GERALD R. FORD, BOGGS, ARENDS, FULTON of Pennsylvania, MORGAN, BARRETT, SAYLOR, BYRNE of Pennsylvania, FLOOD, CLARK, DENT, NIX, MOORHEAD, SCHNEEBELI, WHALLEY, MCDADE, ROONEY of Pennsylvania, JOHNSON of Pennsylvania, GREEN of Pennsylvania, VIGORITO, GOODLING, BIESTER, EILBERG, ESHLEMAN, WILLIAMS, GAYDOS, COUGHLIN, YATRON, GARMATZ, STAGGERS, BOLAND, O'NEILL of Massachusetts, DEVINE, DOWNING, PIRNIE, RANDALL, ASHBROOK, CLANCY, HARVEY, SHRIVER, WAGGONNER, BROYHILL of North Carolina, PATTEN, VAN DEERLIN, DEL CLAWSON, STANTON, BROWN of Ohio, KYL, SCHADEBERG, BURKE of Florida, HUNT, KUYKENDALL, MILLER of Ohio, MONTGOMERY, RIEGLE, SANDMAN, SCHERLE, THOMPSON of Georgia, WYLIE, LANDGREBE, RUTH.

The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 7 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Tuesday, August 11, 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:

2288. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting an interim report on the operation of the law (Public Law 91–305) establishing a revised ceiling on 1970 outlays (H. Doc. No. 91–373); to the Committee on Appropriations and ordered to be printed.

2289. A letter from the Secretary of Defense, transmitting a report of the transfer of the Healy telephone exchange from the Alaska Communication System to the Matanuska Telephone Association, Inc., of Palmer, Alaska, pursuant to the Alaska Communications Disposal Act; to the Committee on Armed Services.

2290. A letter from the Secretary of the Navy, transmitting notice of the intention of the Department of the Navy to donate two surplus railway flat cars located at Camp Lejeune, N.C., to the East Carolina Chapter, Inc., National Railway Historical Society, Greenville, N.C., pursuant to 10 U.S.C. 7545; to the Committee on Armed Services.

2291. A letter from the Secretary of the Air Force, transmitting the semiannual Air Force report on experimental, development, test, and research procurement action, pursuant to 10 U.S.C. 2357; to the Committee on Armed Services.

2292. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to extend the boundaries of the Arapaho National Forest in Colorado, and for other purposes; to the Committee on Interior and Insular Affairs.

2293. A letter from the Chairman, Golden Spike Centennial Celebration Commission, transmitting the final report of the Commission, pursuant to Public Law 90–70; to the Committee on the Judiciary.

2294. A letter from the Secretary of Transportation, transmitting the supplement to the 1970 national highway needs report, containing the complete results of the systematic nationwide Functional Highway Classification Study conducted by the Bureau of Public Roads in accordance with section 17 of the Federal-Aid Highway Act of 1968; to the Committee on Public Works.

2995. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to amend section 4 of the act of June 1, 1948, to increase the penalty provisions for the violation of rules or regulations promulgated under authority of said act, and to make restrictions on disruptive occurrences in and near premises upon which offices of the U.S. Government are located and to fix penalties for breach; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

2296. A letter from the Comptroller General of the United States, transmitting a report of the audit of financial statements of the Federal Home Loan Banks supervised by the Federal Home Loan Bank Board for the year ended December 31, 1969 (H.R. Doc. No. 91–

374); to the Committee on Government Operations and ordered to be printed.

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:

[*Pursuant to the order of the House on August 6, 1970, the following reports were filed on August 7, 1970*]

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 17333. A bill to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes; with an amendment (Rept. No. 91–1382). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 13113. A bill to designate the bridge authorized by the act of October 4, 1966, as the "Light Horse Harry Lee Bridge", and for other purposes. (Rept. No. 91–1383). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 18619. A bill to establish the offices of Delegate from the District of Columbia to the Senate and Delegate to the House of Representatives, to amend the District of Columbia Election Act, and for other purposes (Rept. No. 91–1384). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 18725. A bill to establish a Commission on the Organization of the Government of the District of Columbia and to provide for a Delegate to the House of Representatives from the District of Columbia (Rept. No. 91–1385). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted August 8, 1970*]

Mr. PATMAN: Committee of conference. Conference report on S. 3302 (Rept. No. 91–1386). Ordered to be printed.

[*Submitted August 10, 1970*]

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 16607. A bill to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development. (Rept. No. 91–1387). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 1177. Resolution for consideration of H.R. 18434, a bill to revise the provisions of the Communications Act of 1934 which relate to political broadcasting (Rept. No. 91–1388). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 1178. Resolution for consideration of H.R. 17795, a bill to amend title VII of the Housing and Urban Development Act of 1965 (Rept. No. 91–1389). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 1179. Resolution for consideration of H.R. 18306, a bill to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes (Rept. No. 91–1390). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 1180. Resolution for consideration of H.R. 17570, a bill to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other major diseases and conditions, and for other purposes. (Rept. No. 91–1391). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 1181. Resolution for consideration of H.R. 18110, a bill to amend the Public Health Service Act to extend the programs of assistance to the States and localities for comprehensive health planning (Rept. No. 91–1392). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 1182. Resolution for consideration of H.R. 17809, a bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes (Rept. No. 91–1393). Referred to the House Calendar.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 140. A bill to authorize the establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes; with amendments (Rept. No. 91–1394). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 1160. A bill to amend the act of April 22, 1960, providing for the establishment of the Wilson's Creek Battlefield National Park; with amendments (Rept. No. 91–1395). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 3259. A bill providing for the addition of the Freeman School to the Homestead National Monument of America in the State of Nebraska, and for other purposes; with an amendment (Rept. No. 91–1396). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 10874. A bill to provide for the establishment of the Gulf Islands National Seashore, in the States of Alabama, Florida, Louisiana, and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida and Fort Massachusetts in Mississippi, and for other purposes; with an amendment (Rept. No. 91–1397). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 13934. A bill to amend the act of September 21, 1959 (73 Stat. 591) to authorize the Secretary of the Interior to revise the boundaries of Minute Man National Historical Park, and for other purposes; with amendments (Rept. No. 91–1398). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAREY: Committee on Interior and Insular Affairs. H.R. 15978. A bill to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands; with an amendment (Rept. No. 91–1399). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 18410. A bill to establish the Fort Point National Historic Site in San Francisco, Calif., and for other purposes; with amendments (Rept. No. 91–1400). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 18776. A bill to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore and for other purposes; with amendments (Rept. No. 91–1401). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 18582. A bill to amend the Food Stamp Act of 1964, as amended; with an amendment (Rept. 91–1402). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. S. 2208. An action to authorize the Secretary of the Interior to study the feasibility and desirability of a national lakeshore on Lake Tahoe in the States of Nevada and California, and for other purposes; with amendments (Rept. No. 91–1403). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 18856. A bill to amend the Immigration and Nationality Act to facilitate the entry of foreign tourists into the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 18857. A bill to amend title 18, United States Code, to subject certain nationals or citizens of the United States to the jurisdiction of the U.S. district courts for their crime committed outside the United States; to the Committee on the Judiciary.

By Mr. BOW:

H.R. 18858. A bill to change the name of the West Branch Dam and Reservoir, Mahoning River, Ohio, to the Michael J. Kirwan Dam and Reservoir; to the Committee on Public Works.

By Mr. EDWARDS of Louisiana:

H.R. 18859. A bill to amend title 38 of the United States Code to provide for the reimbursement by the Administrator of Veterans' Affairs of emergency hospital care charges incurred by veterans under certain circumstances; to the Committee on Veterans' Affairs.

By Mr. FRASER:

H.R. 18860. A bill to promote and protect the free flow of interstate commerce without unreasonable damage to the environment; to assure that activities which affect interstate commerce will not unreasonably injure environmental rights; to provide a right of action for relief for protection of the environment from unreasonable infringement by activities which affect interstate commerce and to establish the right of all citizens to the protection, preservation, and enhancement of the environment; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 18861. A bill to amend title 32 of the United States Code to establish a commission to oversee and improve the capability of the National Guard to control civil disturbances, and for other purposes; to the Committee on Armed Services.

By Mr. HASTINGS:

H.R. 18862. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. KASTENMEIER:

H.R. 18863. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania; to the Committee on Interior and Insular Affairs.

By Mr. KEITH:

H.R. 18864. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure that U.S. requirements for low-cost energy will be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

By Mr. KYROS:

H.R. 18865. A bill to require the establish-

ment of marine sanctuaries and to prohibit the depositing of any harmful materials therein; to the Committee on Merchant Marine and Fisheries.

By Mr. LENNON:

H.R. 18866. A bill to amend title 10 of the United States Code on the assignment of members of the Armed Forces to new duty stations, and for other purposes; to the Committee on Armed Services.

By Mr. OTTINGER (for himself and Mr. BRADEMAS):

H.R. 18867. A bill to assure an opportunity for employment to every American seeking work and to make available the education and training needed by any persons to qualify for employment consistent with his highest potential and capability, and for other purposes; to the Committee on Education and Labor.

By Mr. PODELL (for himself and Mr. OTTINGER):

H.R. 18868. A bill to amend the Internal Revenue Code of 1954 to provide that the retirement benefits available to self-employed individuals shall be available to women who are able to put part of their household allowances into savings; to the Committee on Ways and Means.

By Mr. PATMAN:

H.R. 18869. A bill to ammend title 13 of the United States Code to provide for a partial or complete check or recount (by the State or locality involved) of the population of any State or locality which believes that its population was understated in the 1970 decennial census, and for Federal payment of the cost of the partial or complete check or recount if such understatement is confirmed; to the Committee on Post Office and Civil Service.

H.R. 18870. A bill to provide insurance for accounts in State and federally chartered credit unions and for other purposes; to the Committee on Banking and Currency.

By Mr. ROGERS of Colorado (for himself, Mr. WIGGINS, Mr. JACOBS, Mr. WALDIE, Mr. EDWARDS of Louisiana, Mr. FISH, and Mr. COUGHLIN):

H.R. 18871. A bill to amend the Bankruptcy Act, sections 2, 14, 15, 17, 38, and 58, to permit the discharge of debts in a subsequent proceeding after denial of discharge for specified reasons in an earlier proceeding, to authorize courts of bankruptcy to determine the dischargeability or nondischargeability of provable debts, and to provide additional grounds for the revocation of discharge; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 18872. A bill to amend chapter 55 of title 10, United States Code, to provide for the continuation of certain benefits to mentally retarded and physically handicapped dependents of members of the uniformed services after the death of such member or after his discharge or release from active duty for a service-connected disability; to the Committee on Armed Services.

By Mr. ROSTENKOWSKI:

H.R. 18873. A bill to amend and extend laws relating to housing and urban development, and for other purposes; to the Committee on Banking and Currency.

By Mr. STAGGERS:

H.R. 18874. A bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism; to the Committee on Interstate and Foreign Commerce.

By Mr. ADDABBO:

H.R. 18875. A bill to amend the Public Health Service Act to provide special assistance for the improvement of laboratory animal research facilities; to establish standards for the humane care, handling, and treatment of laboratory animals in departments, agencies, and instrumentalities of the United States and by recipients of grants, awards, and contracts from the United States; to encourage the study and improvement of the care, handling, and treatment and the development of methods for minimizing pain and discomfort of laboratory animals used in biomedical activities; and to otherwise assure humane care, handling, and treatment of laboratory animals, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BOW (for himself, Mr. GERALD R. FORD, Mr. CEDERBERG, Mr. RHODES, Mr. MICHEL, Mr. CONTE, Mr. LANGEN, Mr. ROBISON, Mr. SHRIVER, Mr. MCDADE, Mr. ANDREWS of North Dakota, Mr. WYMAN, Mr. TALCOTT, Mrs. REID of Illinois, Mr. RIEGLE, Mr. WYATT, Mr. EDWARDS of Alabama, and Mr. DEL CLAWSON):

H.R. 18876. A bill to provide for fiscal responsibility through the establishment of a limitation on budget expenditures and net lending (budget outlays) for the fiscal year 1971, and for other purposes; to the Committee on Government Operations.

By Mr. BOW (for himself, Mr. GERALD R. FORD, Mr. ARENDS, Mr. ANDERSON of Illinois, Mr. RHODES, Mr. TAFT, Mr. BOB WILSON, Mr. SMITH of California, Mr. CRAMER, and Mr. POFF):

H.R. 18877. A bill to provide for fiscal responsibility through the establishment of a limitation on budget expenditures and net lending (budget outlays) for the fiscal year 1971, and for other purposes; to the Committee on Government Operations.

By Mr. BROYHILL of Virginia:

H.R. 18878. A bill to prohibit the Commissioner of the District of Columbia and the District of Columbia Council from recommending changes in the line items in the annual budget submitted by the Board of Education; to the Committee on the District of Columbia.

By Mr. GALIFIANAKIS (for himself, Mr. ALBERT, Mr. BOGGS, Mr. WAMPLER, Mr. BLACKBURN, Mr. REIFEL, Mr. BEALL of Maryland, Mr. KARTH, Mr. EVANS of Colorado, Mr. KYL, Mr. DAVIS of Georgia, Mr. MIZE, Mr. FRASER, Mr. OLSEN, Mr. CULVER, Mr. ABBITT, Mr. BLATNIK, Mr. MACGREGOR, Mr. STEED, Mr. DADDARIO, Mr. RUTH, Mr. EDMONDSON, Mr. DOWNING, Mr. SCHERLE, and Mr. ROBERTS):

H.R. 18879. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GOLDWATER:

H.R. 18880. A bill to establish the President's Award for Distinguished Law Enforcement Service; to the Committee on the Judiciary.

By Mr. HARRINGTON:

H.R. 18881. A bill for the relief of the State of Massachusetts; to the Committee on the Judiciary.

By Mr. HORTON (for himself and Mr. HALPERN):

H.R. 18882. A bill to amend the Child Nutrition Act of 1966 to strengthen and improve the school breakfast program for children carried out under such act, and for other purposes; to the Committee on Education and Labor.

By Mr. MORSE:

H.R. 18883. A bill to amend the Trade Expansion Act of 1962 to provide that the Tariff Commission shall be deemed to make affirmative findings with respect to tariff adjustment and adjustment assistance investigations if the Commissioners voting thereon are evenly divided; to the Committee on Ways and Means.

By Mr. SISK (for himself, Mr. FOLEY, Mr. ASPINALL, Mr. ANDREWS of North Dakota, Mr. HATHAWAY, Mr. JOHNSON of California, Mr. JONES of North Carolina, Mr. KYROS, Mr. MATHIAS, Mr. ULLMAN, Mr. MCFALL, Mr. GUBSER, Mr. HANSEN of Idaho, and Mr. TALCOTT):

H.R. 18884. A bill to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, to permit projects for paid advertising under marketing orders to provide for a potato research and promotion program, and to amend section 8e of the Agricultural Marketing Agreement Act of 1937, as amended, to provide for the extension of restrictions on imported commodities imposed by such section to imported raisins, olives, and prunes; to the Committee on Agriculture.

By Mr. YATRON:

H.R. 18885. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption; to the Committee on Interstate and Foreign Commerce.

H.R. 18886. A bill to require that certain drugs and pharmaceuticals be prominently labeled as to the date beyond which potency or efficacy becomes diminished; to the Committee on Interstate and Foreign Commerce.

By Mr. CHAMBERLAIN:

H.J. Res. 1346. Joint resolution authorizing the President to declare 1 week each September as "National SS *Hope* Week"; to the Committee on the Judiciary.

By Mr. MORSE:

H.J. Res. 1347. Joint resolution designating the period beginning November 16 and ending November 22, as "National Good Grooming Week"; to the Committee on the Judiciary.

By Mr. PREYER of North Carolina:

H.J. Res. 1348. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on he Judiciary.

By Mr. WEICKER (for himself, Mr. ANDERSON of Illinois, Mr. BROWN of Ohio, Mr. BURKE of Massachusetts, Mr. BUTTON, Mr. COUGHLIN, Mr. ESHLEMAN, Mr. FRELINGHUYSEN, Mr. HALPERN, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. HOWARD, Mr. MESKILL, Mr. MORSE, Mr. O'KONSKI, Mr. POWELL, Mr. PUCINSKI, Mr. REES, Mr. ROE, Mr. STUBBLEFIELD, and Mr. TIERNAN:

H.J. Res. 1349. Joint resolution to provide for a study by the Secretary of Transportation of the feasibility of Government acquisition, operation, and maintenance of railroad tracks, rights-of-way, signal systems, and other fixed facilities (as a separate activity or as a part of a coordinated Federal transportation program); to the Committee on Interstate and Foreign Commerce.

By Mr. MCCULLOCH (for himself and Mr. MCCLORY):

H.J. Res. 1350. Joint resolution to amend title 28 of the United States Code to require the Chief Justice of the Supreme Court to provide Congress with certain information, and for other purposes; to the Committee on the Judiciary.

By Mr. ROBISON (for himself, Mr. BUTTON, Mr. MATSUNAGA, and Mr. PREYER of North Carolina):

H. Con. Res. 703. Concurrent resolution expressing the sense of Congress that troop withdrawals, continuing on an irreversible basis, shall be the national policy; that all ground combat troops should be withdrawn on or before May 1, 1971; that all other American servicemen be withdrawn by July 1, 1972; that Congress reaffirms its constitutional right and responsibilities in the making of decisions relative to war and peace; to the Committee on Foreign Affairs.

By Mr. REES:

H. Res. 1184. Resolution to improve the operation of the House of Representatives; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 18887. A bill for the relief of Slavko N. Bjelajac; to the Committee on the Judiciary.

H.R. 18888. A bill for the relief of Edward E. Jones; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 18889. A bill for the relief of John Molgard Isaksen; to the Committee on the Judiciary.

By Mr. SCHMITZ:

H.R. 18890. A bill for the relief of Bernaldo Acupan; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

567. The SPEAKER presented a petition of Wayne E. Carver, Wheelersburg, Ohio, relative to appointments to the U.S. Supreme Court and to other Federal benches, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

SCORE A BIG PLUS FOR SMALL BUSINESS

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 10, 1970

Mr. SMITH of New York. Mr. Speaker, it is indeed gratifying to note that many of our citizens are not content to while away the increased leisure time an earlier retirement age provides.

Under the auspices of the Small Business Administration, the Service Corps of Retired Executives—SCORE—makes it their responsibility to assist fledgling and floundering small businesses to successfully adjust to the American free enterprise system.

Mr. Speaker, I would like to publicly commend the chairman of the Buffalo SCORE Chapter, Mr. Herman Kahn. Under his truly fine and exemplary leadership, the dedicated SCORE volunteers have helped Buffalo achieve the lowest small business death rate in the Nation.

A very pertinent article, excerpted from the Buffalo Evening News, follows:

SCORE A BIG PLUS FOR SMALL BUSINESS

(By Ralph Dibble)

It was like the trite fable about the husband who went out one day to buy a pack of cigarettes and never came back.

But it was tragically real for the Buffalo area woman who was left with two young daughters, a $150,000 home and limited financial resources.

She sold the expensive home, bought a florist business and moved into modest living quarters behind the flower shop. In the drab days that followed she had to help her daughters overcome the emotional trauma of shifting from an upper-upper middleclass life to an economically-deprived existence.

And, worst of all, the business she had hoped would give them security was showing, a loss, month-after-month.

In desperation, she contacted the U.S. Small Business Administration, in the old Federal Building, 121 Ellicott St. There, it was decided that the case should go to SCORE—Service Corps of Retired Executives—an organization of retired businessmen who offer their services to small businessmen at no charge.

The problem was turned over to Raymond J. Hoban of Kenmore, retired consultant on industrial cost reduction. One of the first things he learned was that three employees of the business had used their know-how (and some equipment) to set up florists businesses of their own.

After that, Mr. Hoban began a full-scale study. At is turned out, he stayed with the case for several months. He weeded out unnecessary expenses such as payments for air express deliveries that weren't necessary.

Two delivery boys stayed out all day on their rounds. Their schedules were revised to start them out earlier and then get them back in the store to perform other duties. Careful records were kept of all costs and they were trimmed relentlessly.

Within months, the business was breaking even for the first time in seven years. The woman was able to sell it at a fair market value and find more profitable uses for her capital.

Then, there was the case of the Broadway discount store that specialized in drugstore items and returned its owner nothing.

Two SCORE volunteers, Alfred E. Wiener, a retired grocer, and Herman Kahn, a veteran of the retail furniture business, took a long, hard look and discovered that, although the store was open after regular shopping hours, its owner was charging the same prices as other stores.

They convinced the proprietor that he should raise his prices by 10 per cent because he was offering shoppers the convenience of after-hours shopping. The recommendation raised the store's take from $150,000 a year to $200,000 annually and changed it to a profitable enterprise.

Like the discount store case, many SCORE assignments are relatively straightforward and easy, requiring perhaps as little as 12 hours a week of the volunteers' time. Others require complex investigations that involve teams of volunteers in many weeks of effort.

A Buffalo area testing laboratory received the services of a three-man team of volunteers, Roy C. Timm, Aldred K. Warren and Elmer M. Finbury, who devoted four months to the problem.

The laboratory sought help in increasing sales and services and also asked advice on the problem of relocating to more adequate facilities.

The changes in location and operation suggested by the SCORE volunteer generated an expansion of the business that resulted in hiring 10 more employes and gave the Buffalo business community a biological and metalurgical testing facility.

One of the strangest cases handled by the Buffalo SCORE involved a weekly newspaper that had an unpleasant odor that persisted after it was delivered to homes.

SCORE volunteers advised a testing program which produced puzzling early results showing that neither the ink or the paper were responsible for the odor. Eventually, it was learned that it was the combination of ink and paper that produced it.

SCORE is an offshoot of the Small Business Administration. The SBA was organized in 1954 to assist small businesses. These are defined as businesses with less than $1 million in gross sales and they comprise 95 per cent of the country's five million businesses.

The SBA was organized to reduce the sometimes alarmingly-high death rate of these small businesses by providing them low-cost government loans.

But small business still faced major problems in 1964 when SBA leaders reviewed figures showing that small businesses accounted for 91 per cent of all business failures and that inept, inexperienced management was the major cause for those failures.

They thought of the large number of retired executive (many of them involuntary retirees) and the idea of SCORE was born. The goal of SCORE is to use the otherwise untapped abilities of the retirees. So far, SCORE has been able to do that, although the road hasn't always been easy.

Dun & Bradstreet figures show that the Buffalo area has the lowest death rate for small businesses in the nation. And it pinpoints the decline as starting in 1965, the first year of SCORE, and in areas, like Buffalo, that have strong SCORE programs.

Any company that has 25 or fewer employees, can qualify for SCORE assistance. Counseling also is offered to persons who are thinking of going into business.

Nationally, there are an estimated 4000 retired men taking part in the SCORE program. The Buffalo chapter has 36 persons enrolled.

Buffalo also has 17 persons enrolled in the Active Corps of Executives (ACE), a parallel program that offers the same free counseling—in this case from younger, working executives. It was founded by Hillary J. Sandoval Jr., national administrator.

The Buffalo SCORE chapter now has 31 working cases and the local ACE program has five current cases.

One recent ACE case took John J. Piazza, administrator of the Ransomville General Hospital, to Texas for consultation on the tangled affairs of Wesley Manor, a retirement home being operated in the Rio Grande Valley by the Southwest Conference of Methodist Churches.

The operation was at a whopping deficit of $25,000 a month. The administrator, a retired minister, was described as "very personable" and "most devoted to the work of the church," but with administrative abilities that were "most limited."

Mr. Piazza found that not only was the home located in a sparsely-settled area with few potential customers, but it was doing no advertising to attract persons from other areas.

He found much of the space devoted to unproductive uses. The facilities included five chapels and 26 lounges. Although it was meant to accommodate 400 residents, full occupancy has never been achieved.

The FHA foreclosed a $2,800,000 mortgage and a church bond issue of $800,000 is $144,000 short. The rest is expected by June 30. This amount has been used to liquidate accounts payable and meet current deficits.

Mr. Piazza, who worked with another ACE volunteer, Joseph S. Enzinna of Newfane, met last November with the Wesley Manor's directors to recommend emergency steps.

They recommended that "an excess of staff" be trimmed by layoffs, elimination of some services to residents, an increase in rates and immediate start of an internal cost control program. They urged "an extensive advertising program" and a detailed review of space utilization.

Also suggested was the offering of other levels of care to increase income and the hiring of a business manager.

It is too early to tell whether the retirement home can be kept in business, but at least it now has a chance. A satisfying sidelight for Mr. Piazza was a firm friendship he has struck up with a Texas executive.